

Planning Obligation by Deed of Agreement under Section 106 of the Town and Country

Planning Act 1990

relating to land bounded By Villiers Road & Penrhyn Road , Knowsley Business Park ,Knowsley

Dated 21st November 2022

- (1) Knowsley Metropolitan Borough Council
- (2) YLEM Group Limited
- (3) abrdn Property Holdings Limited

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EXECUTION OF DEED

DATE

21st November

2022

PARTIES

- (1) KNOWSLEY METROPOLITAN BOROUGH COUNCIL of Municipal Buildings Archway Road Huyton Knowsley Merseyside L36 9YU ("Council")
- (2) YLEM GROUP LIMITED (Company Registration Number 03516925) whose registered office is at Edison House, Daniel Adamson Road, Salford, Manchester M50 1DT ("Owner")
- (3) ABRDN PROPERTY HOLDINGS LIMITED incorporated and registered under the laws of the Island of Guernsey with registration number 41351 and whose registered office is at PO Box 142 Suite 2 Block C Hirzel Court St Peter Port Guernsey GY1 3HT ("the Buyer")

INTRODUCTION

- 1 The Council is the local planning authority for the purposes of the Act for the area in which the Site is situated.
- 2 The Owner is the freehold owner of the Site and has entered into an agreement for sale of the Site dated 14 March 2022 with the Buyer (and another).
- 3 Pembury Developments Limited has submitted the Application to the Council and the Owner, the Buyer and the Council have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed.
- 4 The Council is minded to grant planning permission pursuant to delegated powers subject to the prior completion of this Deed.
- 5 The parties to this Deed agree that the planning obligations contained in this Deed are necessary to comply with the requirements of regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

NOW THIS DEED WITNESSES AS FOLLOWS:

OPERATIVE PART

1 DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

"Act"	the Town and Country Planning Act 1990.
"Application"	the application for full planning permission submitted to the Council for the Development and allocated reference number 22/00163/FUL.
"Commencement of Development"	the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried

out other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and "Commence Development" shall be construed accordingly.

"Contributions"

the Social Value Contribution and the Social Value Monitoring Fee (defined in Part 1 of the Second Schedule); and the Tree Mitigation Contribution (defined in Part 2 of the Second Schedule).

"Development"

the Development of the Site for the erection of an industrial/commercial building (use classes B2/B8 and E(g)(iii)) including mezzanine ancillary office space together with the construction of 2 no. new vehicular accesses to Villiers Road, service yards, car/cycle parking, landscaping and other associated works as set out in the Application.

"Index"

All Items Index of Retail Prices issued by the Office for National Statistics.

"Indexation Date"

means the date immediately preceding the date hereof when the last figure was published for the Index unless expressly stated otherwise in this Deed;

"Index Linked"

means adjusted by an amount equivalent to the increase in the Index from and including the Indexation Date to and including the date the last figure for the Index is published for the month immediately prior to payment of the relevant Contribution to the Council and "**Indexation**" shall be construed accordingly;

"Interest"

interest at 4% (four per cent) above the base lending rate of Barclays Bank PLC from time to time.

"Plan"

the plan attached to this Deed.

"Planning Permission"	the planning permission subject to conditions to be granted by the Council pursuant to the Application as set out in the Fourth Schedule.
"Site"	the land against which this Deed may be enforced as shown edged red on the Plan and described in the First Schedule.

2 CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause or paragraph or schedule such reference (unless the context otherwise requires) is a reference to the relevant clause or paragraph or schedule in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeably in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the Council the successors to its respective statutory functions.
- 2.7 The headings and contents list are for reference only and shall not affect construction.

3 LEGAL BASIS

- 3.1 This Deed is made pursuant to Section 106 of the Act, Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 and all other enabling powers.
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner.
- 3.3 To the extent that any of the covenants, restrictions and requirements contained in this Deed are not planning obligations within the meaning of the Act, they are entered into pursuant to the powers contained in Section 111 of the Local Government Act 1972, Section 1 of the Localism Act 2011 and all other enabling powers which may be relevant for the purpose of giving validity hereto and /or facilitating the enforcement of the obligations contained herein against the Owner and with the intent of binding the Owner to observe and perform the obligations as contained in this Deed.

4 CONDITIONALITY

This Deed is conditional upon the grant of the Planning Permission save for the provisions of this clause and clauses 1 -3 and 7 - 16 which shall come into effect immediately upon completion of this Deed.

5 THE OWNER'S COVENANTS AND BUYER'S CONSENT

- 5.1 The Owner covenants with the Council as set out in the Second Schedule.
- 5.2 The Owner hereby warrants and confirms that apart from the Buyer there are no other persons with a legal estate equitable or beneficial interest in the rents and profits or proceeds of sale of the Site or any part thereof.
- 5.3 The Buyer hereby consents to the Owner entering into this Deed and acknowledges that its equitable interest in the Site shall be subject to the terms of this Deed provided always that the Buyer shall have no liability pursuant to this Deed unless and until it acquires a legal interest in the Site from the Owner.

6 THE COUNCIL'S COVENANTS

The Council covenants with the Owner as set out in the Third Schedule.

