

Agenda



Knowsley Council

26 October 2022

To: The Chairperson and
Members of the
Planning Committee

Dear Councillor

A Meeting of the **PLANNING COMMITTEE** will be held on **Thursday, 3rd November, 2022**, in the Council Chamber, Municipal Buildings, Huyton at **6.00 pm**.

If you have any queries regarding this meeting, please contact Andrew Bilsborrow on telephone number 0151 443-3500.

Yours faithfully

Chief Executive

Please Note:-

1. *Access to the Council Chamber is limited. Meetings will be live streamed but, if members of the public or press wish to attend in person, please contact Andrew Bilsborrow on (0151)-443 3500 in the first instance to discuss. The live stream can be accessed from the following link - <https://knowsley.public-i.tv/core/portal/home>.)*
2. *If you have submitted a representation in respect of any of the planning applications that are included on the agenda for determination at this meeting, and wish to speak at the meeting, there is a procedure to be followed which can be accessed via the link below:-*

<https://www.knowsley.gov.uk/residents/building-and-planning/make-a-planning-application/speaking-at-planning-committee>

Membership of the Planning Committee

Councillors

D Lonergan FRICS (Chairperson)

Ms D Allen	Ms J Harvey
Ms J E Aston	Ms J Lilly
Ms C Bannon	K W McGlashan
D J Baum	G J Morgan
H Bell	Mrs S Powell
T Brennan	I Smith
C Cashman	K Taylor
J Donnelly	K F Walsh
A J Flute	Ms A Wright
R Gaffney	

*(Note: The Agenda and Reports are circulated to all other
Members of the Council for information only.)*

A G E N D A

APOLOGIES

1. DECLARATIONS OF INTEREST

2. MINUTES

To receive as a correct record the minutes of the meeting of the Committee held on 8th September 2022.

(Pages 1 - 4)

3. APPLICATIONS FOR PLANNING PERMISSION

To consider the reports of the Executive Director (Regeneration and Economic Development) in respect of the following applications for planning permission.

(Please note that:-

- (i) Background Papers to the planning applications referred to in this agenda comprise the following: -
 - 1. The planning application as submitted or subsequently revised including all forms and plans, etc.
 - 2. The application case sheet, inspection report, photographs, etc.
 - 3. An Ordnance Survey sheet extract showing the application site and the surrounding area.
 - 4. Standard planning conditions as adopted by the Council.
 - 5. Relevant policies from the Unitary Development Plan as appropriate.
 - 6. Copies of all statutory and non-statutory consultations and related correspondence except where they are strictly confidential.
 - 7. The relevant planning history of the application site.

Specific documents, which have been used as a background paper for a particular planning application, and which are not included in the above, are detailed as appropriate at the end of the individual report concerned. Please contact the planning services team (0151 443 2381 or via email at Dcsubmissions@knowsley.gov.uk) to arrange inspection of these files and documents; and

- (ii) Details of the contact officer is contained in the individual report and additional information/some background papers can be found on the [Public Access](#) site via the link shown beneath each planning application below).

- (a) **22/00263/FUL - ERECTION OF A PART TWO STOREY/PART THREE STOREY APARTMENT BLOCK FOR OVER 55'S COMPRISING OF 40 NO. APARTMENTS WITH JULIETTE BALCONIES AND COMMUNAL AREAS TOGETHER WITH VEHICULAR ACCESS, CAR PARKING AND OTHER ASSOCIATED WORKS - LAND ADJACENT GREENHILL, THE ORCHARD, HUYTON, KNOWSLEY, L36 5UZ**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 22/00263/FUL in the search box.

(Pages 5 - 30)

- (b) **22/00326/COU - CHANGE OF USE OF RESIDENTIAL DWELLING (USE CLASS C3) TO CHILDRENS CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 3 NO. CHILDREN - 10 WHISTON LANE, HUYTON, KNOWSLEY, L36 1TY**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 22/00326/COU in the search box.

(Pages 31 - 44)

- (c) **20/00576/HYB - HYBRID APPLICATION COMPRISING; FULL PLANNING PERMISSION FOR A NEW FOODSTORE (USE CLASS E (A)), EMPLOYMENT DEVELOPMENT (USE CLASSES E(G), B2 AND B8), ACCESS, LANDSCAPING, AND THE PROVISION OF ASSOCIATED INFRASTRUCTURE, INCLUDING CAR AND CYCLE PARKING FACILITIES, VEHICLE CHARGING SPACES, PEDESTRIAN ACCESS ROUTES AND SERVICING; AND OUTLINE PLANNING PERMISSION FOR A MIXED-USE DEVELOPMENT COMPRISING A DRIVE THRU RESTAURANT, DRIVE THRU COFFEE SHOP AND PUBLIC HOUSE TOGETHER WITH ASSOCIATED PARKING AND LANDSCAPING (ACCESS TO BE CONSIDERED ALL OTHER MATTERS RESERVED FOR FUTURE APPROVAL) - LAND NORTH OF CABLES WAY, ADJACENT TO CARR LANE AND CABLES WAY, PRESCOT**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 20/00576/HYB in the search box.

(Pages 45 - 116)

- (d) **21/00775/FUL RETENTION OF TIMBER WINDOWS WITH ANTI-TAMPER MESH TOGETHER WITH RETENTION OF EXTERNAL AIR CONDITIONING CONDENSER UNIT AND PROPOSED INSTALLATION OF 2.4M HIGH PALADIN FENCING WITHIN THE CURTILAGE OF THE PROPERTY - VICTORIA GARDENS, VICTORIA ROAD, HUYTON L36 5SA.**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 21/00775/FUL in the search box

(Pages 117 - 132)

4. DELEGATED PLANNING DECISIONS

To consider the report of the Head of Planning.

