

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

<u>APPLICATION NO:</u>	22/00087/FUL	<u>CASE OFFICER:</u>	Mark Quinn
<u>WARD:</u>	St Gabriels	<u>PARISH:</u>	
<u>LOCATION:</u>	Land At , Hale View Road, Huyton		
<u>PROPOSAL:</u>	ERECTION OF 2NO DETACHED DWELLINGS		

Site Description

This application relates to an area of vacant land on part of the former Cronton mineral railway line in Hale View Road, Huyton. This area of land is located towards the eastern end of Hale View Road close to the entrance with Stadt Moers Park.

To the north is existing residential development and to the south of the site is the Huyton Business Park. The premises to the rear boundary are currently occupied by JK Pallets.

Proposal

It is proposed to erect two detached dwellings and associated car parking.

Consultations

Merseyside Fire And Rescue Authority - No objections in principle

Arboricultural Officer - No objections

Environmental Health - No objections subject to planning conditions on mechanical ventilation, construction management and contaminated land.

United Utilities Water Ltd - Concerns raised that the proposal may impact on UU assets conditions required to ensure the water main is protected from damage.

Highway Authority – No objections subject to planning conditions.

The Coal Authority - No objections in principle

Representations

This application has been publicised by letters sent to 10 neighbours. It has also been advertised by Site Notice No representations have been received.

Planning History

18/00333/FUL – ERECTION OF 2NO DETACHED DWELLINGS AND ASSOCIATED DEVELOPMENT Granted August 2019.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets

of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that 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 normally 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.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

CS2 - Development Principles
CS4 - Economy and Employment
CS7 - Transport Networks
CS19 - Design Quality and Accessibility in New Development
CS24 – Managing Flood Risk

**KNOWSLEY LOCAL PLAN: CORE STRATEGY
SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN
(ADOPTED JUNE 2006)**

DQ4 - Trees and Development
ENV2 - Noise and Vibration
ENV5 – Contaminated Land
EC3 - Primarily Industrial Areas

National Planning Policy Framework

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.

Assessment

Principle of Development

The application site is allocated as primarily industrial area given that all the land to the south of Hale View Road is allocated as primarily industrial area on the Knowsley Local Plan policies map. This part of the site clearly falls outside of Huyton Business Park as there is a high boundary treatment forming the boundary of Huyton Business Park and a narrow strip of land running all the way along the southern edge of Hale View Road. Saved Policy EC 3 Primarily Industrial areas states that proposals for development for other uses in these areas will only be permitted where they would :

- a) Be complementary to and compatible with the surrounding employment uses;
- b) Be consistent with any approved regeneration strategy for the area

- c) Preserve or enhance the image of the industrial area and
- d) Avoid causing an unacceptable loss of land available for industrial development.

Policy CS4 in the Local Plan states “ land which is currently in use or allocated for employment development will be safeguarded from changes to the types of development except where : there is no current or likely demand for employment uses on the land or where other uses would bring wider regeneration , environmental and amenity benefits”

Residential development on this small piece of land would complement the residential uses to the north of Hale View Road, it would improve the appearance of an area of unused land and thus result in environmental improvements to the street scene and adjacent residential area. The size of the site would restrict industrial/commercial uses which could be accommodated and the proximity of existing residential dwellings would also restrict the type and scale of commercial uses that would be acceptable on this small site. Consequently given the historic use of the land and the fact that it does not form part of the Huyton business park notwithstanding the sites local plan allocation it is not considered that there would be an unacceptable loss of land for industrial development or any conflict with the Local Plan policies listed above.

The principle of residential development on this site has in any event already been established by the granting of planning permission for 2 dwellings in 2019 (18/00333/FUL) which is a significant material consideration.

Design & Layout

The design of the dwellings are very similar to those approved in 2019 however all windows have now been removed from the rear elevation backing onto the business park. The proposed materials would comprise a mix of brickwork to the ground floor and render to the first floor. Given the variety of house types in the surrounding area the proposed house designs are considered appropriate.

