



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 21/00783/FUL

Name and address of applicant

Built Group Ltd
278 St Mary's Road
Liverpool
L19 1QD

Name and address of agent

Level 2 Architects Ltd
28-30 Grange Road West
Birkenhead
CH41 4DA

Date of Receipt: 6 October 2021

Date Valid: 6 October 2021

Address/Location Of Development:

Land Adjacent To
35 Greenes Road
Whiston
L35 3RE

Description of Development:

**ERECTION OF 22 NO. APARTMENTS AND ASSOCIATED PARKING AND
LANDSCAPING**

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until the full specification of materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area. The development shall be carried out only in accordance with the agreed schedule of materials.

Reason: In the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

4. A. Risk Assessment

No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include (were relevant):

(i) a survey of the extent, scale and nature of contamination.

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments.

- B. Ground Gas Risk Assessment

No part of the development shall commence until a scheme to deal with the potential risk of Ground Gas at the site has been submitted to and approved in writing by the Local Planning Authority. The Ground Gas Risk Assessment should consider the provision of a pictorial CSM and take into account all credible on-site and off-site gas sources. It is considered that additional intrusive works are likely to be required to inform this Gas Risk Assessment, specifically to reduce data uncertainty and increase data confidence, notably with respect to on-site/off-site sources.

The Gas Risk Assessment should take into account the proposed foundation and floor slab construction of the residential properties in line with current UK guidance. The protection measures to all buildings proposed as part of the residential development should be passive. No active protection measures should be permitted.

- C. Submission of Remediation Scheme

Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

D. Implementation of Approved Remediation Scheme and Verification Report
The approved remediation scheme shall be implemented, and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

E. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

F. Materials Management Plan

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, carried out in line with the CL: AIRE code of practice and signed off by a Qualified Person, shall be submitted to and agreed in writing with the local planning authority. The MMP shall demonstrate that any reuse of contaminated materials do not result in increased risk to the environment or human health.

G. Importation of Soil/Material

No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: In the interests of safety, to prevent pollution of the water environment and to comply with Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

5. No part of the development hereby permitted shall be commenced until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction / demolition effects. This shall include but not be limited to the following:
 - a. Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.
 - b. Methods for dust control and suppression.
 - c. Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
 - d. The areas for the storage of plant and materials.
 - e. A programme of works, including phasing
 - f. Location of site compound, including any loading/unloading areas, turning areas for delivery vehicles and construction staff parking arrangements.
 - g. Management of deliveries including prevention of waiting/layover of construction related traffic on the highway, measures for the control of traffic to and from the site and consideration of any temporary traffic management arrangements which may be necessary during periods of construction. Note reversing on the highway is not permitted without a Banksman.

- h. Scheme for recycling/disposal of waste resulting from demolition and construction works
- i. Adequate provision for addressing any abnormal wear and tear to the highway.
- j. Details of relevant pest control measures to be taken during the construction phase.

All site works shall then proceed only in accordance with the approved Construction Management Plan.

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the National Planning Policy Framework; Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016; Policy WM9 of the Merseyside and Halton Joint Waste Local Plan 2013 and saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

6. No work for the construction of this development, including demolition and deliveries to and from the site shall take place on the site, except between the hours:
- 08.00 - 18.00 Monday to Friday;
 - 08.00 - 13.00 on Saturdays; and
 - Not at all on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies S2 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

7. No development shall commence (excluding the demolition of existing structures) until:
- a) a scheme of intrusive investigations which has first been submitted to and agreed in writing with the local planning authority has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been agreed in writing with the local planning authority and the agreed works implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: These details are needed prior to the commencement of development to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

8. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: These details are needed prior to the commencement of development to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

9. Details on recreational pressure of national, European and international designated sites and the need for care, especially to prevent disturbance from recreational activities. shall be provided within sales packs and/or to all residents, informing the residents the need for care, especially to prevent disturbance from recreational activities. The leaflet can be downloaded from:
http://www.meas.org.uk/media/11045/lcr_leaflet_knowsley.pdf

Reason: To ensure compliance with CS8 of the Knowsley Local Plan Core Strategy (January 2016).

10. No tree felling, scrub clearance or vegetation management is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted to the local planning authority and shall be approved in writing, the development shall then be carried out in accordance with the approved details.

Reason: To protect breeding birds and to ensure compliance with CS8 of the Knowsley Local Plan Core Strategy (January 2016).

11. Prior to the commencement of development, a written statement detailing how Montbretia Is to be removed shall be submitted to and approved in writing by the Council as Local Planning Authority. The development shall be carried out in accordance with the agreed statement.

Reason: To ensure there is no spread of Montbretia in the wild.

