

Regeneration and Economic Development Department

APPLICATION NO: 21/00534/FUL

APPLICANT: Prima Group

WARD AFFECTED: Page Moss

DEVELOPMENT: ERECTION OF PART 2, PART 3 STOREY APARTMENT BLOCK (BLOCK A) COMPRISING 11 NO. APARTMENTS (6NO 2 BED APARTMENTS _ 5NO. 1 BED APARTMENTS) USE CLASS C3, INCLUDING DEMOLITION OF SUB STATION, REVISED BOUNDARY TREATMENTS ,ASSOCIATED PARKING AND ANCILLARY WORKS. (AMENDMENT TO PLANNING PERMISSION 18/00237/FUL)

LOCATION OF SITE: 41 Dinas Lane, Roby, L36 2NL

KNOWSLEY LOCAL PLAN ALLOCATION –

Primary Residential Development - Primary Residential Development

RELEVANT POLICIES

KNOWSLEY LOCAL PLAN: CORE STRATEGY

SD1 - Sustainable Development
CS1 - Spatial Strategy for Knowsley
CS2 - Development Principles
CS3 - Housing Supply, Delivery and Distribution
CS7 - Transport Networks
CS19 - Design Quality and Accessibility in New Development
CS24 - Managing Flood Risk

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

H5 - Development within Primarily Residential Areas
DQ2 - Security in the Built Environment
ENV2 - Noise and Vibration
ENV5 - Contaminated Land

National Planning Policy Framework

TECHNICAL CONSULTATIONS:

United Utilities Water Ltd - **No objections subject to surface water drained at restricted rate.**
Housing Strategy - **No comments**
Highway Authority - **No objections subject to planning conditions.**
Environmental Health - **No objections subject to planning conditions covering contaminated land and construction management.**
LLFA/Drainage - **No response received.**

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 50 neighbours. It has also been advertised by Site Notice and a Press Notice.

There have been 2 letters of objection, 0 letters of support and 1 letter of comment. The representations are summarised as follows:-

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- Object to three storey building in an area with two storey houses due to overshadowing, loss of light, over bearing nature of proposal, loss of value to property & noise and disturbance.
- Why has the application changed from two storey to three storey ?
- Concern about height and loss of privacy.
- Concern about flooding and the impact on drainage.
- Concern about excessive dust and noise from works traffic.
- The dividing wall between the application site and Bethany gospel hall has a crack in it and could be dangerous.

ARTICLE 35

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.

PLANNING HISTORY

APP. NO:	74/10811/HIST
PROPOSAL:	ERECTION OF COLD ROOMS FOR MILK STORAGE PURPOSES/CONDITIONS
DECISION:	PER
DECISION DATE:	22 April 1988
APP. NO:	07/00489/FUL
PROPOSAL:	ERECTION OF 40 BEDROOM NURSING/RESIDENTIAL HOME (EXISTING MILK DISTRIBUTION DEPOT TO BE DEMOLISHED).
DECISION:	PER
DECISION DATE:	23 October 2007
APP. NO:	18/00237/FUL
PROPOSAL:	ERECTION OF 2NO PART TWO STOREY, PART THREE STOREY APARTMENT BLOCKS, COMPRISING (BLOCK A) 18 BED RESIDENTIAL CARE FACILITY (USE CLASS C2) AND (BLOCK B) 10 NO. 1 BED APARTMENTS (USE CLASS C3), TOGETHER WITH ASSOCIATED DEVELOPMENT
DECISION:	PER
DECISION DATE:	3 August 2018

ISSUES AND ASSESSMENT:

PROPOSAL

This application relates to part of a larger site on Dinas Lane , Huyton which was granted planning permission in 2018 for “*ERECTION OF 2NO PART TWO STOREY, PART THREE STOREY APARTMENT BLOCKS, COMPRISING (BLOCK A) 18 BED RESIDENTIAL CARE FACILITY (USE CLASS C2) AND (BLOCK B) 10 NO. 1 BED APARTMENTS (USE CLASS C3), TOGETHER WITH ASSOCIATED DEVELOPMENT* “

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The current site owner considers that the proposed C2 use for Block A is no longer viable and therefore this application is for the erection of a three storey building comprising 11 apartments (Use Class C3) The footprint and elevations of the proposed building are very similar to that approved under the earlier planning permission ref 18/00237/FUL.