(Pages 133 - 154)

5. TOWN AND COUNTRY PLANNING ACT 1990 - APPEAL DECISIONS

The Head of Planning to report on the following appeal decisions taken by the Planning Inspectorate :-

- (a) **52 ECCLESTON STREET, PRESCOT**

(Pages 155 - 158)

- (b) **35 DERBY ROAD, HUYTON L36 9UQ**

(Pages 159 - 162)

- (c) **8 SEDUM GROVE, TOWER HILL KIRKBY L33 1SX**

(Pages 163 - 166)

- (d) **CLUB 3000 BINGO, POPLAR BANK HUYTON L36 9US**

(Pages 167 - 172)

- (e) **8 MOORFILED, TOWER HILL KIRKBY L33 1XD**

(Pages 173 - 178)

- (f) **SUNNYSIDE COTTAGE, GREENSBRIDGE LANE L35 1QD**

(Pages 179 - 182)

6. ANY OTHER ITEM(S) WHICH THE CHAIRPERSON DEEMS TO BE OF AN URGENT NATURE

APPLICATION NO: 22/00263/FUL

APPLICANT: Alderley Group 2019
Ltd

WARD AFFECTED: St Gabriel's

DEVELOPMENT:

ERECTION OF A PART TWO STOREY/PART THREE STOREY APARTMENT BLOCK FOR OVER 55'S COMPRISING OF 40 NO. APARTMENTS WITH JULIETTE BALCONIES AND COMMUNAL AREAS TOGETHER WITH VEHICULAR ACCESS, CAR PARKING AND OTHER ASSOCIATED WORKS

LOCATION OF SITE:

Land adjacent Greenhill, The Orchard, Huyton, Knowsley, L36 5UZ

DEVELOPMENT PLAN ALLOCATION:

The Orchard Conservation Area

Primarily Residential Area

REPRESENTATIONS:

12 objections have been received.

RECOMMENDATION:

That Members delegate authority to the Head of Planning to grant planning permission subject to:

- (i) The conditions set out in the attached schedule, or such conditions that the Head of Planning in conjunction with the Chair of Planning Committee, consider appropriate; and
- (ii) the applicant entering into a Section 106 legal agreement to secure the obligations set out at the end of this report.

In the event of the applicants not entering into a Section 106 agreement within 6 months of Planning Committee's resolution to secure the obligations, that Planning Committee delegate authority to the Head of Planning to refuse planning permission under delegated powers, on such grounds should it deemed insufficient progress has been made in completing the s106 agreement.

CASE OFFICER:

Andrew Hunt (0151)-443 2204

SUMMARY:

This application is a full application for the erection of a part two storey/part three storey apartment block for over 55's, comprising of 40 no affordable apartments, which would be for social rent. Communal areas together with vehicular access car parking and associated works are also proposed. Planning Committee granted outline planning permission for a similar scheme in July 2021.

The relevant key issues are:

- The Principle of Development;
- The Impact on Heritage Assets and whether there are Public Benefits that outweigh any Harm;
- Access and Highway Safety;
- Impacts on Amenity;
- Ecology;
- Trees;
- Flood Risk, and;
- Developer Contributions;

1. SITE AND SURROUNDINGS

- 1.1 The application relates to a vacant site located in The Orchard Conservation Area. Parts of the site are overgrown with vegetation and there are areas of hardstanding associated with the site's former use. It has an irregular shape and extends to approximately 0.54 hectares.
- 1.2 The site does not front onto a road; it lies to the rear of 'St Anne's, a two storey Victorian Villa and a recently constructed two-storey house. The access to the site - from The Orchard - is via a drive that lies between the modern dwelling and 'Greenhill', a Grade II Listed Building.
- 1.3 Two-storey dwellings on 'Greenhill Place' and 'The Park' adjoin the site's southern and eastern boundaries.

2. PROPOSAL

- 2.1 The application proposes the erection a three-storey building, which would contain 40 affordable retirement apartments, split between:
 - 30 x 1 bed units, and;

- 10 x 2 bed units.

The ground floor of the building would also include a residents' lounge.

- 2.2 The building would be in the centre of the site, with landscaped grounds adjacent to its northern, southern and eastern sides. A car park containing 22 car parking spaces is proposed to the west of the building.
- 2.3 In July 2021 Planning Committee decided to grant outline planning permission (with all matters other than landscaping approved) for a similar scheme. The main differences between the two schemes are:
- The current submission proposes 100% affordable housing - *the earlier outline approval is for market housing*;
 - The current submission proposes 30no. 1 bed apartments and 10no. 2 bed apartments - *the outline approval proposes 20no. 1 bed apartments and 20 no. 2 bed apartments*, and;
 - changes to the appearance of the building.

3. RELEVANT SITE HISTORY

06/00167/OUT – Erection of 37 retirement apartments. Granted June 2006

11/00021/OUT – Erection of an extra care retirement scheme comprising 34 apartments and associated residents' communal facilities. Granted September 2012.

14/00345/OUT – Erection of a 66-bed retirement care home. Refused September 2014.

14/00719/OUT – Erection of a 66-bed retirement care home. Granted March 2015

19/00199/OUT – Erection of 40 apartments. Refused January 2020.