7 MISCELLANEOUS

- 7.1 The Owner shall pay to the Council on completion of this Deed
- 7.1.1. the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed; and
- 7.1.2 the sum of £260.00 in respect of the Council's initial fee for registering the obligations contained within this Deed
- 7.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 7.3 This Deed shall be registrable as a local land charge by the Council.
- 7.4 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed.
- 7.5 Following the performance and satisfaction of all the obligations contained in this Deed the Council shall forthwith effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.
- 7.6 Insofar as any provision of this Deed is found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 7.7 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owner) it is modified by any statutory procedure or expires prior to the Commencement of Development.
- 7.8 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Site or

the part to which the breach relates but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

- 7.9 This Deed shall not be enforceable against:
- 7.9.1 any statutory undertaker holding an estate easement or interest in the Site or part of the Site insofar as the relevant Statutory Undertaker is occupying the relevant part of the Site for its purposes as a Statutory Undertaker nor against plant equipment conduits or structures located within the Site used as part of its statutory undertaking; nor
- 7.9.3 anyone whose only interest in the Site or any part of it is in the nature of the benefit of an easement or covenant or as the owner of the sub-soil of any highway within the Site; nor
- 7.9.4 a mortgagee or chargee with an interest in the Site from time to time unless such mortgagee becomes a mortgagee in possession of the Site in which case it will be liable as if it were a successor in title to the Owner
- 7.10 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.
- 7.11 Nothing contained or implied in this Deed shall prejudice or affect the rights discretions powers duties and obligations of the Council under all statutes by-laws statutory instruments orders and regulations in the exercise of their functions as a local authority.
- 7.12 Any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party as detailed in this Deed or such other address notified in writing to the other party from time to time.
- 7.13 If the Council agrees pursuant to an application under section 73 of the Act to any variation or release of any condition contained in the Planning Permission or if any condition is varied or released following an appeal under section 78 of the Act the covenants or provisions of this Deed shall be deemed to bind the varied permission and to apply in equal terms to the new planning permission save where the Council in their determination of such an application for the new planning permission or the Secretary of State or Inspector in their determination of such appeal indicate that consequential amendments are required to this Deed to reflect the impact of the section 73 application and in such circumstances a separate deed pursuant to section 106 of the Act will be required to secure relevant planning obligations relating to the new planning permission.

8 WAIVER

No waiver (whether expressed or implied) by the Council or Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or the Owner from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

9 CHANGE IN OWNERSHIP

The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

10 INDEXATION

The Contributions shall be Index Linked.

11 INTEREST

If any payment due under this Deed is paid late, Interest will be payable from the date payment is due to the date of payment.

12 VAT

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

13 DISPUTE PROVISIONS

- 13.1 In the event of any dispute or difference arising between the parties to this Deed in respect of any matter contained in this Deed such dispute or difference shall be referred to an independent and suitable person holding appropriate professional qualifications to be appointed (in the absence of an agreement) by or on behalf of the president for the time being of the professional body chiefly relevant in England with such matters as may be in dispute and such person shall act as an expert whose decision shall be final and binding on the parties in the absence of manifest error and any costs shall be payable by the parties to the dispute in such proportion as the expert shall determine and failing such determination shall be borne by the parties in equal shares.
- 13.2 In the absence of agreement as to the appointment or suitability of the person to be appointed pursuant to clause 13.1 or as to the appropriateness of the professional body then such question may be referred by any party to the President for the time being of the Law Society for the President to appoint a solicitor to determine the dispute such solicitor acting as an expert and whose decision shall be final and binding on all parties in the absence of manifest error and the solicitor's costs shall be payable by the parties to the dispute in such proportion as the solicitor shall determine and failing such determination shall be borne by the parties in equal shares.
- 13.3 Any expert howsoever appointed shall be subject to the express requirement that a decision was reached and communicated to the relevant parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than twenty-eight working days after the conclusion of any hearing that takes place or twenty-eight working days after the expert has received any file or written representation.
- 13.4 The expert shall be required to give notice to all of the said parties requiring them to submit to the expert within ten working days of notification of the expert's appointment

written submissions and supporting material and the other parties will be entitled to make a counter written submission within a further ten working days.

- 13.5 The provisions of this clause shall not affect the ability of any party to apply for and be granted any of the following: declaratory relief, injunction, specific performance, payment of any sum, damages, any other means of enforcing this Deed and consequential and interim orders and relief.

15 JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

16 DELIVERY

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

FIRST SCHEDULE

Details of the Owner's Title, and description of the Site

Details of the Owner's Title

All that land known as Land on the south side of Penrhyn Road, Knowsley, Prescott comprising the land within title number MS530100 registered at HM Land Registry.

Description of the Site

All that land known as land bounded By Villiers Road & Penrhyn Road, Knowsley Business Park, Knowsley shown edged red on the attached Plan

SECOND SCHEDULE

The Owner's Covenants with the Council

PART 1

SOCIAL VALUE

The Owner covenants with the Council as follows –

In this Schedule words and phrases shall have the following meanings:

"Social Value Contribution"	means the sum of £7,456 (seven thousand four hundred and fifty six pounds) as a contribution towards supporting the provision of social value delivery relevant to the Development .
"Social Value Monitoring Fee"	means the sum of £4,971 (four thousand nine hundred and seventy one pounds) as a contribution towards the cost of monitoring compliance with the Social Value Strategy.
"Social Value Strategy"	means a social value strategy which seeks to maximise opportunities for residents of Knowsley through: (i) the creation of job opportunities; (ii) the provision of skills training; (iii) the advertising of all vacancies (including subcontractor organisation vacancies) arising during the construction and the end use; (iv) identifying appropriate training courses and assisting applicants for employment who are not currently qualified for a particular vacancy to obtain the necessary training and qualifications; (v) the recruitment of local staff through Knowsley Works, Job Centre Plus and other professional recruitment partners, and (vi) ensuring and promoting equal opportunities as part of the employment process.