The site access remains unchanged however the proposed car parking has been changed from the original proposal to accommodate additional parking spaces.

POLICY CONSIDERATIONS

The principle of residential development has already been accepted on this site by the granting of the previous planning permission 18/00237/FUL. Subject to appropriate planning conditions the current proposal is considered to be in compliance with the relevant Local Plan and Saved UDP policies listed above.

DESIGN AND LAYOUT

The design of the proposed Block A is very similar to the approved building in terms of building footprint, position within site and building elevations.

The building height remains the same as previously approved. The differences relate to the window design , with the incorporation of larger windows in the two storey elements of the building and the inclusion of an additional 2nd floor window in the rear elevation of the building to present a more uniform appearance.

The materials proposed for Block A are the same as already approved for Block B with the exception of the areas of render on the building being replaced with slate grey hard plank cladding and the entrance door is now proposed to be aluminium instead of UPVC. The materials proposed are considered to be acceptable. (*the applicant intends to submit a further application to change the materials on Block B from render to cladding so the materials on both buildings would match*). Therefore the design now proposed would be in compliance with Local Plan policy CS19.

In terms of the site layout the only differences to the approved scheme are that the proposed sub station to the front would be removed which would be replaced by additional landscaping and the amount of private garden to the rear of Block A would be reduced to accommodate additional car parking. These changes are considered to be acceptable and would accord with Local Plan policy CS19.

HIGHWAY CONSIDERATIONS

The site access remains unchanged from the approved proposal (ref 18/00237/FUL). A total of 27 car parking spaces would now be proposed to serve apartment blocks A and B which equates to 1 space per apartment and 6 visitor/additional spaces. This level of car parking provision is considered to be acceptable. Six electric vehicle charging points are proposed to the rear of Block A which would accord with the requirements in the "New Residential Development" supplementary planning document.

Provision is also made for 20 cycle spaces and 4 motorcycle spaces to serve both blocks the precise details of which can be secured by planning condition.

The proposal is considered to be in accordance with Local Plan policy CS7 and guidance in Ensuring a Choice of Travel SPD.

RESIDENTIAL AMENITY

In relation to the neighbour representations received it should be noted that the approved Block A building was part 2 and part three storey the same as the current proposal. Therefore the impacts of

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this current proposal in terms of the effects on local residents are no greater than the approved scheme.

The main impacts to consider would on the amenity of the neighbouring occupiers in terms of loss of privacy and loss or light/overbearing impact. The interface distances between the front elevations of Block A and the existing dwellings opposite on Dinas Lane vary between 24.4m and 28m which are in excess of the minimum interface distance requirements set out in the New Residential Development SPD. These interface distances even with part of the building being three storey in height would not be detrimental to residential amenity or result in any significant loss of light or overshadowing. The proposal in this respect is considered to be in compliance with Local Plan policy CS19 and the New Residential Development SPD.

The control of noise and dust during the construction of the development can be secured by planning condition requiring the submission, approval and implementation of a Construction Management Plan. (CMP) As the CMP condition from the original permission has not yet been discharged then the same condition can be repeated on this permission.

The existing boundary wall to the side (adjacent to Bethany Hall) and rear of the site is proposed to be demolished as recommended by a structural engineer. A suitable replacement boundary treatment can be secured by planning condition.

OTHER ISSUES

Contaminated Land

The application site has previously been investigated under 18/00237/FUL and a remediation scheme approved Therefore a planning condition would be required to ensure that the approved remediation scheme is implemented and a verification report submitted for approval.

Flood Risk and Drainage

A drainage statement, suds proforma and drainage calculations were submitted to support the planning application. It is proposed that the foul drainage connect to the existing sewer in Dinas Lane. The site is considered unsuitable for soakaways or infiltration due to the ground conditions so it is proposed that the surface water connects into the existing system on Dinas Lane. United Utilities have confirmed that the drainage strategy is acceptable in principle provided the surface water drains at a restricted rate of 5 litres per second. This can be secured by an appropriate planning condition.