12. Development shall not commence until a detail SUDS based drainage scheme based on the principles of Sustainable Drainage & Surface Water Management Technical Guidance For Developers, the SUDS Manual (C753) and the criteria as set out within Knowsley Strategic Flood Risk Assessment (SFRA, Levels 2), has been submitted and approved in writing by the Local Planning Authority (LPA). The applicant should provide suitable drainage drawings, summary calculations and results of all investigations detailing the surface water drainage works as set out below. The works shall be implemented in accordance with the approved scheme before the development is brought into use. The surface water and drainage strategy, detailed design drawings, calculations and supporting information shall be expected to consider the following elements:

In fulfilling this condition, the applicant should consider the following points:

- (i) Interception mechanism should be applied to manage the first 5ml of rainfall events
- (ii) In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to no more than 5 l/s
- (iii) The exceedance event using the 1 in 200 event plus 40% CC (pool area and flow direction)

- (iv) An evaluation of impact of potential failure of key drainage features (blockage of pipes, chambers or outlet structure and risk of impediments across planned flood routing paths). The drainage design should be supported by a designer's risk assessment that identifies key points of failure of the system and what means have been engaged to limit risk of failure. This will also inform the maintenance plan with regards to corrective actions needed should a failure occur.
- (v) An updated Model information (Micro Drainage or similar approved) considering above points will be required. Results showing all the modelling criteria and summary network results including attenuation mechanism for critical 1 in 2 years, 1 in 30 years and 1 in 100 years plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated will be required.
- (vi) A drawing showing the proposed impermeable and permeable areas, suitably annotated
- (vii) An updated drainage plan showing drainage layout, manholes including over and invert levels, proposed levels, pipe sizes and gradients, all on line controls, on and off-line storage structures and outfall details
- (viii) Summary of Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.

The development shall be implemented in accordance with the agreed details.

Reason: To ensure a satisfactory drainage system is provided to serve the site in accordance with Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and Policies CS2 and CS24 of the Knowsley Local Plan Core Strategy (2016).

13. Prior to the first occupation of the development, a Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development to be secured through an appropriate legally binding agreement shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
 - The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by a resident's management company
 - A schedule for on-going inspections relating to performance and condition
 - Details for planned maintenance and a mechanism for remedial and urgent repair works
 - Means of access for inspections and maintenance purposes
 - The plan shall be implemented in accordance with the timeframes contained within it.

Reason: To ensure effectiveness of the flood risk measures during the lifetime of the development policies CS2 and CS24 of the Knowsley Local Plan Core Strategy (2016).

14. No part of the development shall be brought into use until visibility splays of 2.4m metres by 23 metres have been provided to the north and 2.4m metres by 43 metres have been provided to the south, at the proposed (site access) junction with Paradise Lane. The splays shall be provided clear of obstructions to visibility above the height of 0.6 metres measured from the footway/verge level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.

Reason: To ensure adequate visibility at the junction or site access is made and maintained, and to comply with Policy CS19 of the Core Strategy, adopted January 2016.

15. The development shall not be brought into use until the areas indicated on the Site Plan (Drawing 417-1-PLN-003 Revision B Received 10/02/2022) to be set aside for parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

16. No gates or other obstruction shall be placed across the vehicular access.

Reason: To permit vehicles to pull clear of the carriageway when entering the site, in the interests of highway and pedestrian safety.

17. No part of the development shall commence until a scheme for provision of lighting of private communal areas has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented in full accordance with the approved scheme details prior to first occupation of the development unless otherwise agreed in writing by the Council as Local Planning Authority. For the avoidance of doubt, such a scheme shall be accompanied by a maintenance strategy to ensure its future operation.

Reason: To ensure the provision of safe and adequate means of access to the development in the interests of the safety and amenity of residents and visitors.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
10/02/2022	417-1-PLN-003	REV B	PROPOSED SITE PLAN
10/02/2022	417-1-PLN-004	REV A	BLOCK A FLOOR PLANS
10/02/2022	417-1-PLN-006	REV A	BLOCK A ELEVATIONS 1 OF 2
10/02/2022	417-1-PLN-007	REV A	BLOCK A ELEVATIONS 2 OF 2
10/02/2022	417-1-PLN-008	REV A	BLOCK B FLOOR PLANS
10/02/2022	417-1-PLN-010	REV A	BLOCK B ELEVATIONS
10/02/2022	417-1-PLN-012	REV A	BLOCK C FLOOR PLANS
10/02/2022	417-1-PLN-014	REV A	BLOCK C ELEVATIONS
10/02/2022	417-1-PLN-019	REV A	PROPOSED STREETSCENE
10/02/2022	417-1-PLN-021	REV #	PROPOSED BOUNDARY TREATMENTS
10/02/2022	417-1-PLN-022	REV #	EXTERNAL BIN STORE PROPOSED ELEVATIONS
06/10/2021	417-1-PLN-002	REV #	EXISTING SITE PLAN