1. Prior to the Commencement of Development the Owner shall pay the Social Value Contribution and the Social Value Monitoring Fee to the Council and the Owner shall

not Commence the Development until the Social Value Contribution and the Social Value Monitoring Fee has been paid to the Council.

2. Prior to the Commencement of Development the Owner shall submit to and obtain the Council's written approval to a Social Value Strategy covering the period from the approval of the Social Value Strategy through to the end use of the Development which will seek to maximise the employment and training opportunities arising in the course of the construction of the Development and the completed Development for the benefit of the residents of Knowsley and the surrounding areas which may include:

- 2.1 provision of on-site training and work experience which may include on-site construction training and apprenticeships;
- 2.2 the recruitment of construction and other workers through local recruitment partners (such as Fusion21, Knowsley Works and Job Centre Plus) in the first instance but the Owner shall with the written approval of the Council be permitted to extend this to national recruitment partners or agencies where the Owner has provided evidence to the Council that sufficient numbers of suitably skilled and qualified workers cannot be identified using local recruitment partners; and
- 2.3 the use of agreed means of advertising employment vacancies locally to maximise the opportunities for local residents to secure employment during the construction of the Development and the end use phase of the Development

and the Owner shall not Commence the Development until the Social Value Strategy has been approved by the Council.

3. The Owner shall thereafter use all reasonable endeavours to implement the approved Social Value Strategy and shall provide reports when reasonably requested by the Council or its authorised agents on the employment and training opportunities arising in the course of the construction of the Development and the end use phase of the Development in accordance with the Social Value Strategy.
4. The Owner shall co-operate with the Council and its authorised agents and otherwise facilitate the monitoring by the Council of the delivery by the Owner of the Social Value Strategy.

SECOND SCHEDULE

PART 2

TREE MITIGATION

Interpretation

1. In this Schedule words and phrases shall have the following meanings:

"Tree Mitigation Contribution" shall mean the sum of £33,051.15 (thirty three thousand and fifty one pounds and fifteen pence) payable to the Council as a contribution towards mitigating the tree loss on the Site to be used for the maintenance of local woodlands in the Kirkby area.

Covenants

2. The Owner covenants with the Council as follows:
 - 2.1 to pay the Tree Mitigation Contribution prior to the Commencement of Development; and
 - 2.2 not to Commence Development until the Tree Mitigation Contribution has been paid to the Council pursuant to paragraph 2.1 above.

SECOND SCHEDULE

PART 3

MONITORING FEE

1. In this Schedule words and phrases shall have the following meaning:

 "Monitoring Fee" means the sum of £1,040 (one thousand and forty pounds) payable towards the additional resource costs arising from the monitoring of the Development and the obligations arising under this Deed.
2. Prior to the Commencement of Development the Owner shall pay the Monitoring Fee to the Council and shall not Commence Development until the Monitoring Fee has been paid to the Council

THIRD SCHEDULE

Council's Covenants

Use and repayment of financial contributions

- 1 The Council hereby covenants with the Owner to use all sums received from the Owner under the terms of this Deed for the purposes specified in this Deed for which they are to be paid or for such other purposes for the benefit of the Development as the Owner and the Council shall agree.
- 2 The Council covenants with the Owner that it will pay to the Owner: (a) such amount ("surplus") of any payment made by the Owner to the Council under this Deed which has not in accordance with the provisions of this Deed, been expended or deemed to be expended in respect of the Social Value Contribution and the Social Value Monitoring Fee within fifteen (15) years of the date of receipt by the Council of the payment and in respect of the Tree Mitigation Contribution within five (5) years of the date of receipt by the Council of the payment and (b) interest on the surplus at Barclays Bank PLC's base rate from time to time for the period from the date of payment to the date of refund. The payments shall be "deemed to be expended" if allocated for the expenditure relevant to the purpose for which the sum was paid and authorised by the relevant committee, or Council member or Council officer or contracted to be expended where such contract provides for payment contingent on the provision of works and/or services and/or supplies.
- 3 The Council shall provide to the Owner such evidence, as the Owner shall reasonably require in order to confirm the expenditure of the sums paid by the Owner under this Deed.

FOURTH SCHEDULE

The Draft Planning Permission



Knowsl@y Council

REGENERATION AND ECONOMIC DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990

This application is subject to a Section 106 Agreement and needs to be read in conjunction with that Agreement.

PLANNING PERMISSION

Application No: 22/00163/FUL

Name and address of applicant

Pembury Developments Limited
C/o Agent

Name and address of agent

Chroma Planning and Development
Limited
67 Harrow Road
Bristol
BS4 3NB

Date of Receipt: 15 March 2022

Date Valid: 20 April 2022

Address/Location Of Development:

Land Bounded By Villiers Road & Penrhyn Road
Knowsley Business Park
Knowsley

Description of Development:

ERECTION OF A INDUSTRIAL/COMMERCIAL BUILDING (USE CLASSES B2/B8 AND E (G) (III)) INCLUDING MEZZANINE ANCILLARY OFFICE SPACE TOGETHER WITH THE CONSTRUCTION OF 2 NO. NEW VEHICULAR ACCESSES TO VILLIERS ROAD, SERVICE YARDS, CAR/CYCLE PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS.