A planning condition for a detailed surface water drainage scheme attached to the original planning permission has not yet been discharged so the same condition can be attached to this new permission.

Trees

Whilst there are no trees within the site there are some existing trees to the boundaries. In order to protect their root system during construction works (in particular when the existing hard surfaces are dug up), an Arboricultural Method Statement was submitted and approved pursuant to the original permission. The development should be carried out in accordance with the approved method statement and this can be secured by planning condition.

Planning Obligations

Public Open Space

As the proposed development exceeds 10 dwellings an off site planning contribution towards improvement to public open space would be required. This would comprise the following :-

Parks & Gardens - £6,358.52

This will be used for the Roby Field pathway project.

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Amenity Greenspace - £993.44

This will be used for the Woolfall Heath Meadow restoration project.

Provision for Children and Young People - £856.24

This will be used for the Jubilee Park Toddler Play Improvement Project.

Outdoor Sports Provision - £4,590.04

This will be used for the Jubilee Park football hub project.

Total Contribution required = £12,798.24. This will be secured by a S106 agreement in accordance with the Developer Contributions SPD.

AFFORDABLE HOUSING

The applicant is a housing association and registered provider and 100% of this development would be affordable housing (affordable rent) . In the event that the dwellings are sold on then we need to secure that 10% of the dwelling remain as affordable housing in perpetuity.

This can be secured by a S106 legal agreement.

Works have already commenced to Block B which was approved under ref 18/00237/FUL and therefore these planning obligations relate only to the current application site which is being considered as a standalone application.

CONCLUSION AND REASON FOR DECISION.

The principal of residential development on this site including the scale and height of the buildings was established under the original planning permission 18/00237/FUL. The revised elevations and layout are considered to be acceptable and would provide a satisfactory level of amenity for the residents together with an acceptable level of car parking for residents and visitors.

Contaminated land, construction management plan and surface water drainage can be dealt with by appropriate planning conditions, where necessary taking account of scheme approved to date under the original consent.

Improvements to off-site public open space provision and the requirement to secure 10% affordable housing can be secured through a S106 legal agreement.

The proposal would be in compliance with the relevant Local Plan and saved UDP policies and guidance in NPPF.

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.

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Reason: For the avoidance of doubt.

- 3) 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,
- 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) existing plants / trees to be retained
- e) 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 Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

- 4) The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement Ref No 21-005 approved pursuant to Condition 5 attached to planning permission 18/00237/FUL.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 5) The development hereby permitted shall not be commenced until a scheme for the provision and implementation of a surface water regulation system to manage the risk of flooding from both overland flow and from the sewer network, has been submitted to and approved in writing by the Local Planning Authority. [The scheme shall include hydraulic calculations for a 1 in 30 yr storm and a 1 in 100yr storm with 30% climate change.] The agreed scheme shall be implemented prior to the first occupation of the development.
For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s. No surface water will be permitted to drain directly or indirectly into the public foul or combined sewer.

The surface water drainage scheme should be consistent with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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Reason: To prevent increased risk of flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to comply with saved Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

- 6) If the sustainable drainage system is not adopted by a public body or statutory undertaker then, prior to first occupation, a Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority.

This shall include:

- a) details of provision for management and maintenance by a resident's management company.
- b) A schedule for on-going inspections relating to performance and condition.
- c) Details for planned maintenance and a mechanism for remedial and urgent repair works.
- d) Means of access for inspection and maintenance purposes.

The plan shall be implemented and completed in accordance with the agreed timescales 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 (January 2016).

- 7) A. Implementation of Approved Remediation Scheme and Verification Report

The remediation scheme approved pursuant to Condition 8 attached to Planning Permission 18/00237/FUL 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. Materials Management Plan

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, carried out in line with the CL: AIRE code of practice and 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.

- D. 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

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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) No part of the development hereby permitted, including any works of demolition, shall be commenced until a Construction Management Plan that details the means of mitigation of construction effects has been submitted and agreed in writing by the Local Planning Authority. This shall include the following:
- a) Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.
 - b) Methods for dust control and suppression.
 - c) Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
 - d) Methods for the control of pests if apparent on-site.
 - e) The areas for the storage of plant and materials.
 - f) A programme of works, including phasing
 - g) Location of site compound, including any loading/unloading areas, turning areas for delivery vehicles and construction staff parking arrangements.
 - h) Scheme for recycling/disposal of waste resulting from demolition and construction works
 - i) Adequate provision for addressing any abnormal wear and tear to the highway.
 - j) Proposed hours of construction (the following is usually acceptable: 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday and not at all on Sundays/Public Holidays).

