



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 24/00341/FUL

Name and address of applicant

Mr James Clifton
259 Greenhill Road
Allerton
Liverpool
L18 9AU

Name and address of agent

Mr Rob Jones
8 Stiles Road
Kirkby
Liverpool
L33 4EA

Date of Receipt: 18 June 2024

Date Valid: 8 July 2024

Address/Location Of Development:

Land Adj 2 Roseheath Drive
Halewood
Knowsley
L26 9UH

Description of Development:

**VARIATION OF CONDITION 2 ATTACHED TO PLANNING PERMISSION
23/01713/FUL (ERECTION OF 2NO. SEMI DETACHED HOUSES AND
ASSOCIATED WORKS) TO ALLOW FOR THE REPOSITIONING OF THE 2NO.
SEMI-DETACHED HOUSES.**

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following condition(s):

1. 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. The hours of construction, and deliveries, shall only take place 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday and not at all on Sundays or Public Holidays.

Reason: In the interests of protecting the amenity of neighbouring occupiers and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy

adopted January 2016 and Saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and full specification of materials to be used externally on the dwellings hereby permitted 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 and 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 the National Planning Policy Framework, Policies CS2 and 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.

4. The parking provision shown within the curtilage of each dwelling, and the ECVP shown on the external wall of each dwelling, on the approved plans shall be provided prior to first occupation of the dwelling to which it relates. The parking area shall be permeable in accordance with the submitted details, and the EVCP shall be to the submitted specifications and design. For the avoidance of doubt surface water shall not drain onto the public footpath and highway. The parking areas shall be made available for the intended use at all times thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

5. Notwithstanding any submitted details no dwelling shall be first 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 of works.
- d) Existing plants / trees to be retained
- e) Detailed regime for the ongoing and longer term maintenance of all soft landscaping.

For the avoidance of doubt the scheme shall include bird nesting boxes, details to be provided with the landscaping scheme.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates or the following October - March following occupation in the case of the soft landscaping works if the dwellings are completed in the period April - September.

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 to comply with Policy 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. Details of the colour of the meter cupboard doors shall be submitted to and agreed in writing with the Local Planning Authority prior to installation, and the meter cupboard doors installed in accordance with the agreed details.

Reason: 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 H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

7. 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 dwelling being first occupied.

Reason: In the interests of human safety and the water environment and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

8. 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 in writing 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 human safety and the water environment and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

9. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 1 a) - f) and 2 a) - b), or any amendments made to that Order, shall not apply:

- (i) no extensions shall be carried out to the dwellings;
- (ii) no garages or carports shall be erected within the curtilage of the dwellings;
- (iv) no buildings or other structures shall be erected within the curtilage of the dwellings;
- (vi) no dormer windows shall be added to the dwellings

unless on application to the Local Planning Authority, planning permission for such development has been granted.

Reason: To protect the residential and visual amenities of the dwellings and area and to comply with Policies CS2 and 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
27/06/2024	0001-03 - SECTION 73	-	STREET SCENE
27/06/2024	0001-02 - SECTION 73	-	PROPOSED PLANS AND ELEVATIONS INC. EVCP AND BAT BOX BRICK DETAILS
09/09/2024	0001-01 - SECTION 73	A	LOCATION PLAN AND PROPOSED SITE PLAN SHOWING VIEWLINE FROM WINDOW OF NEIGHBOURING HOUSE

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance:-

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

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

H5 - Development within Primarily Residential Areas

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Lee Osborne on 0151 443 2395)

ARTICLE 35 STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

NOTE FOR APPLICANT:

IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

- 2) This permission is granted subject to conditions and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
 - a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached then you will be liable to a breach of condition notice.



Executive Director - Regeneration and Economic Development

Date: 19 September 2024

IMPORTANT NOTES FOR YOUR ATTENTION:

- 1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.**
- 2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.**
- 3. You should ensure that you understand the requirements of all planning conditions and that you fully comply with their requirements. If you are in any doubt about what a condition requires of you, please ask us for assistance. Planning conditions may require you to submit further information to us and await our approval before you can start your development. A failure to do so could result in your development being unlawful and necessitate the submission of a further planning application. A failure to comply with the conditions of the permission/consent may result in the taking of enforcement and potentially legal action, against you to remedy the breach of planning control.**
- 4. A fee is normally payable to discharge planning conditions in accordance with government regulations.**
- 5. This permission does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by you, including on party boundaries. You should satisfy yourself that the agreement of any adjoining landowners has been given prior to commencing any building works.**
- 6. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works. Knowsley Council's Building Control team are contactable on (0151)-443 2342 and they would be pleased to assist you.**

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.