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 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.

Reason: For the avoidance of doubt.

3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building 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. 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 Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

4. Prior to the first use of the development a scheme to permanently close off the existing vehicular and/or pedestrian access on to Villiers Road shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed before any part of the development has been brought into use.

Reason: To limit the number of access points to, and maintain proper construction of the highway, in the interests of road safety and to comply with Policy CS19 of the Core Strategy, adopted January 2016.

5. For a use falling exclusively within the B8 land-use category, the development shall not be brought into use, until the areas indicated on Site Plan Drawing 6982-10 Rev K, be set aside for car, cycle and motorcycle 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. For all uses not falling entirely within the B8 land-use, the development shall not be brought into use until a scheme identifying areas of car, cycle and motorcycle parking (including disabled spaces), servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) in accordance with the Council's current standards, has been submitted to and approved in writing by the Local Planning Authority; and have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in the approved drawing. These areas shall be retained as such thereafter unless otherwise agreed in writing by the Council.

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

6. Within 3 months of the development being brought into use a Travel Plan shall be submitted to and approved in writing by the Council as Local Planning Authority. The Plan shall include immediate, continuing, and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to:

- Involvement of employees.
- Information on existing transport policies, services and facilities, travel behaviours and attitudes.
- Access for all modes of transport.

- Targets for mode share.
- Resource allocation including Travel Plan Co-ordinator and budget.
- A parking and management strategy.
- A marketing and communications strategy.
- Appropriate measures and actions to reduce car dependence and encourage sustainable travel.
- An action plan, including a timetable for the implementation of each of the above.
- Mechanisms for monitoring, reviewing, and implementing the Travel Plan.
- The approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The report shall include a review of the Travel Plan measures, monitoring data and updated action plan.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable in accordance with Local Plan policy CS7 of the Local Plan Core Strategy, adopted January 2016.

7. Prior to commencement of development a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction effects. This shall include but not be limited to the following:
 - a) Layout of the site compound including identification of areas for the storage of plant and materials, loading/unloading and turning areas for delivery vehicles [for each phase as necessary].
 - b) Management of deliveries including prevention of waiting/layover of construction related traffic on the highway, measures for the control of traffic to and from the site and consideration of any temporary traffic management arrangements which may be necessary during periods of construction. Note reversing on the highway is not permitted without a Banksman.
 - c) Construction staff parking arrangements
 - d) Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
 - e) Methods for dust control and suppression.
 - f) A programme of works including phasing, if applicable.
 - g) 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).
 - h) methods to be used to minimise waste and implementation of measures to achieve efficient use of resources including designing out waste and minimisation of off-site disposal
 - i) details of relevant pest control measures during construction.
 - j) 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.

All site works shall then be carried out in accordance with the approved 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 saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and Policies CS2 & CS7 of the Core Strategy, adopted January 2016.

8. A. Submission of Remediation Scheme

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.

B. 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.

C. 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.

D. 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 does not result in increased risk to the environment or human health.

E. Importation of Soil/Material

No topsoil 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.

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

9. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall be based on the principles of The SUDS Manual (C753), the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, and the criteria as set out within Knowsley Strategic Flood Risk Assessment (SFRA, Levels 2). The scheme should include suitable drainage drawings, summary calculations and results of all investigations detailing the surface water drainage works. The works shall be implemented in accordance with the approved scheme before the development is brought into use and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory drainage system is provided to serve the site, to promote sustainable development, to secure proper drainage and to manage the risk of flooding and pollution in accordance with Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy (January 2016).

10. Prior to the first occupation of the development, a Management and Maintenance Plan for the lifetime of the sustainable drainage system 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 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 approved 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 (January 2016 Reason:

11. Prior to the commencement of development hereby permitted an arboriculture method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved arboricultural method statement.

Reason: To ensure that the proper protection of trees has been carried out 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.

12. Prior to the installation of any external lighting a scheme shall be submitted to and approved in writing by the Local Planning Authority which shall be designed to ensure it protects ecology and does not result in excessive light spill which could harm the habitat and/or feeding areas of bats in line with paragraph 180 of the National Planning Policy Framework. The lighting shall be installed and thereafter retained in accordance with the approved scheme.

Reason: To ensure that the impacts of the lighting scheme are mitigation on ecology. To ensure compliance with Policy CS8 of the Knowsley Local Plan Core Strategy adopted January 2016 and guidance in NPPF.

13. Prior to the commencement of development, the following reasonable avoidance measures shall be implemented.

- A pre-commencement check for hedgehog.
- All trenches and excavations should have a means of escape (e.g., a ramp).
- Any exposed open pipe systems should be capped to prevent mammals gaining access.
- Appropriate storage of materials to ensure that mammals do not use them.
- Existing vegetation on the site must be gradually cut and removed under ecological supervision to encourage any reptiles present to move away from the affected areas.
- The working area, together with any storage areas, must be kept clear of debris, and any stored materials kept off the ground on pallets so as to prevent amphibians / reptiles from seeking shelter or protection within them, and
- Any open excavations (e.g., foundations / footings / service trenches etc) must be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets shall be covered with a thick layer of topsoil or similar) to prevent reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to reptiles.

Reason: To ensure adequate protection is provided to hedgehogs and reptiles during the construction process in accordance with Policy CS8 in the Local Plan, Core Strategy, adopted January 2016.

