

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 26/00314/FUL **CASE OFFICER:** Andrew Hunt

WARD: Whitefield **PARISH:** N/A

LOCATION: Car Park, St Chads Drive, Kirkby Town Centre, Knowsley, L32 8RE

PROPOSAL: SECTION 73 FOR THE VARIATION OF CONDITION 2 (APPROVED PLANS AND DOCUMENTS) ATTACHED TO PLANNING PERMISISON 23/02815/FUL (ERECTION OF A 53 NO. APARTMENT RETIREMENT LIVING DEVELOPMENT (USE CLASS C3), LANDSCAPING, CAR PARKING AND ALL ASSOCIATED WORKS) TO CHANGE FROM OLDER PERSONS HOUSING TO 100% SOCIAL HOUSING PREVIOUSLY AMENDED BY APPLICATION 23/02815/NMA1 (NON MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 23/0815/FUL (ERECTION OF A 53 NO. APARTMENT RETIREMENT LIVING DEVELOPMENT (USE CLASS C3), LANDSCAPING, CAR PARKING AND ALL ASSOCIATED WORKS) TO AMEND THE DESCRIPTION OF DEVELOPMENT TO - ERECTION OF A 53 NO. APARTMENT DEVELOPMENT (USE CLASS C3), LANDSCAPING, CAR PARKING AND ALL ASSOCIATED WORKS

Site Description

The site subject of the application is an area of land approximately 0.35ha in area, situated between St Chad's Drive to the west and County Road to the east. To the north of the site is an St Chads Medical Centre and to the south is Kirkby Police Station. Between the site and the medical centre, is an adopted footpath that links St Chad's Drive to County Road. The site is located within Kirkby Town Centre and is currently utilised as a surface level car park which serves visitors to Kirkby Town Centre.

The site slopes from higher ground in the west to lower ground in the east towards County Road.

The site lies within Flood Zone 1.

Proposal

The proposal is for a variation of condition 2 (approved plans and comments) attached to planning permission 23/02815/FUL. Previously amended by application 23/02815/NMA1 - (NON MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 23/0815/FUL (ERECTION OF A 53 NO. APARTMENT RETIREMENT LIVING DEVELOPMENT (USE CLASS C3), LANDSCAPING, CAR PARKING AND ALL ASSOCIATED WORKS) TO AMEND THE DESCRIPTION OF DEVELOPMENT TO - ERECTION OF A 53 NO. APARTMENT DEVELOPMENT (USE CLASS C3), LANDSCAPING, CAR PARKING AND ALL ASSOCIATED WORKS

The main change in the current application is to formally change the proposal from older persons housing to 100% social housing. There would be no other changes including to design and layout. Works have already commenced on the development.

Consultations

Keppie Massie (Viability) – The addition of any section 106 obligations would make the proposal unviable. A grant in the region of £75,500 per unit would be required to deliver a viable scheme capable of funding the required S106 contributions. The outturn land value confirms that even absent of planning contributions, the application proposals based on 100% market sale are not viable.

Representations

This application has been publicised by letters sent to 176 neighbours and by site and press notices. No objections have been received.

Planning History

23/02815/NMA1 - NON MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 23/02815/FUL (ERECTION OF A 53 NO. APARTMENT RETIREMENT LIVING DEVELOPMENT (USE CLASS C3), LANDSCAPING, CAR PARKING AND ALL ASSOCIATED WORKS) TO AMEND THE DESCRIPTION OF DEVELOPMENT TO - ERECTION OF A 53 NO. APARTMENT DEVELOPMENT (USE CLASS C3), LANDSCAPING, CAR PARKING AND ALL ASSOCIATED WORKS – granted 26..04.2026

23/02815/FUL - ERECTION OF A 53 NO. APARTMENT RETIREMENT LIVING DEVELOPMENT (USE CLASS C3), LANDSCAPING, CAR PARKING AND ALL ASSOCIATED WORKS – granted - 26.04.2024

Relevant Policy

Policy S3 (Presumption in favour of sustainable development) of the NPPF states that

1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:
 - a. Policy S4 in this Framework should be applied when considering development proposals within settlements;
 - b. Outside settlements, policy S5 should be applied; and
 - c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.

Policy S4: Principle of development within settlements states that:

1. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

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
CS15 - Delivering Affordable Housing
CS27 - Planning and Paying for New Infrastructure

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

N/A

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.

Assessment

The main change in the current application is to formally change the proposal from older persons housing to 100% social housing. There would be no other changes including to design and layout.

Affordable Housing

Part 1 of Core Strategy Policy CS15 (Delivering Affordable Housing) states that within all proposed market sector housing developments which have a capacity of 15 dwellings or more, a minimum provision of affordable housing will be sought as follows: 10% on sites within the current urban area

The proposal would provide 100% social rented housing and would therefore comply with Core Strategy Policy CS15.