The application site is relatively narrow although it does widen towards the eastern end of the site. The dwellings are sited towards the rear boundary with Huyton Business park with the private amenity spaces located to the side or front of the dwellings. The parking is located in between the dwellings running alongside the gable walls. Given the shape of the site the layout proposed is the best achievable and with the main elevations facing towards Hale View Road they do provide some presence to the street. On balance given the approval of 18/00333/FUL, the design and layout would be in compliance with Local Plan policy CS19.

Highway Safety

Two car parking spaces are proposed for each dwelling which is the maximum car parking standard in the ensuring a choice of travel SPD. The application site is adjacent to a public right of way to the east which provides pedestrian access to Huyton Business Park. The public right of way appears to be widened slightly as a result of this proposal, however the Council's highways team have no concerns in this regard. 2m by 2m pedestrian visibility splays are proposed adjacent to the two driveways restricting any boundary treatments to 600mm in these areas to ensure adequate visibility for vehicles emerging from the driveways. The proposal would not give rise to any highway safety issues and would be in compliance with Local Plan policy CS7.

Residential Amenity

Both dwellings provide a sufficient amount of amenity space, comparable to other dwellings in the vicinity.

In terms of separation distances the closest dwelling is 40 West View however this is sited at an acute angle to plot 1. The gable elevation which is closest to Plot 1 does contain some windows this elevation is sited approximately 21m from the front elevation of Plot 1 which is considered to be an acceptable separation distance to avoid any adverse impacts on residential amenity.

A noise assessment has been submitted with the application to assess the impacts of noise from the adjacent Huyton Business Park.

This issue has been the subject of ongoing discussions between the applicant's noise consultant and the Environmental Health section. An updated report has been submitted following these discussions. The report recommends that a mechanical ventilation system, and enhanced glazing, is installed in each property. This matter can be secured by an appropriately worded planning condition.

Whilst the dwellings would be sited adjacent to the boundary of Huyton Business Park the noise mitigation measures proposed would provide a satisfactory level of amenity for residents taking account of the location of the dwellings and the surrounding environment. On balance this is considered to be acceptable and subject to the necessary planning conditions the proposal would be in compliance with the Local Plan and saved UDP policies listed above.

Impacts on water main

United Utilities have advised that a water main crosses the site along the front of Hale View Road and then crossing the site to the boundary with Huyton Business Park. The applicant have been liaising with United Utilities on this matter who have confirmed that they have no concerns providing there is an access strip of 3m either side of the sewer.

To prevent any damage to the asset United Utilities have requested a planning condition requiring scheme to ensure the protection of the water main from damage as a result of the development in addition to the submission of a surface and foul water drainage scheme.

Contaminated Land Assessment

A phase I desktop contaminated land report was submitted with the application which recommends that phase II intrusive investigations are required. This can be secured by the standard land contamination planning condition in accordance with saved UDP policy ENV5.

Trees

There are no trees located within the application site however there is a goat willow located on the adjacent site close to the boundary. The arboricultural assessment recommends that either the tree is removed with the landowners consent (due to the amount of overhanging) or pruned back to the boundary. The Council's arboriculture officer has advised that the proposal would have no adverse impact on this tree and no planning conditions would be required.

Conclusion & Reason for Decision.

The proposal is considered to be acceptable in terms of the principle of development, siting and design, highway safety, the noise environment, contaminated land and impacts on adjacent trees.

The proposal would be in compliance with the relevant Local Plan and saved UDP policies listed above and guidance in NPPF (2021)

Recommendation

That planning permission be granted subject to the following conditions:

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 samples and / or full specification of materials to be used externally on the dwellings 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. 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. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- a) Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- b) hard surfaced areas and materials, including the details of the car parking spaces which shall be hardsurfaced and either made from porous materials or provision made for the car parking areas to be drained to a porous area within the curtilage of the dwelling.
- c) planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
- d) A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and to comply with Policy CS19 of the Knowsley

Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

5. Prior to installation, details of all means of enclosure (including walls, fences and gates) shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure indicated on the approved scheme shall be constructed in accordance with that scheme before the dwellings on the plots to which they relate are first occupied.