20/00187/OUT – Erection of 40 apartments. Granted 31 January 2022.

22/00188/REM – Details of landscaping pursuant to outline planning permission. Granted 7 October 2022

4. EQUALITIES ACT 2010

- 4.1 In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010.

4.2 Section 149 of the Act sets out a general duty that requires the council to have due regard to the need to:

- eliminate discrimination, harassment and victimisation;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5. REPRESENTATIONS

5.1 The application was publicised by individual neighbour letters, the display of a site notice and the publication of a press notice in The Challenge community newspaper. 12 objections have been received.

5.2 The objections to the development raise the following matters:

- The access to The Orchard is too narrow for cars to use and is dangerous, the entrance should be widened.
- There are significant traffic issues associated with The Orchard, particularly at peak times with the nursery during the Morning and Afternoon.
- Driveways are regularly blocked due to people parking in the street
- I am concerned about emergency vehicles access to the development.
- The site plan is unclear as it does not show surrounding roads and should not have been accepted.
- There are significant numbers of pedestrians using The Orchard. The access is a tight bend with no pavement on one side of the road. This can lead to cars mounting the kerb. Part of the road (The Orchard) is unadopted with no pavement.
- The Orchard is narrow, and the development will make to existing traffic issues worse and increase the possibility of traffic accidents.
- The visual amenity along with wildlife will be destroyed.
- There will be loss of privacy from the balconies, there will be loss of light to our property.
- There is Japanese Knotweed at the site which will be difficult to get rid of.
- There are also issues with trees overhanging our garden.
- The entrance of Blacklow Brow is narrow and the proposal will result in congestion.
- There is wildlife on the site that would be affected.
- Vehicles queuing will cause issues in relation to air quality.
- The development will reduce our house prices
- There will be issues for refuse services accessing the site due to the narrow access.

- The proposal will harm the conservation area.
- The road into the site has no kerbs which would leave users of the road to walk amongst the traffic which is a major issue given that people would require wheelchair and scooter access
- The development will increase the current traffic problems to the top of Blacklow Brow and the corner of The Rooley
- House prices could depreciate.
- There is Japanese Knotweed present on site.

Video clips which show traffic queueing along the length of an area of The Orchard have also been submitted and reviewed by planning and Highways' officers.

6. CONSULTATIONS

Arboriculture (Knowsley Council) – No objection providing conditions relating to the replacement of trees on a 2:1 basis at 12-14cm girth and 5-day notice of works commencing are attached to any decision

Environmental Health & Consumer Protection (Knowsley Council) – No objection subject to conditions in relation to contamination, a construction management plan and construction hours.

Local Highway Authority (Knowsley Council) – No objection subject to conditions in relation to cycle parking, a Car Park Management Plan, and a Construction Management Plan.

Lead Local Flood Authority – No comments received

Merseyside Environmental Advisory Service – No objection subject to conditions in relation to lighting, shrub clearance, nest boxes, reasonable avoidance measures, hedgehog homes, invasive species, and a landscape plan.

Principal Design and Conservation Officer (Knowsley Council) – The development fails to response to the leafy generously spaced suburban Victorian character and appearance of the conservation area and detrimentally affects the Conservation Area and the setting of the adjacent Grade II listed building "Greenhill" causing less than substantial harm.

Strategic Housing (Knowsley Council) – Overall supportive of the scheme – there is a need for over 55s accommodation within the Borough and the proposed development would help to meet that need. The applicant is in

discussions with Housing 21 a registered provider who specialise in schemes for older people to take on the development

United Utilities – Additional details of required in relation to a suds scheme. No objection subject to conditions in relation to details of a sustainable surface water drainage strategy, the implementation of the drainage strategy and the management and maintenance of sustainable drainage.

7. POLICY CONTEXT

- 7.1 Paragraph 11 and 12 of the National Planning Policy Framework (NPPF 2021), an extract from which is set out below, states that:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

- 7.2 In this regard, the Knowsley Local Plan: Core Strategy was adopted in January 2016, although certain saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of paragraph 219 of the latest NPPF. The Joint Merseyside and

Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.

- 7.3 The site is designated as within The Orchard Conservation Area and a Primarily Residential Area on the Local Plan Policies Map. The relevant adopted policies for the assessment of the application are listed below.

Local Plan: Core Strategy (2016)

SD1 - Sustainable development
CS1 – Spatial Strategy for Knowsley
CS2 - Development Principles
CS3 - Housing Supply, Delivery and Distribution
CS7 - Transport networks
CS8 - Green Infrastructure
CS15 - Delivering Affordable Housing
CS16 – Specialist and Supported Accommodation
CS17 - Housing Sizes and Design Standards
CS19 - Design quality and accessibility in new development
CS20 - Managing the Borough's Historic Environment
CS21 - Greenspaces and Trees
CS22 - Sustainable and Low Carbon Development
CS24 - Managing Flood Risk
CS26 - Waste Management
CS27 – Planning for and Paying for New Infrastructure

Knowsley Replacement Unitary Development Plan (Saved Policies, 2009)

H5 - Development within Primarily Residential Areas
DQ4 - Trees and Development
DQ5 – Development in Conservation Areas
ENV2 - Noise and Vibration
ENV5 - Contaminated Land

Merseyside and Halton Waste Local Plan (2013)

