

APPLICATION NO: 25/00024/FUL **CASE OFFICER:** Andrew Hunt

WARD: St Gabriels **PARISH:** N/A

LOCATION: Land Adjacent Greenhill, The Orchard, Huyton, Knowsley, L36 5UZ

PROPOSAL: VARIATION OF CONDITIONS 1 - (APPROVED PLANS) AND 7 (CYCLE PARKING) OF PLANNING PERMISSION 24/00152/FUL. TO REMOVE THE PLANT ROOM, RELOCATE THE SUBSTATION AND ALTER THE BIN STORE AND TO REDUCE THE NUMBER OF PARKING SPACES PROPOSED

Site Description

The application relates to a vacant site located in The Orchard Conservation Area. Parts of the site is 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. 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. Two storey dwellings on 'Greenhill Place' and 'The Park' adjoin the site's southern and eastern boundaries.

Proposal

The proposal is a variation of condition application to a previous variation of condition application (24/00152/FUL) to remove the plant room, relocate the substation and alter the bin store and condition 7 (cycle parking) to reduce the number of parking spaces proposed.

In relation to the previous substation and plant room, the substation would be relocated to the north of the site whilst the plant room would be removed from the plans as it is no longer needed. The substation is a proposed red/brown face brick to match the existing building with a dark grey solid steel door and a dark grey concrete roof.

The bin store has been re-orientated to face north/south rather than east west, however it would still take up a similar amount of space.

The proposal would reduce the number of cycle parking spaces from 46 (1 per dwelling and 6 visitor spaces) to 10 spaces in total.

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Consultations

Highways - Highways note the scheme is designed to cater for the over 55s and the applicant has provided evidence that as a result of this, the likely level of cycle ownership is lower. Highways accept the premise and offer no objection to the proposal.

Representations

This application has been publicised by letters sent to 68 neighbours and by site and press notices. Three objections have been received consisting of the following main points:

- Visual Impact of development
- The changes are a cost cutting exercise to maximise profits.
- Inadequate Parking at the site.
- Existing residents are responsible for upkeep of the road.
- Site entrance too narrow
- No kerb which is a risk to pedestrians.
- Bin Store should be brick built.
- There is an easement running down the boundary to Greenhill which should be kept clear with no parking.
- The building is built too close to my garden.
- I object to the substation built close to my garden. It has been built and will be unsightly noisy and potentially dangerous (fire risk/EMF).
- I object to damage to my boundary walls and road due to HGV traffic,

Planning History

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. Planning permission granted 28/02/2023.

24/00152/FUL: Variation of condition 16 - (electric vehicle charging points to reduce the number provided from 11 to 4 - of 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. Planning permission granted 24/09/2024.

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

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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.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

CS20 - Managing the Borough's Historic Environment

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ISSUES AND ASSESSMENT:

PROPOSAL

The proposal is a variation of condition application to a previous variation of condition application to remove the plant room, relocate the substation and alter the bin store and condition 7 (cycle parking) to reduce the number of parking spaces proposed. As the proposal only changes this elements (and all other elements have been assessed previously), only the effect of this change will be considered.

Conservation and Design

Policy CS19 in the Core Strategy requires new developments to respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment.

Core Strategy Policy CS21 states that development proposals in Knowsley should preserve or enhance the borough's historic and architectural assets, including Listed Buildings, Conservation Areas, Historic Parks and Gardens and archaeological remains, together with other local areas, buildings and structures of historic importance.

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In relation to the previous substation and plant room, the substation would be relocated to the north of the site whilst the plant room would be removed from the plans as it is no longer needed. The substation is a proposed red/brown face brick to match the existing building with a dark grey solid steel door and a dark grey concrete roof.

The bin store has been re-orientated to face north/south rather than east west, however it would still take up a similar amount of space.

Overall, it is considered that the substation relocation and changes to the bin store are neutral in design terms whilst the removal of the plant room is a minor positive impact. The proposal would preserve the appearance of the conservation Area. Overall, the proposal is acceptable in design and Conservation terms and would comply with Core Strategy Policies CS19 and CS20.