14. Notwithstanding the details on the approved plans, prior to the first use of any building hereby permitted precise scheme details of bin stores shall be submitted to and agreed in writing by the Local Planning Authority. The bin stores shall be sited and constructed in accordance with the agreed details before any building hereby approved is first occupied and shall be retained thereafter at all times that the development is occupied.

Reason: In the interests of visual, amenity and having regard to policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and Policy WM 9 of the Joint Waste Local Plan 2013.

15. Notwithstanding the landscaping scheme submitted prior to the first use of the building hereby permitted a revised landscaping scheme including the following details:

- a) planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work. Note the specification list should include Mycorrhizal fungi inoculant
- b) A detailed regime for the ongoing and longer- term maintenance of all soft landscaping is also required to be submitted for approval.
- c) Land-levels and gradients resulting in the formation of any banks, terraces, or other earthworks

The approved landscaping works shall be implemented and completed in the first available planting season prior to the occupation of the building to which it relates unless an alternative timescale has been 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 Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework

16. The development hereby permitted shall not be brought into use until details of bird boxes to include number, type & location on an appropriately scaled plan) as well as timing of installation, has been submitted to and approved in writing by the Local Planning Authority and fully implemented in accordance with the submitted details.

Reason: To ensure sufficient breeding & nesting boxes are provided in the interests of habitat retention and ecological enhancements and to ensure compliance with Policy CS8 in the Knowsley Local Plan, Core Strategy, adopted January 2016.

17. No part of the development hereby permitted shall be commenced until: -

- a) All existing trees/hedges to be retained on site (as indicated on drawing No 22-208-1001 REV D Received on 06.07.2022) have been protected by fencing in accordance with BS5837:2012, of a minimum height of 2.3 metres, which shall use vertical and horizontal scaffolding poles with the uprights driven well into the ground and well braced to resist impact. Onto this, weldmesh panels (without the use of rubber or concrete feet) should be securely fixed.
- b) At least five days written notice has been given to the Local Planning Authority of the intention to commence development. The protective fencing referred to in parts (a) and (b) shall be in place prior to the written notice of the start of development being given to the Local Planning Authority and shall be retained in place until the development is complete.

No storage of plant or material (including soil) works (including movement of soil, changes in ground level, vehicular movements, siting of temporary buildings or other works), lighting of fires or tipping of liquids shall take place within the protective fencing thereby defined for the duration of the development works.

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.

18. Fixed plant and equipment 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.

Reason: To provide a satisfactory level of amenity for surrounding occupiers and to ensure compliance with Saved policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
13/04/2022	2502	REV A	BREEAM PRE ASSESSMENT
13/04/2022	2502	REV 01	ENERGY EFFICIENCY REPORT
12/07/2022	6982	REV D	AMENDED ELEVATIONS
12/07/2022	6982	REV D	AMENDED PROPOSED SECTIONS
12/07/2022	6982 -9	REV B	TA UPDATED APPENDIX A - LOCATION PLAN
12/07/2022	24158401-STR-HGN-100-DR-D-00101	REV P 2	UPDATED TA APPENDIX B- PROPOSED SITE LAYOUT
12/07/2022	6982 - 010	REV K	AMENDED PROPOSED SITE LAYOUT
12/07/2022	6982-011	REV K	AMENDED PROPOSED EXTERNAL FINISHES
22/06/2022	-	-	HIGHWAYS TECHNICAL NOTE 2
14/06/2022	REV R2	-	REVISED AIR QUALITY ASSESSMENT
06/06/2022	-	-	HIGHWAYS TECHNICAL NOTE
25/05/2022	10337	-	REPTILE REPORT
04/05/2022	TRC465346	-	PHASE 1 SITE INVESTIGATION REPORT
13/04/2022	-	-	SITE LOCATION PLAN
13/04/2022	6982-12	REV C	PROPOSED FLOOR PLANS
13/04/2022	6982-14	REV D	PROPOSED ROOF PLANS
13/04/2022	10337	-	ECOLOGICAL APPRAISAL
13/04/2022	15807	-	SOCIAL VALUE STRATEGY
13/04/2022	24158401	-	TRANSPORT ASSESSMENT
13/04/2022	465346.0001.0000	-	PHASE II GEO ENVIRONMENTAL SITE ASSESSMENT
13/04/2022	2494	REV 01	ENERGY STRATEGY
13/04/2022	REV 01	-	ARBORICULTURAL SURVEY, IMPLICATIONS ASSESSMENT
08/08/2022	PHOTO	-	PALADIN FENCE DETAIL

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
- CS4 - Economy and Employment
- CS11 - Principal Regeneration Area - Knowsley Industrial and Business Parks
- CS19 - Design Quality and Accessibility in New Development
- CS22 - Sustainable and Low Carbon Development
- CS24 - Managing Flood Risk
- CS8 - Green Infrastructure
- CS7 - Transport Networks

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

- EC2 - Sites Allocated for Employment Development
- T5 - Location of Major Traffic Generating New Development
- T8 - Transport Assessments
- T9 - Travel Plans
- DQ4 - Trees and Development
- ENV2 - Noise and Vibration
- ENV5 - Contaminated Land
- ENV6 - Landfill Gas
- WM9 - Sustainable Waste Management Design and Layout of New Development

SUPPLEMENTARY PLANNING DOCUMENTS

- Design Quality in New Development SPD (2016)
- Adding Social Value to Development, Employment and Skills SPD (2018)
- Developer Contributions SPD (2016)
- Trees and Development SPD (2016)
- National Planning Policy Framework

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 (Mark Quinn on 0151 443 2381)

ARTICLE 35 STATEMENT

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.