WM9 - Sustainable Waste Management Design and Layout for New Development

8. ISSUES AND ASSESSMENT

Principle of the Development

- 8.1 Policy CS1 (Spatial Strategy for Knowsley) in the Local Plan Core Strategy identifies that one of the priorities is to rebalance the Borough's housing stock by providing a wide range of new market sector and affordable housing with supportive services and facilities appropriate to needs.
- 8.2 Policy CS2 (Development Principles) sets out that new development in Knowsley is expected to promote sustainable economic development, tackle the causes of deprivation and disadvantage, and narrow the gap between the richest and poorest neighbourhoods by (amongst other things) meeting the needs for new housing.
- 8.3 Policy CS3 (Housing Supply, Delivery and Distribution) identifies that provision will be made for 8,100 new dwellings to be delivered in Knowsley between 2010 and 2028 with 36% of the housing delivered in Huyton and Stockbridge Village. The Policy goes on to state that new housing will support the re-balancing of the housing market to better meet housing needs and demands arising in Knowsley.
- 8.4 Policy CS17 (Housing Sizes and Design Standards) states that an appropriate mix of dwelling sizes will be sought across the Borough, having regard to evidence of local housing needs.
- 8.5 The application site lies in a Primarily Residential area close to Huyton Station and the amenities in Huyton Village. The site is therefore in a sustainable location and a residential use would be in keeping with the nature of its surroundings. As such, a residential development of the site is acceptable and in accordance with Policies CS1, CS2 and CS3 in the Core Strategy.
- 8.6 Housing Strategy have confirmed that there is a need for over 55s accommodation in the Borough, and a general need for 1 bed and 2 bed properties. The provision of over-55 housing available for social rent will be secured via S106 agreement. The proposed development would make a meaningful contribution to meeting these needs and the delivery of housing in Knowsley in general. In accordance with the Government's objective of significantly boosting the supply of homes as set out in Paragraph 60 of the NPPF, this should weigh in favour of the proposed development.

- 8.7 The recent grant of outline planning permission for a residential development of the site is also a material consideration which carries significant weight in favour of the proposed development of the site for over 55s accommodation.

Impact on Heritage Assets

- 8.8 As the proposed development lies in The Orchard Conservation Area and adjacent to 'Greenhill' a Grade II Listed Building, with a curtilage listed wall forming the boundary of the drive into the site. The application must be considered in the context of requirements imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.9 Section 66(1) of the Act states that:
"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 8.10 Further, Section 72 states that:
"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 8.11 Policy CS2 (Development Principles) in the Local Plan Core Strategy states that new development will be expected to enhance local character and promote quality of place.
- 8.12 Policy CS19 (Design Quality and Accessibility in New Development) in the Core Strategy sets out several criteria that developments will be expected to conform to so that they enhance local distinctiveness and the identity and accessibility of new places. The NPPF identifies that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.
- 8.13 Policy CS20 (Managing the Borough's Historic Environment) in the Core Strategy also states that development proposals in Knowsley should preserve or enhance the borough's historic and architectural assets including Listed Buildings and Conservation Areas. The Policy goes on to state that the Council will require preservation of the local distinctiveness and character of historic

assets through the sensitive design of new developments including appropriate integration with their setting and immediate landscape.

- 8.14 Saved Policy DQ5 (Development in Conservation Areas) in the Replacement Unitary Development Plan, states that new developments within a Conservation Area must preserve or enhance the character and appearance of the area.
- 8.15 In addition, the NPPF states that when determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability and (c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.16 The NPPF also states (para 194) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.17 Furthermore, the NPPF states (para. 195) that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 8.18 Paragraph 196 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site.
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.

- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

8.19 Paragraph 197 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

8.20 The application site is currently vacant but it does make a positive contribution to the Conservation Area by virtue of giving the villas an undeveloped backdrop and impression of a spacious setting in views from The Orchard, evocative of how it would have appeared when the site was laid out as gardens. The site also contributes in that its undeveloped state maintains the privacy and quietness experienced by adjacent properties; these experiential characteristics being the same as were valued and aspired to by the original Victorian residents.

8.21 The application proposes the erection of a modern three storey apartment block, which would take away the 'undeveloped backdrop' and, therefore, harmfully affect the character of the Conservation Area. However, as this is a previously developed (brownfield) site where planning permission was previously (and recently) granted, it is unreasonable to now expect that the site should remain undeveloped, and this view is shared by the Conservation Officer.

8.22 However, the Principal Design and Conservation Officer objects to the application and believes that the development is not appropriate on the site because:

- The areas of glazing are smaller than the previous approval, which gave visual breaks between the solid walls of the building.
- the proposed apartment building would have significantly larger footprint than other buildings in the Conservation Area;
- although the height of the building is similar to the villas which characterise the area, it is a three-storey building, whilst the surrounding villas are two-storey and this would appear out of character;
- the proposed materials do not relate to the materials of the wider area;
- the proportions, design and shapes of windows do not reflect the architectural character of the villas;

- the proposed building is close to 'St Anne's' and would appear as a large and jarring feature in the backdrop of views from The Orchard and contrary to the historic pattern of villa development in the Conservation Area.
- the proposed car park is set directly adjacent to the garden wall of Greenhill, with no intervening landscaping. Hardstandings of this scale are not a positive characteristic of the area in general;
- the wall along the boundary with Greenhill has buttresses which extend into the development site and is not in good condition. It does not appear that the development takes account of these issues;
- the development will increase the busyness and noise in the area, which will not preserve or enhance the conservation areas character or appearance;
- The quantum of development and intensity of use proposed would result in harm to the setting of Greenhill because the characteristics of the development are starkly in contrast to its spacious landscaped character and would result in harm to the sense of privacy, seclusion and quiet of Greenhill's setting

The Conservation Officer characterised the harm caused overall as 'less than substantial'

8.23 The Conservation Officer's comments must, however, be considered in the context of the site's planning history. Including the recent approval earlier this year (20/00187/OUT) and earlier permissions on the site.