06/10/2021	417-1-PLN-001	REV #	LOCATION PLAN
10/02/2022	CYCLE SHELTER DETAILS	-	CYCLE SHELTER DETAILS
10/02/2022	VN212003	-	TRANSPORT STATEMENT V2
10/02/2022	ADDENDUM TRANSPORT NOTE	-	ADDENDUM TRANSPORT NOTE
09/12/2021	-	-	COAL MINING RISK ASSESSMENT
06/10/2021	01065	REV O	TOPOGRAPHICAL SURVEY
06/10/2021	DTC.267.AIA.2021	-	TREE SURVEY SCHEDULE FOR ARBORICULTURAL IMPACT ASSESSMENT
06/10/2021	CCG-C-21-12319	-	COMBINED PHASE I-II GEOENVIRONMENTAL REPORT
06/10/2021	LRD-31895	REV 002	DRAINAGE STRATEGY AND FLOOD RISK ASSESSMENT
06/10/2021	DTCL.267.AIA.2019	-	ARBORICULTURAL IMPACT ASSESSMENT
06/10/2021	DTCL.267.AIA.AMS. TS.01-TREE SURVEY	-	TREE SURVEY MAP
06/10/2021	DTCL.267.AIA.AMS. TS.02-TREE PROTECTION	-	TREE PROTECTION PLAN
06/10/2021	2021-259	-	ECOLOGICAL SURVEY AND ASSESSMENT
06/10/2021	AFFORDABLE HOUSING PLAN	-	AFFORDABLE HOUSING STATEMENT
06/10/2021	DESIGN _ ACCESS STATEMENT	-	DESIGN AND ACCESS STATEMENT
06/10/2021	VN212003	-	TRANSPORT STATEMENT
06/10/2021	-	-	PLANNING STATEMENT

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance:-

SD1 - Sustainable Development
CS2 - Development Principles

CS3 - Housing Supply, Delivery and Distribution
CS7 - Transport Networks
CS8 - Green Infrastructure
CS15 - Delivering Affordable Housing
CS17 - Housing Sizes and Design Standards
CS19 - Design Quality and Accessibility in New Development
CS21 - Greenspaces and Trees
CS22 - Sustainable and Low Carbon Development
CS24 - Managing Flood Risk
CS26 - Waste Management
DQ2 - Security in the Built Environment
DQ4 - Trees and Development
ENV2 - Noise and Vibration
ENV5 - Contaminated Land

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Jo Sheridan on 0151 443 2376)

ARTICLE 35 STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTE FOR APPLICANT:

IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
- 2) This permission is granted subject to conditions and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
 - a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached then you will be liable to a breach of condition notice.

NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments;

1. Please find the attached comments from Merseyside Fire & Rescue Service.
2. The applicant should note that Permission is required from our Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.
3. The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
4. As a minimum, bicycle storage will need to be provided to security standard LPS 1175 Issue 8 AR1 / LPS 1175 SR1 set by the Loss Prevention Certification Board (LPCB). Similarly, a 'Sold Secure' standard to certification SS104 or SS314 can be provided
5. It is an offence to carry out any works within the public highway without the permission of the Highway Authority. The grant of planning permission will require the developer to enter into an agreement under s278 of the Highways Act 1980 with the Council. The applicant is advised to contact: SiteDevelopment@knowsley.gov.uk
6. A grant of planning permission does not negate the need for the submission and approval of highway engineering details. If it is the developer's intention to offer any of the roadworks included in the proposals for adoption, a s38 agreement would be required. The applicant is advised to contact: SiteDevelopment@knowsley.gov.uk



Executive Director - Regeneration and Economic Development

Date: 21 July 2022

IMPORTANT NOTES FOR YOUR ATTENTION:

1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.
2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.
3. You should ensure that you understand the requirements of all planning conditions and that you fully comply with their requirements. If you are in any doubt about what a condition requires of you, please ask us for assistance. Planning conditions may require you to submit further information to us and await our approval before you can start your development. A failure to do so could result in your development being unlawful and necessitate the submission of a further planning application. A failure to comply with the conditions of the permission/consent may result in the taking of enforcement and potentially legal action, against you to remedy the breach of planning control.
4. A fee is normally payable to discharge planning conditions in accordance with government regulations.
5. This permission does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by you, including on party boundaries. You should satisfy yourself that the agreement of any adjoining landowners has been given prior to commencing any building works.
6. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works. Knowsley Council's Building Control team are contactable on (0151)-443 2342 and they would be pleased to assist you.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.