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.

NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments.

- 1 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 the site development team, email: SiteDevelopment@knowsley.gov.uk to discuss the matter further. The highway fees applicable for a S278 highway agreement are available on the Knowsley Council website here: <https://www.knowsley.gov.uk/residents/roads/highway-fees-and-charges>. The applicant is reminded that it is an offence to allow material carried from the site to be deposited on or cause damage to the public highway as a result of dirty wheels or badly loaded vehicles. Should this occur, the Council as Local Highway Authority will seek to recover any expenses incurred in clearing, cleaning, or repairing highway surfaces and will prosecute offenders under Sections 131, 148 and 149 of the Highways Act 1980.
- 2 Breeding birds are protected under the general provision of Section 1 of the Wildlife and Countryside Act 1981 as amended. Whilst the nest is being built or is in use, the eggs, young and nest are protected against intentional and reckless taking, damage and destruction. No tree, scrub or hedgerow felling, management and/or cutting operations should take place during the period 1 March to 31 August inclusive to protect breeding birds.
- 3 In relation to condition 7 part i) a waste audit or similar mechanism provides a mechanism for managing and monitoring construction, demolition, and excavation waste. This is a requirement of WLP policy WM8 and the National Planning Policy for Waste (paragraph 8); and is advised for projects that are likely to produce significant volumes of waste (nPPG, paragraph 49). Implementation of such mechanisms may also deliver cost savings and efficiencies for the applicant. The following information could be included within the waste audit (or similar mechanism) as stated in the Planning Practice Guidance:
 - the anticipated nature and volumes of waste that the development will generate.

- where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development.
- the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities; and
- any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

Information to comply with policy WM8 could be integrated into a Construction Environmental Management Plan (CEMP). This would have the benefit of ensuring that the principles of sustainable waste management are integrated into the management of construction on-site to improve resource efficiency and minimise environmental impacts.

Guidance and templates are available at:

- <http://www.meas.org.uk/1090>
- <https://www.gov.uk/guidance/waste>
- <http://www.wrap.org.uk/>
- http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8983

- 4 See attached letter from United Utilities received 31st May 2022.
- 5 See attached letter from Merseyside Fire and Rescue Service.
- 6 In relation to condition 9 the drainage scheme must include/consider the following: -

The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365.
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.
- (vi) In Flood Risk Assessment & Drainage Strategy Report dated 22.02.2022, insufficient information has been submitted to demonstrate that surface water drainage hierarchy has been thoroughly investigated. To assess the feasibility of infiltration techniques as part of the proposed drainage strategy, evidence must be provided to show that a suitable number of soakaway tests have been completed across the whole site within different geology and to a suitable depth. The tests should be completed according to the BRE 365 method and their results should be submitted with the full application. Similar concerns have been raised by the United Utilities in its letter referenced DC/22/1520v2 dated 21 July 22.
- (vii) A SuDS aims to minimise the impacts from a proposed development on water quantity and quality and maximise amenity and biodiversity. In designing an appropriate set of SuDS techniques for a development site, the LLFA will therefore be expecting above ground, green SuDS to be prioritised to promote water quality, amenity and biodiversity. The proposed drainage strategy fails to consider green and overground SUDs features given the availability of land in service area.
- (viii) The LLFA is responsible to advise on the maximum discharge rate from the site after development. The proposed greenfield Qbar runoff rate from the post development site is acceptable. However, regardless the number of exiting/new

outfalls from the site this rate should be adhered to. Therefore, the maximum discharge rate from the site should not exceed 5 lit/s.

(ix) Drainage proposals should be designed to cope with events up to the 1 in 100 plus 40% CC events. Where the network design is capped with the 1 in 30 events, the proposed drainage network design should be able to demonstrate that at what points surcharges and floodings occur, what would be the volume of flood water, where the flood water flows and/or pools, and what is maximum flood water depth. It should be demonstrated that the flood water during the 1 in 100 plus 40% CC event would not leave the site (all retained within the site boundary), and not affect the buildings, and the site would be operational at such a time. The proposed 40cm water depth in service area is not acceptable. Drainage strategy presented does not demonstrate that the site would be able to retain the 1 in 100 plus 40% CC flood water within it.

(x) Should the discharge to the public sewer system is retained in the final design, provision of evidence that the site has an agreed discharge point(s) for post development situation from responsible authorities will be required.

(xi) In Flood Risk Assessment & Drainage Strategy Report dated 22.02.2022, no consideration / mechanism has been taken to intercept the first 5ml of rainfall events.

(xii) In Flood Risk Assessment & Drainage Strategy Report dated 22.02.2022, no consideration of water quality has been taken as part of the proposed drainage design. It will be required to demonstrate that adequate water quality of the off-site surface water flows (draining into a sewer, watercourse and ground) in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved. Given the nature of the development and number of carparks considered, oil separators will be required for both west car parking area (more than 50 car park being proposed) and service area.