Viability

Part 6) of Core Strategy Policy CS27 (Planning and Paying for New Infrastructure) states that where a developer believes that meeting policy requirements in relation to developer contributions would place development at risk, the developer will be required to submit development-specific economic viability evidence to support this position. Such evidence must clearly account for site-specific circumstances and costs and must be undertaken objectively and transparently, in order that it can be scrutinised by the Council.

The previous application would normally have included the following infrastructure payments, however, following review of a submitted viability assessment, it was found that this would make the development unviable and as a result no contributions were viable.

- Social Value: £3,710
- Open Space: £87,181.20

A new Viability Assessment has been produced that assesses the viability of providing market housing. This concludes that there is no ability for the site to contribute to payments previously sought by the Council. This has been reviewed by the council's viability consultants who have concluded that the addition of any section 106 obligations would make the proposal unviable. A grant in the region of £75,500 per unit would be required to deliver a viable scheme capable of funding the required S106 contributions.

The outturn land value also confirms that even absent of planning contributions, the application proposals based on 100% market sale are not viable.

Overall, it has been demonstrated through a robust viability assessment that no financial contributions to infrastructure are viable at the site. Therefore, the proposal complies with Core Strategy Policy CS27.

Other Considerations

No changes are proposed to the plans and elevations approved and it is considered that there would be no material planning impacts on amenity, highways etc.

Conditions

The following conditions have already been discharged under 23/02815/cond1

- Condition 8 – Photovoltaic Installation
- Condition 12 – Highways Improvements
- Condition 21 – Tree Protection Measures

The following conditions have also been discharged under the following application: 24/00520/DISCON:

- Condition 3 - Landscape and Habitat Management Plan

- Condition 4 – Materials
- Condition 5 – Lighting
- Condition 7 – Bat and Bird Boxes,
- Condition 9 – Cycle Store
- Condition 14 – SUDS
- Condition 15 – Noise
- Condition 20 - Site Waste Management Plan

Conclusion

The proposal would be acceptable in relation to providing affordable housing and it has been demonstrated through a viability assessment that infrastructure contributions are not viable. The application complies with local planning policies and is recommended for approval.

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 approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 2) No tree felling, scrub clearance, hedgerow removal, vegetation management, or ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To mitigate for the loss of bird nesting habitat and to ensure compliance with Policy CS8 in the Knowsley Local Plan Core Strategy adopted 2016.

- 3) The Construction Phase Health and Safety Plan (submitted 26/03/2024) shall be implemented in full for the duration of the site preparation and construction phase

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with saved Policies H5, and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and Policy CS2 of the Core Strategy, adopted January 2016.

- 4) The development shall not be brought into use until the areas indicated on Site Plan Drawing 1002 Rev P1 be set aside for parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter.

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

- 5) Within 6 months of the development reaching 50% occupation, a review of the travel plan approved as part of this permission shall be submitted to and approved in writing by the Council as Local Planning Authority. The travel plan shall be implemented in accordance with the timetables and targets contained therein and shall continue to be implemented subject to any modifications agreed by the County Planning Authority in writing as part of an annual review.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

- 6) Fixed plant and machinery associated with the development shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for rating and assessing industrial and commercial sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property (properties sited at Burnard Close and Westhead Avenue).

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

- 7) Contaminated Land

A. No development shall take place until a report, detailing the further investigations and chemical analysis that have been undertaken in the vicinity of WS10 and WS6, to assess the risks associated with hydrocarbon contamination (as detailed in the Patrick Parsons site investigation report) has been submitted to, and approved in writing by, the Local Planning Authority. Prior to any further ground investigations or chemical analysis 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).

B. 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. Where soils need to be

imported to site (or site won topsoil is to be reused) the remediation method statement must set out a suitable methodology for testing of this material. 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.

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

8) Remediation and Validation: (prior to occupation)

A. 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.

B. 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.

C. Importation and Reuse of Soil/Material:

No soil is to be imported to the site (or site won topsoil reused) until it has been tested for contamination and assessed for its suitability for the proposed development in accordance with the remediation scheme required by condition 19. The analysis shall 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 environment and to comply with Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

9) Materials Management Plan (prior to commencement)

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.

Reason: In the interests of safety, to prevent pollution of the environment and to

comply with Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 10) The tree protection measures outlined within the Arboricultural Method Statement shall be implemented in full

Reason: To protect existing trees within the site in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 11) All hard and soft landscape works shall be carried out in accordance with the approved details shown on the plans outlined in Schedule 1. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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, Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and the National Planning Policy Framework.

Signed Case Officer¹: **Andrew Hunt**

Signed Authorising Officer²: **Alan Kilroe**

Date: 21 August 2026 _____

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

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
21/07/2026	1000	P2	Location Plan
13/07/2026	-	-	Planning & Affordable Housing Statement

08/07/2026	-	-	Addendum Financial Viability Assessment
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Informatives

1) N/A