8.24 The differences between the current proposal and the development granted permission earlier this year include:

- Changes to materials;
- The addition of Juliet balconies;
- Increases in the height of some areas of the building;
- A larger single storey extension at the eastern part of the site, and;
- Changes to the landscaping layout.

Officers consider that the changes made to the scheme would not cause it to have a materially more harmful impact on the conservation area.

8.25 When making decisions on planning applications, local planning authorities should be consistent. Given the previous approvals on the site, officers consider that notwithstanding the Conservation Officer's concerns, a recommendation to refuse of planning permission is unwarranted and would be unsustainable on appeal.

- 8.26 Notwithstanding this, it is accepted that the development would cause less than substantial harm to the Conservation Area, and where a development causes such harm to a heritage asset the harm must be weighed against the public benefits of the development.
- 8.27 In relation to the scheme's public benefits, the development would deliver 40 affordable homes for social rent, in a sustainable location within the urban area. The development will also provide housing accommodation for older people, thereby meeting an identified need; and this must be considered in the context that the proportion of older people in Knowsley is increasing.
- 8.28 The proposed apartments are exclusively 1- and 2-bedroom dwellings. There is an identified need for 20% of affordable housing for social rent in Knowsley to be 1-bed and 50% to be 2-bed properties. Opportunities to deliver 1-bedroom housing are rare and this development provides the opportunity to meet some of Knowsley's needs in this regard.
- 8.29 The development would also bring back into productive use a previously developed site, which is currently derelict and with extensive overgrown vegetation present along with the hardstanding associated with a previous sports building.
- 8.30 It is acknowledged that application 19/00199/OUT, was refused two years ago, partly on the grounds of impact on the Orchard Conservation Area and Greenhill. However, changes have been made to the scheme, which reduces the visual impact of the building on the street scene when viewed from The Orchard, and more information is now available on the need for the accommodation.
- 8.31 Overall, it is considered that on balance the public benefits of the scheme outweigh the harm to The Orchard Conservation Area and Greenhill Listed Building. It is considered that the development complies with Core Strategy Policy CS20, UDP Policy DQ5 and NPPF para 197.

Highways

- 8.32 Policy CS7 (Transport Networks) in the Local Plan Core Strategy requires new developments to be located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport, and incorporate access for private vehicles. The policy also requires new developments to make adequate provision for cycle and car parking.

- 8.33 The NPPF requires new developments to ensure that appropriate opportunities to promote sustainable transport modes can be taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network, or on highway safety can be mitigated to an acceptable degree. Furthermore, it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.34 The application site takes access from The Orchard which, between the application site and Blacklow Brow, is a narrow road with a narrow footpath (less than 1m wide) on one of its sides. This section of The Orchard is typically enclosed by high walls or fences, is maintained by the Council and benefits from streetlighting and parking restrictions. The area of road between 'Greenhill' and St Marys Road is wider and more open, but it is in private ownership and does not have a dedicated footpath. There is no through vehicular access between The Orchard and St Marys Road.
- 8.35 A number of representations have raised their concerns about the suitability of The Orchard to accommodate the traffic associated with the proposed development. They are concerned that due to the width and shape of the road, its condition and the limited widths of its footpaths, the additional traffic would adversely affect highway safety; and that this would be exacerbated because there is a day nursery close to the application site and videos have been provided showing traffic queueing along The Orchard to reach the day nursery in the morning peak.
- 8.36 The ability of The Orchard to accommodate the traffic associated with 40 over 55s apartments was accepted when planning permission was granted earlier this year (for application reference 20/00187/OUT). The current application proposes 30 1-bed properties and 10 2-bed properties, which would generate less traffic than the 20 1-bed properties and 20 2-bed properties previously approved.
- 8.37 In relation to the videos submitted which show a queue of traffic accessing The Orchard during the morning peak, the Highways team have visited the site on 2 occasions and have not witnessed a significant amount of queueing traffic. In any case, because the application proposes affordable housing for over 55s it is considered reasonable to assume that not all of the residents would use a private vehicle to access/egress the site during peak periods.
- 8.38 In relation to the access into the site, the access road would be a shared surface (to be used by both pedestrians and vehicles), which is a reasonable

design solution given the low levels of pedestrian and vehicular traffic likely to be associated with the planned development. The risk of conflict is considered to be very low, being a very low speed environment. The lack of kerbs on the access road is consistent with a shared surface. A delivery vehicle (such as a Luton van, refuse collection vehicle or similar) would be unable to pass another vehicle within the access road. However, the frequency of such vehicles wishing to access/egress at the same time as another vehicle is likely to be very low. Opposing vehicles approaching the access road would be intervisible from either end, allowing, when necessary, one to wait until the other has passed.

