

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 24/00152/FUL **CASE OFFICER:** Andrew Hunt

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

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

PROPOSAL: 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

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 to reduce the number of electric vehicle charging points from 11 to 4. This is a variation of condition application to vary application 22/00263/FUL (erection of 40 dwellings plus ancillary development).

Consultations

N/A

Representations

This application has been publicised by letters sent to 67 neighbours and by site and press notices. No representations have been received.

Planning History

A recent application – (22/00263/FUL) - which this application varies) for the erection of 40 dwellings and ancillary development was approved (28/02/2023).

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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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

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 for a reduction in electrical vehicle charging points from 11 to 4. As the proposal only changes this element, only the effect of this change will be considered.

EV CHARGEPOINTS

Previously the layout of the site included 11 electric vehicle charging points, this was approximately 1 in every 2 spaces as there were 22 parking spaces proposed. This would change to 1 in every 5.5 parking spaces. Given the demographics of the site with over 55's, it is expected that there will be a lower rate of car ownership compared to a general market

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development as some residents are likely to have restricted mobility. This is supported by a statement submitted by the applicant where the experience of the social housing provider is that only a limited number of persons have cars as their residents are on average more likely to be of lower income.

Overall, the ratio of 1 charger per 5.5 parking spaces is considered to be a reasonable number and will still provide sufficient electric vehicle infrastructure on site.

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 of application 22/00263/FUL.

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 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

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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/FUL.

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

4) Material Samples

No development above slab level shall be commenced until samples of the materials to be used in the development have been submitted to and been approved by the local planning authority. The agreed samples 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

Prior to the occupation of any dwelling or the erection of any lighting a lighting scheme shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be designed so that it protects ecology and does not result in excessive light spill onto habitats in line with the Bat Conservation Trust's guidelines:

<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

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.

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

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7) Cycle Parking

No dwelling unit hereby permitted shall be occupied until cycle parking spaces have been provided in accordance with scheme details, that have first been submitted to and approved in writing by the Council as the Local Planning Authority. The cycle storage so provided shall thereafter be made available for such purposes at all times that the dwellings are in use. For the avoidance of doubt, the long stay cycle parking for one cycle per dwelling must be covered and offer a means to secure the cycles. Six secure cycle structures such as Sheffield stands for visitors must be set out on the site, these can be uncovered but overlooked.

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

Prior to the occupation of the development, details of bird nesting boxes shall have been submitted to and been approved by the local planning authority (e.g. number, type and location on an appropriately scaled plan) and timing. These shall be installed prior to occupation of any dwellings and retained hereafter in accordance with the approved details.

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

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c) 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 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.

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15) Number of Dwellings

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

1) United Utilities' Property, Assets and Infrastructure

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction. For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk
Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

2) Fire Safety

- Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.
- Water supplies for fire-fighting purposes should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied.
- Housing - The premises should comply with Section 55 of the County of Merseyside Act 1980

3) Protected Species

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The applicant, their advisers and contractors should be made aware that if any bat species are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.

4) Drainage Scheme

The proposed drainage scheme shall incorporate measures to avoid drainage impacts on neighbouring properties.

5) General Highways Agreement

It is an offence to carry out any works within the public highway without the permission of the Highway Authority. The developer will be required to enter into an agreement with the Council to enable the works to be carried out. The applicant is advised to contact Mason Steele, t: 0151 443 2329, email: mason.steele@knowsley.gov.uk to discuss the matter further.

6) Japanese Knotweed

If any Japanese Knotweed is on site they must be appropriately treated and disposed of in accordance with the Wildlife and Countryside act.

<https://www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading>

<u>Signed Case Officer¹:</u>	<u>Andrew Hunt</u>
<u>Signed Authorising Officer²:</u>	<u>K Foster</u>
<u>Date:</u>	<u>19 September 2024</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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