(xiii) Flow routes need to be considered when all on site drainage systems have been overwhelmed by an event of greater intensity than the design criteria (1 in 100 + 40% CC). The impact of exceedance flows from and on adjacent land should also be considered. In considering the exceedance event, as a minimum the 1 in 200 event plus 40% CC should be considered in calculations. Calculations and plans should be provided to show where above ground flooding might occur, where this would pool and flow and the maximum depth of flood flows shall be established and managed so as to mitigate the flood impact to people and buildings. Evidence that the exceedance event has been considered will be required.

(xiv) An evaluation of impact of potential failure of the drainage system should be provided. The risk assessment should include for blockage of pipes, blockage of outlet structures and risk of impediments across planned flood routing paths. The drainage design should be supported by a designer's risk assessment that identifies key points of failure of the system and what means have been considered to limit risk of failure. This will also inform the maintenance plan with regards to corrective actions needed should a failure occurs.

(xv) An updated Model Information (Micro Drainage or similar approved) considering above points will be required. Results showing all the modelling criteria and summary network results including attenuation mechanism for critical 1 in 2 years, 1 in 30 years and 1 in 100 years plus 40% CC storm events along with maximum water level, flow and velocity and details of any surface flooding anticipated will be required.

(xvi) An updated drainage plan considering the above points to show drainage layout, manholes including cover and invert levels, proposed levels, pipe sizes and gradients, all on -line controls, on and off-line storage structures and outfall details will be required.

(xvii) Construction and specification details of proposed SUDS features will be required to make sure they are suitable for being used in a site with heavy trafficked vehicles.

(xviii) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.

(xix) Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided.



Executive Director - Regeneration and Economic Development

Date: 22 August 2022

DRAFT

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. 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.

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.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months 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.

Knowsley Council
By email

Your ref: 22/00163/FUL
Our ref: DC/22/1520
Date: 31-MAY-22

Dear Planning Team

Location : Land Bounded By Villiers Road & Penrhyn Road Knowsley Business Park Knowsley
Proposal : ERECTION OF A INDUSTRIAL/COMMERCIAL BUILDING (USE CLASSES B2/B8 AND E (g) (iii)) INCLUDING MEZZANINE ANCILLARY OFFICE SPECE TOGETHER WITH THE CONSTRUCTION OF 2 NO. NEW VEHICULAR ACCESSES TO VILLIERS ROAD, SERVICE YARDS, CAR/CYCLE PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS

United Utilities wish to make the following comments regarding the proposal detailed above.

DRAINAGE

We request the following drainage condition is attached to any subsequent approval:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;***
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);***
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;***
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and***
- (v) Foul and surface water shall drain on separate systems.***

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

The applicant can discuss any of the above with Developer Engineer, **Graham Perry**, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. You may find the condition below a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

United Utilities will not allow building over or in close proximity to a water main.

United Utilities may not allow building over or in close proximity to a public sewer.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Consideration should also be applied to United Utilities assets which may be located outside the applicant's red line boundary. Any construction activities in the vicinity of our assets must comply with our 'Standard Conditions for Works Adjacent to Pipelines' or national building standards.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. See 'Contacts' section below.

CONTACTS

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the '**Live Chat**' function, please visit:

<http://www.unitedutilities.com/builders-developers.aspx>

Email

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

Water mains and water supply, including metering - DeveloperServicesWater@uuplc.co.uk

Public sewers and drainage - WastewaterDeveloperServices@uuplc.co.uk

Telephone - 0345 072 6067

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit <https://www.unitedutilities.com/property-searches/>

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map.

We request that a copy of this letter is made available to the applicant.

Yours faithfully

The Planning, Landscape and Ecology Team

Knowsley MBC
Planning Department
Municipal Buildings
Archway Road
Huyton
L36 9YU

Email: dcconsultations@knowsley.gov.uk

**Merseyside Fire & Rescue Authority
Community Fire Protection**

Planning & Building Regulations Team
Service Headquarters
Bridle Road
Bootle
Merseyside
L30 4YD

Telephone: 0151 296 4000 (Calls may be recorded)

Inspecting Officer: Linda Kirby

Email: planningandbuildingregulationsteam@merseyfire.gov.uk

Web Site: www.merseyfire.gov.uk

Your ref: 22/00163/FUL

Our ref: CFP/909388/LK/BOC

Date: 23rd May 2022

Dear Sir / Madam,

THE TOWN AND COUNTRY PLANNING ACT 1990

PLANNING APPLICATION NO: 22/00163/FUL

PROPOSAL: ERECTION OF AN INDUSTRIAL/COMMERCIAL BUILDING (USE CLASSES B2/B8 AND E (G) (III)) INCLUDING MEZZANINE ANCILLARY OFFICE SPACE TOGETHER WITH THE CONSTRUCTION OF 2 NO. NEW VEHICULAR ACCESSES TO VILLIERS ROAD, SERVICE YARDS, CAR/CYCLE PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS

ADDRESS: LAND BOUNDED BY VILLIERS ROAD & PENRHYN ROAD KNOWSLEY BUSINESS PARK KNOWSLEY

The Fire Authority requests that any decision notice includes the following information;

The plans relating to the above application have been examined and below are the Fire Authority's observations:

- * 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.

*** Industry**

The water supply infrastructure to any industrial estate should be as follows with the mains network on site being normally at least 150 mm nominal diameter—

Up to one hectare 20 litres per second.
One to two hectares 35 litres per second.
Two to three hectares 50 litres per second.
Over three hectares 75 litres per second.