- 8.39 In relation to comments received about the correctness of the swept path analysis, this is acceptable based upon the most recent drawings submitted by the applicant - in response to Highways' initial comments (0133-SP03 Rev B – Swept Path Analysis). The drawing has been prepared using proprietary swept path analysis software using a standard vehicle type. The dimensions of the vehicle, as detailed in the drawing is consistent with the common sizes for such vehicles.
- 8.40 In summary, the Highways team have reviewed the application in detail, and they are satisfied that the increase in traffic would not have an unacceptable impact on the capacity of the local highway network or on highway safety. The volume of traffic associated with the proposed development would not result in a significant increase in conflicts between road users and the proposed site access is also deemed to be suitable.
- 8.41 The site is within the urban area and benefits from good pedestrian, cycle and public transport links with Huyton train station nearby (260m to the Northwest) and Huyton Village located 160m beyond that. In this context, and given that the accommodation is for over 55s, the level of parking is considered acceptable, subject to a condition which secures a car park management plan, which is recommended should planning permission be granted.
- 8.42 Planning conditions are also recommended in relation to cycle parking, a construction management plan and electric vehicle charging points.
- 8.43 Overall, the application would not have an unacceptable impact on highway safety, or a severe highway impact and the development, therefore, complies with Core Strategy Policy CS7 and the NPPF.

Residential Amenity

- 8.44 Policy CS19 (Design Quality and Accessibility in New Development) in the Core Strategy requires new developments to maintain a good standard of amenity for all existing and future occupants of land and

buildings by avoiding unacceptable impacts on existing residents and future occupiers.

8.45 The Amended New Residential Development Supplementary Planning Document (SPD) recommends separation distances that should be maintained between residential properties to ensure that harm is not caused to amenity by overshadowing, a loss of privacy or through undue dominance.

8.46 The SPD sets out that:-

- 20m should be provided between the front-to-front principal elevations of dwellings;
- 22m should be provided between the rear elevations of existing and new properties;
- 20m should be provided between the rear elevations of new properties;
- 12m should be provided between the principal elevation of one property and the gable of another, and;
- Flats should have a minimum of 20sqm amenity space per flat.

Where proposed properties are higher than 2 storeys (including significant level changes), an additional 3m per floor should also be added.

Existing Residents

8.47 The proposed development would not harm the amenity of neighbouring properties through loss of light, overdominance or loss of privacy because, except for the relationship between number 14 Greenhill Place and the proposed building, the distances between existing and proposed first floor windows of properties would comply with the separation distances above.

8.48 The separation distance between the proposed building and 14 Greenhill Place would be approximately 21.9m, which is 0.1m less than recommended in the SPD. However, as this is a marginal under provision and given the relationship of the affected windows, it is considered that unacceptable harm would not be caused by way of undue dominance or a loss of privacy. It is also noted that this is a slight improvement on the previously approved scheme (20/00/187/OUT), which proposed 21.75m between the building and 14 Greenhill Place.

8.49 The proposed balconies are Juliette style balconies and so do not add additional floorspace or result in an outside seating area. Therefore, they do not

have a materially greater impact on neighbour amenity than the previous windows.

- 8.50 Concerns have been raised regarding the potential of the development to give rise to unacceptable levels of noise and disturbance. The application proposes residential dwellings in a residential area and therefore, in general, such a use would not cause unacceptable harm to amenity by way of undue noise and disturbance.
- 8.51 The construction phase of the development has the potential to affect the amenity of neighbouring residents by way of noise and dust. However, conditions securing a *construction management plan* and hours of work are recommended should planning permission be granted, and these would ensure that unacceptable harm to amenity is avoided. This approach is supported by Environmental Health who have no objection to the application, subject to conditions.

Future Occupiers

- 8.52 The proposed development has been designed such that all main habitable rooms would receive acceptable levels of light and outlook – furthermore, as set out above, there would be sufficient separation to ensure that users of the rooms benefit from an acceptable level of privacy.
- 8.53 The proposed apartments would be provided with extensive areas of outdoor amenity space, which complies with the 20sqm per dwelling requirements in the New Residential Development SPD. The total amenity space requirement would be 800 sqm, which the proposed development would exceed. The amenity space would be sufficient to meet the needs of future occupants.
- 8.54 Overall, it is considered that the development would provide acceptable living conditions for existing and future occupiers and would comply with Core Strategy Policy CS19.

Ecology

- 8.55 Policy CS8 (Green Infrastructure) in the Core Strategy states that new developments should sustain and promote biodiversity in accordance with its importance and contribution to ecological networks.
- 8.56 Ecological Surveys have been submitted in support of the application. They identify that the proposed development would not have a significant impact on protected species or their habitats. Merseyside Environmental Advisory Service have (during the previous application) reviewed the reports and agree with their

findings, subject to mitigation measures being secured. No material changes have taken place to the ecology measures nor would the changes to the proposal materially impact ecology. If planning permission is granted the mitigation measures can be secured via planning condition and subject to these conditions, the proposed development would comply with Policy CS8.

- 8.57 There has been a representation made by a resident that there is Japanese Knotweed present on site, the correspondence included photographs which appeared to show Japanese Knotweed on the site. To address this a condition is recommended, should members be minded to grant planning permission, to ensure that measures to correctly dispose of Japanese Knotweed are submitted to the council for approval and then implemented on site.