All site works shall then proceed only in accordance with the approved management plan

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 part of the development shall be brought into use until visibility splays of 43 metres at a distance of 2.4m from the carriageway edge have been provided at the proposed (site access) junction with Dinas Lane. The splays shall be provided clear of obstructions to visibility above the height of 0.6 metres measured from the footway/verge level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.

Reason: To ensure adequate visibility at the junction or site access is made and maintained, and to comply with Policy CS19 of the Core Strategy, adopted January 2016.

- 10) Notwithstanding the details submitted the development hereby permitted shall not be brought into occupation until a scheme for the provision of cycle and motorcycle parking, in accordance with the Council's current standards, has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles. Motorbike storage should provide a means for securing the motorbike.

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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.

- 11) Notwithstanding the details submitted prior to the first occupation of the development hereby permitted full details (including elevations and materials) of the bin stores/storage shed shall be submitted to and approved in writing by the Local Planning Authority. The bin stores/sheds shall be constructed in accordance with the approved details and made available for use prior to the first occupation of the building. They shall then be retained thereafter.

Reason: In the interests of residential amenity and to ensure compliance with Policy CS19 of the Core Strategy, adopted January 2016.

- 12) The development shall not be brought into use until the areas indicated on the submitted layout plan L102 Rev B to 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 and shall be permanently 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.

- 13) Notwithstanding the details submitted no part of the development hereby granted permission shall be occupied until details of all means of enclosure (including walls, fences and gates) and a programme for its implementation have been 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 the approved details.

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

- 14) No apartment shall be occupied unless and until the electric vehicle charging points indicated on the site layout plan have been installed and are operational . The approved infrastructure shall be permanently retained thereafter.

All chargepoints 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 park/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.

- 15) No external lighting shall be installed /erected until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority.

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For the avoidance of doubt, the scheme shall include drawings of the lighting and lighting columns, a site layout indicating positions of the lighting, isolux and luminosity details and manufactures specifications.

The lighting shall be installed only in accordance with the approved scheme.

Reason: In the interests of residential amenity and security and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and save Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 16) No building hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the development has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior to occupation and made available for use immediately on occupation of any dwelling in accordance with the approved details.

Reason: To ensure that every dwelling has a full fibre broadband connection in accordance with paragraph 112 of the National Planning Policy Framework.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
25/06/2021	PL 101	-	SITE LOCATION PLAN
23/09/2021	PL 102	B	SITE LAYOUT PLAN
25/06/2021	PL 103	-	PROPOSED GF PLAN
25/06/2021	PL 104	-	PROPOSED FF PLAN
25/06/2021	PL105	-	PROPOSED 2ND FLOOR PLAN
25/06/2021	PL106	-	PROPOSED ROOF PLAN
25/06/2021	PL107		PROPOSED ELEVATIONS

Informatives

- Pursuant to condition 10 in accordance with DfT Cycle Infrastructure Design July 2020 (Local Transport Note 1/20) Page 135, sheffield stands should have minimum 1.0m spacing between each stand with minimum 0.5m gap between the stand and shelter wall (in this circumstance a 10m length would be required). The 8.1m length currently proposed is then considered too short to sufficiently accommodate 20 bicycles.
- 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 SiteDevelopment@knowsley.gov.uk to discuss the matter further.
- Prior to the commencement of the development, a joint inspection between the applicant and the Council as Local Highway Authority of the condition of the existing footways/carriageways in the vicinity of the site should be carried out. The applicant is advised to contact SiteDevelopment@knowsley.gov.uk to discuss the matter further.
- The applicant is reminded that the driveways should be engineered such that surface water is not allowed to drain onto the public highways

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- 5 See attached consultation response from united Utilities
- 6 See attached Consultation Response from Merseyside Fire Authority

Mark Quinn

26 January 2022

Alan Kilroe
26 January 2022