Reason: To ensure satisfactory privacy for occupants of the proposed dwellings, in the interests of visual amenity and to comply with Policies CS2, CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

6. Prior to the first occupation of the dwellings hereby permitted the noise mitigation measures as recommended in the Spratt+Hamer Noise Impact Report (V2) for Land at Hale View Road, Huyton, Knowsley (dated 10/11/22, ref 20276), shall be installed in full and retained at all times thereafter.

For the avoidance of doubt the measures must include, but not necessarily be limited, to the following:

- A minimum window glazing specification of 6mm glass / 12mm void / 4mm glass.
- A quality mechanical ventilation system.

The measures installed shall ensure that future residents are not subject to overheating and that the recommended internal noise levels stated in BS 8233: 2014 are achieved.

Any external plant associated with the mechanical ventilation system shall be designed so that the noise level from it is at least 5dB(A) below the existing L_{A90} background noise level, as measured during the relevant time period, at a position 1 metre from the closest affected window of the nearest noise sensitive property.

Reason: To safeguard future occupiers from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

7. A. Risk Assessment

No development shall take place until an assessment of the risks posed by any contamination has been submitted to, and approved in writing by, the Local Planning Authority.

Prior to any further ground investigations taking place, the scope of works for these investigations must be agreed, in writing, with the local planning authority.

The assessment must also 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. 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.

C. Implementation of Approved Remediation Scheme

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.

D. 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.

E. Materials Management Plan

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, 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 does not result in increased risk to the environment or human health.

F. 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

8. Prior to commencement of development a scheme for the control of noise and dust from site operations and to prevent the transfer of mud out of the site shall be submitted to, and approved in writing, by the local planning authority. All works which form part of the scheme shall be implemented while construction works are ongoing.

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.

9. No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.

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.

10. Prior to the commencement of development hereby permitted details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identifies mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason : In the interest of public health and to ensure protection of the public water supply and to ensure compliance with Policy CS24 of the Knowsley Local Plan Core Strategy adopted January 2016

11. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and to ensure compliance with Policy CS24 of the Knowsley Local Plan Core Strategy adopted January 2016.

12. Notwithstanding the details submitted no part of the development hereby permitted shall be occupied until a scheme for the provision of cycle storage, in accordance with the Council's current standards, has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the cycle parking must be covered and offer a means to secure the cycles.

The approved scheme shall be implemented before any part of the development is brought into use and shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

13. The dwellings hereby permitted shall not be occupied until they have been provided with an outdoor, weatherproof electric vehicle charging point readily accessible from a dedicated parking space.

All change points shall be:

- a. A minimum of 7KW, and
- b. at Least Mode 3 or equivalent, and
- c. untethered, and
- d. located in order to comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M.

All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/travel planning advice.

Reason: In the interests of air quality, promoting sustainable travel opportunities and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and NPPF Para 110.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
14/11/2022	20276	V2	AMENDED NOISE ASSESSMENT
17/08/2022	101	REV C	AMENDED ELEVATIONS PLOT 1
17/08/2022	102	REV C	AMENDED ELEVATIONS PLOT 2
28/07/2022	100	REV B	AMENDED EXISTING AND PROPOSED SITE PLANS & SITE LOCATION PLAN

Signed Case Officer: M Quinn

Signed Authorising Officer: Alan Kilroe

Date: 7 December 2022

Informatives

- 1) 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 the site development team, email: SiteDevelopment@knowsley.gov.uk to discuss the matter further. The highway fees applicable for a S278 highway agreement are available on the Knowsley Council website here: <https://www.knowsley.gov.uk/residents/roads/highway-fees-and-charges>.

The applicant is reminded that it is an offence to allow material carried from the site to be deposited on or cause damage to the public highway as a result of dirty wheels or badly loaded vehicles. Should this occur, the Council as Local Highway Authority will seek to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and will prosecute offenders under Sections 131, 148 and 149 of the Highways Act 1980.

- 2) See attached correspondence from United Utilities.
- 3) See attached correspondence from Merseyside Fire Authority

APPENDIX 1 – SITE PHOTOGRAPHS