Trees

- 8.58 Policy CS21 (Greenspace and Trees) in the Core Strategy states that the Council will encourage proposals for new development to retain trees, woodland, vegetation and other habitat features which offer a positive contribution to the local environment; and make adequate replacement provision where tree loss is unavoidable, comprising two additional trees for every tree lost and taking account of species and size.
- 8.59 39 trees are located within the perimeter of the site and the development would necessitate the removal of 12 of them. The remaining trees can be protected through appropriate mitigation measures, which can be secured via planning condition if planning permission is granted.
- 8.60 If planning permission is granted a condition is also recommended to require that any future reserved matters application includes the planting of a minimum of 24 new trees, thereby ensuring that trees are replaced on a 2:1 basis in accordance with the requirements of Policy CS21.
- 8.61 The proposal has been reviewed by the Council's Arboricultural officer who has no objection subject to the conditions outlined above and overall, the application complies with Core Strategy Policy CS21 and UDP policy DQ4.

Flood Risk

- 8.62 Policy CS24 (Managing Flood Risk) in the Core Strategy requires new developments to manage flood risk associated with or caused by the proposed development. The site is in an area that has the lowest probability of flooding and, therefore, it is unlikely to be at risk from flooding, but surface water from the site could contribute to flooding elsewhere if not managed properly.

- 8.63 The applicant has submitted drainage information, which identifies that the site would drain to a mains sewer at a managed rate of flow. This was the drainage method proposed by the previously approved application and found to be acceptable, subject to planning conditions to ensure that an appropriate detailed drainage scheme and a management and maintenance plan are agreed with the Council (and implemented) as part of the development. There has been no material change since the previous approval.
- 8.64 Therefore, if planning permission is granted, subject to the above conditions the proposed development would not increase the risk of flooding elsewhere and therefore, it complies with Core Strategy Policy CS24.

Contamination

- 8.65 Saved Policy ENV5 (Contaminated Land) in the Replacement Unitary Development Plan requires new developments to remediate any sites that may be affected by contaminated land. The applicant has submitted contaminated land reports, which have been reviewed by Environmental Health and they have no objections, subject to a condition relating to contaminated land condition – in the event that planning permission is granted. The imposition of such a condition is recommended, which would ensure that any impacts from contaminated land are satisfactorily addressed.

Developer Contributions

- 8.66 Policy CS27 (Planning and Paying for New Infrastructure) states that new developments will be expected to demonstrate compliance with local plan policies which specifically require developer contributions. Where a developer believes that meeting policy requirements in relation to developer contributions would place a development 'at risk', the policy states that the developer will be required to submit economic viability evidence to support this position. Where the Council is satisfied that the viability evidence demonstrates that a developer is unable to fully fund all of the developer contributions sought, the policy states that the Council will make a balanced assessment of whether planning permission should be granted.
- 8.67 The application proposes the erection of 40 apartments and, therefore, in accordance with the requirements of Policies CS15 (Delivering Affordable Housing), CS21(Greenspaces and Trees) and the Adding Social Value to Development SPD the development would be expected to provide:
- 4 affordable homes;
 - a £58,857 contribution to off-site open space improvements, and;
 - a £2,800 contribution to monitor and implement a social value strategy.

- 8.68 During the previous application (20/00187/OUT) the applicant submitted a Viability Appraisal report, which stated that the proposed development would not be sufficiently viable to meet any of the Council's developer contribution requirements. However, following a review by the Council's consultants and following negotiations a contribution of £32,300 towards affordable housing was secured.
- 8.69 The current application proposes 100% affordable housing for social rent and the applicant has submitted a further viability assessment, which shows that it would not be viable for the scheme to provide contributions to open space or social value.
- 8.70 The previous application was subject to a viability appraisal from the council's consultants. There has not been a viability appraisal of the current application, However, the current scheme is likely to be less viable than the previous scheme due to the smaller housing units. Following negotiations, the applicant has agreed to pay the same as previously. (a commuted sum of £32,000 towards improvements to public open space).
- 8.71 The outline planning permission for 40 over 55's apartments granted earlier this year secured £32,000 towards affordable housing, with no monies for open space or social value - and this planning permission could still be implemented. Given that the current scheme is all for affordable housing for over 55s (which will be secured via legal agreement) and proposes to provide £32,000 for open space improvements, it is considered that in this instance the proposed contributions are acceptable. The tenure of the apartments and financial contribution towards public open space would be secured via legal agreement if planning permission is granted.

Other Considerations

- 8.72 Some concerns have been raised about potential air pollution caused by the new development. Nevertheless, the application site is not in an *air quality management area* and given the site's distance away from major, heavily trafficked roads, air quality is unlikely to be poor. In this context, a development of 40 retirement apartments would not have a significant adverse effect on air quality.
- 8.73 Some representations raise objections due to the perceived impact of the development on property prices. Whilst no evidence is available to demonstrate any impacts on local property prices, whether negative or positive,

this matter is in any event not a relevant (material) planning consideration that can be considered during the determination of the application.

9. CONCLUSION

- 9.1 The development is acceptable in principle and would not cause harm in relation to highway safety, trees or ecology, or the amenity of neighbouring properties. On balance, it is considered that the 'harm' in relation to heritage matters is outweighed by the public benefits of the scheme.
- 9.2 In conclusion, the proposed development would comply with policies included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (saved policies 2009) and National Planning Policy Framework (2019).