Amenity

In relation to amenity, the substation would be relocated to the north closer to (Orchard House) to the north west. However, the relatively small height of the substation (2.66 metres) means that there would be no adverse impacts from loss of light or outlook.

Highways

The proposal would reduce the number of cycle parking spaces from 46 (1 per dwelling and 6 visitor spaces) to 10 spaces in total. This has been supported by evidence from the TRICS database for the Retirement Flats land use. The data provided excludes the Greater London, Ireland and Northern Ireland regions and shows that typically only 1% of journeys by residents of retirement living apartments are made by bicycle. This is further supported by data from McCarthy and Stone which shows very low levels of cycle parking for older persons accommodation. In addition, there is space within the site to accommodate relocated cycle parking spaces should the need increase in the future. Overall, the proposed level of cycle parking would be appropriate for the type of development proposed. This view is supported by the council's highways department who have no objection to the scheme.

Other Considerations

In relation to fire risk for the substation and emf, they are covered by separate legislation and they are not material planning considerations. All other aspects of the scheme previously considered (such as highway safety and parking) is also not material to the current scheme which is only concerned with the proposed changes. In relation to the changes being alleged to be a cost cutting exercise, the motivation behind the changes is not relevant to planning, only the effect of the changes (and whether these are acceptable) can be assessed. In relation to easements, these are also separate considerations and not material planning considerations. In relation to damage to boundary walls and road due to hgv traffic, this is a private matter between relevant parties and not a material planning consideration.

RECOMMENDATION:

That Planning Permission be granted subject to the following condition(s):-

1) Plans

The development hereby permitted shall be carried out in accordance with the

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following plans:

- a. Proposed Site Plan - 10 - Rev H (Received 23/01/2025).
- b. Cycle Store Internal Layout – Rev A - (Received 23/01/2025).
- c. Bin Storage and Substation Details - Rev D - (Received 23/01/2025).
- d. Location Plan - 00 - Rev A - (Received 17/03/2025).
- e. Proposed Elevations - 30 - Rev G (Received 15/08/2022).
- f. Proposed Long Elevations 31 - Rev F (Received 15/08/2022).
- g. Proposed Materials - 40 - Rev D (Received 22/08/2022).
- h. Proposed Floor Plans - 20 - Rev G (Received 10/08/2022).
- i. Access Wall Statement (Received 25/07/2022).
- j. Swept Path Analysis - 0133 - SP03- Rev B - (Received 21/07/2022).
- k. Proposed Access Details - 17 - Rev B - (Received 10/08/2022).
- l. Drainage Strategy Calculations - Rev 01 - (Received 26/05/2022).
- m. Proposed Balcony Details 41 - Rev A- (Received 26/05/2022).
- n. Illustrative Images of Juliette Balconies (Received 29/04/2022).
- o. Design and Access Statement (Received 29/04/2022).
- p. Energy and Sustainability Statement (Received 29/04/2022).
- q. Tree Survey - 19115/A2_AIA AMS - rev A (Received 29/04/2022).
- r. GroundSure Risk Screening Report (Received 29/04/2022).
- s. Parking Statement (Received 29/04/2022).
- t. Planning Statement (Received 29/04/2022).
- u. Heritage Statement (Received 29/04/2022).
- v. Preliminary Ecological Appraisal (Received 29/04/2022).
- w. Transport Note (Received 29/04/2022).

Reason: For the avoidance of doubt.

Pre Commencement

2) Contaminated Land

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. 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

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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.

F. 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 do not result in increased risk to the environment or human health.

Reason: To prevent contamination in the interests of human health in accordance with Core Strategy policy CS19 and Policy ENV5 of the Unitary Development Plan. This information is required before development commences because work without an appropriate strategy could result in pathways for contaminated ground to leave the site.

Pre Slab Level Construction

3) Levels

The development shall be carried out in accordance with the approved level details approved under 22/00263/DISCON FUL.

Reason: To ensure an acceptable visual appearance to the development and to protect the outlook and privacy of neighbours.