10. RECOMMENDATION:

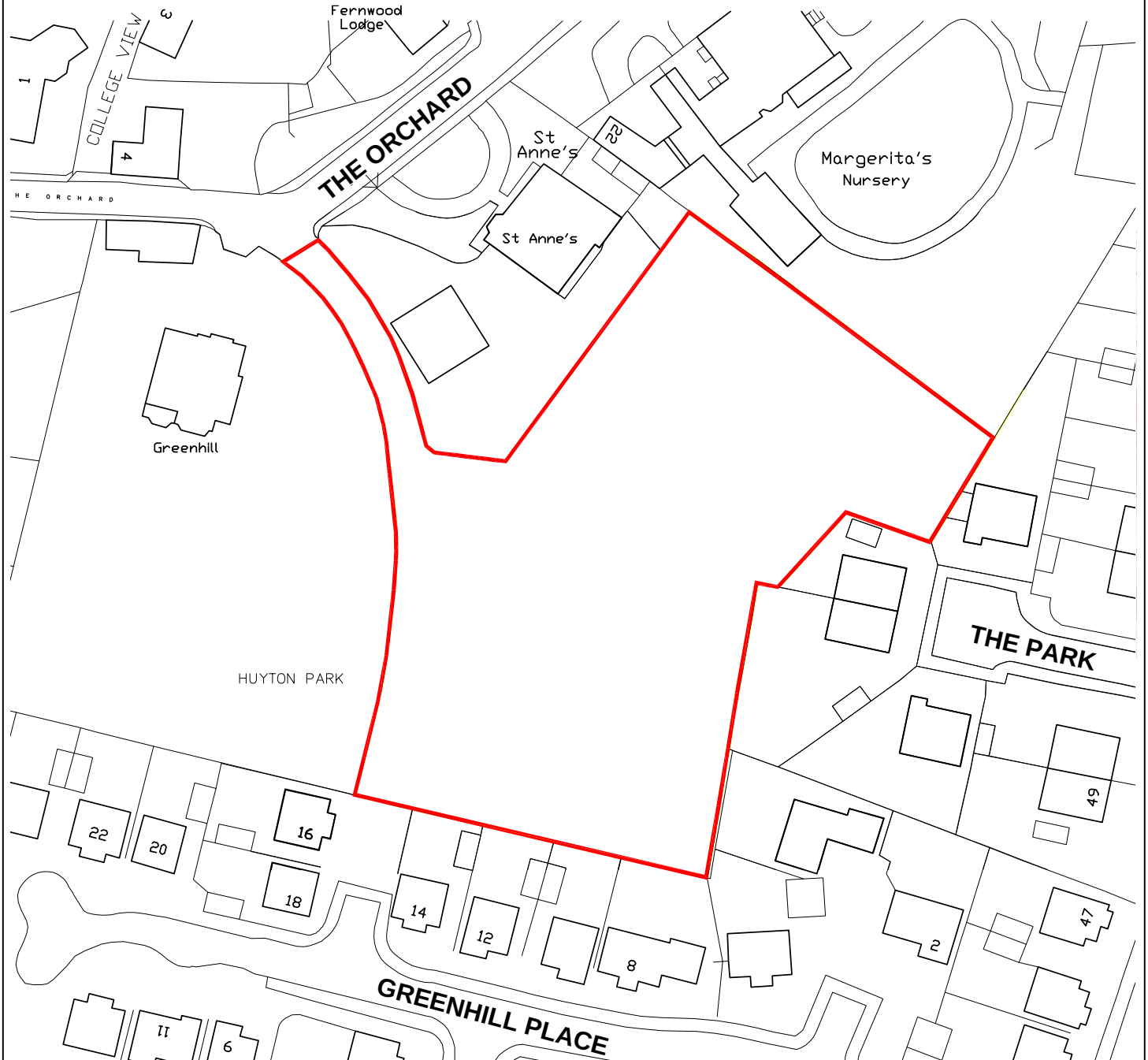
- 10.1 That Members grant authority to the Head of Planning to grant planning permission under delegated powers subject to:
- (i) The conditions set out in the attached schedule, or such conditions that the Head of Planning in conjunction with the Chair of Planning Committee, consider appropriate; and
 - (ii) The applicant entering into a Section 106 legal agreement to secure affordable housing provision and planning obligations for public open space improvements
- 10.2 In the event of the applicant not entering into a Section 106 agreement within 6 months of Planning Committee's resolution to secure the obligations, that Planning Committee delegate authority to the Head of Planning to refuse planning permission under delegated powers, on such grounds should it deemed insufficient progress has been made in completing the s106 agreement.

SCHEDULE OF CONDITIONS

1.	Period to implement the permission – 3 years	Advisory.
2.	List of approved plans and documents.	Advisory.
3.	Phase I site investigation Contamination Survey	Prior to commencement.
4.	Construction/Demolition Management Plan.	Prior to commencement

5.	Cotoneaster Invasive Species and Japanese Knotweed	Prior to commencement
6.	Sustainable Surface Water Drainage Scheme	Prior to commencement
7.	Levels Details	Prior to commencement
8.	Material Samples	Prior to development above slab level
9.	Tree Protective Fencing	Prior to construction
10.	Landscaping Scheme	Pre-occupation
11.	Lighting Scheme	Pre-occupation
12.	Car Park Management Scheme	Pre-occupation
13.	Cycle Parking	Pre-occupation
14.	Bird Boxes	Pre-occupation
15.	Sustainable Drainage Maintenance	Pre-occupation
16.	Electric Vehicle Charging Points	Pre-occupation
17.	Full Fibre Broadband	Pre-occupation
18.	No Shrub Clearance 1 March to 31 August inclusive	Ongoing
19.	Hedgehog Avoidance Measures	Ongoing
20.	No Gates	Ongoing
21.	Hours of Construction	Ongoing

APPLICATION No: 22/00263/FUL



This page is intentionally left blank

[illegible]

This page is intentionally left blank