4) Material Samples

The agreed samples (approved under 24/00152/DISCON) shall then be used and retained hereafter.

Reason: In the interest of good design and to comply with Policy CS19 of the Core Strategy, adopted January 2016.

Pre Occupation

5) Lighting Scheme

The agreed lighting samples (approved under 24/00152/DISCON) shall be used and retained hereafter.

Reason: In order to avoid harmful effects from lighting on bats habitats.

6) Car Park Management Scheme

The development shall not be brought into use until a Car Park Management Plan has been submitted to and agreed by the Local Planning Authority. For the avoidance of doubt, the plan shall set out the frequency and extent of the monitoring regimes with details of how the management will inform the occupiers of the limited parking available and the potential penalties for inconsiderate parking.

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Reason: To ensure a satisfactory regime of car parking management to prevent excessive car parking on the highway. In the interests of highway and pedestrian safety and to comply with Policy CS7 of the Core Strategy, adopted January 2016

7) Cycle Parking

No dwelling unit hereby permitted shall be occupied until the cycle parking spaces hereby approved have been provided in accordance with the scheme details. The cycle storage so provided shall thereafter be made available for such purposes at all times that the dwellings are in use.

Reason: In the interest of sustainable transport provision to encourage travel to/from the site by sustainable modes. To ensure that adequate provision is made for parking cycles and motorcycles on the site and to comply with Policies CS7 and CS19 of the Core Strategy, adopted January 2016.

8) Bird Boxes

The bird boxes (approved under 24/00152/DISCON) shall be used and retained hereafter. Prior to occupation of any dwellings, photos demonstrating compliance with the agreed plans shall have been submitted to and been approved by, the local planning authority.

Reason: In order to provide habitats for wildlife.

9) Sustainable Drainage Maintenance

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 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 inspection 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.

10) Electric Vehicle Charging Points

No dwelling shall be occupied until at least 4 outdoor, weatherproof electric vehicle charging point readily accessible from a dedicated parking space have been installed to serve the dwellings and are operational.

All charge points shall be:

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

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

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 and NPPF Para 110.

11) Full Fibre Broadband

No dwelling hereby approved shall be occupied until a full fibre broadband connection to the dwelling has been installed and made available for use.

Reason: To support economic growth in accordance with NPPF Para 112.

Other Conditions

12) Shrub Clearance

No tree felling, scrub clearance, vegetation management or building works are 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 buildings, 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 must be submitted for approval to the local planning authority prior to the undertaking of any works.

Reason: In the interests of biodiversity conservation and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016.

13) Hedgehog Avoidance Measures

During construction works the following measures shall be undertaken to reduce the potential impact on hedgehogs:

- Any trenches dug during the course of construction works must provide a means of escape (e.g., a ramp);
- Materials used during the construction works should be stored away from mammal pathways; and
- Any hedgehog found during construction works should be relocated to the retained woodland area on the northeast of the site.

Reason: In the interests of protecting hedgehogs in accordance with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016.

14) Gates

No gates or other means of obstruction shall be erected across the vehicular access formed as part of this development.

Reason: In the interests of highway safety to prevent vehicles waiting on the adjacent highway and to comply with Policies CS7 and CS19 of the Core Strategy, adopted January 2016.

15) Number of Dwellings

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The number of units/bedrooms to be provided at any time within the development hereby permitted shall not exceed 40 apartments at any one time.

Reason: To prevent an excessive use of the premises, in the interests of protecting the residential environment of the neighbourhood and preventing parking of vehicles taking place outside the site and to comply with Policies CS7 and CS19 of the Core Strategy, adopted January 2016.

16) Hours of Construction

No construction work, 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 hours Saturday.

No work shall take place on Sundays or on 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.

INFORMATIVES

N/A

<u>Signed Case Officer¹:</u>	<u>Andrew Hunt</u>
<u>Signed Authorising Officer²:</u>	<u>Jo Sheridan</u>
<u>Date:</u>	<u>03/04/2025</u>

1 I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

2 I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

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