- * The premises should comply with Section 55 of the County of Merseyside Act 1980.

Should you require any further information in respect of this correspondence please contact the Officer named above.

Yours faithfully,



Linda Kirby
Authorised Fire Safety Inspecting Officer
And on behalf of Merseyside Fire & Rescue Authority

Guidelines on flow requirements for firefighting

The following flows represent the ideal requirements on new developments and during permanent system changes.

Housing

Housing developments with units of detached or semidetached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant. Multi occupied housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any single hydrant on the development.

Transportation

Lorry/coach parks - multi-storey car parks - service stations.

All of these amenities should have a water supply capable of delivering a minimum of 25 litres per second through any single hydrant on the development or within a vehicular distance of 90 metres from the complex.

Industry

The water supply infrastructure to any industrial estate should be as follows with the mains network on site being normally at least 150 mm nominal diameter—

Up to one hectare 20 litres per second.
One to two hectares 35 litres per second.
Two to three hectares 50 litres per second.
Over three hectares 75 litres per second.

Shopping, offices, recreation and tourism

Commercial developments of this type should have a water supply capable of delivering a minimum flow of 20 to 75 litres per second to the development site.

Education, health and community facilities

Village halls— Should have a water supply capable of delivering a minimum flow of 15 litres per second through any single hydrant on the development or within a vehicular distance of 100 metres from the complex.

Primary schools and single storey health centre's— Should have a water supply capable of delivering a minimum flow of 20 litres per second through any single hydrant on the development or within a vehicular distance of 70 metres from the complex.

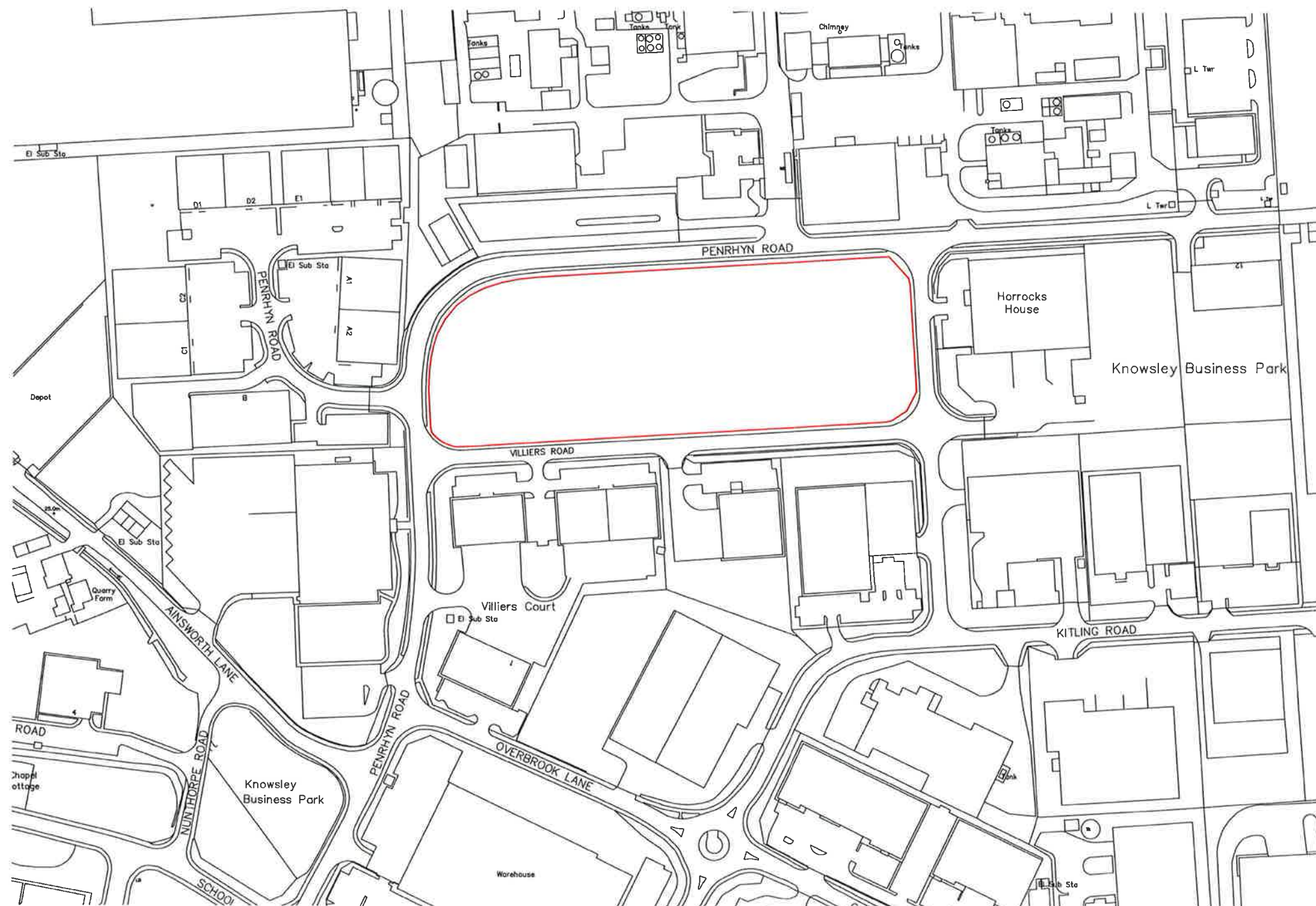
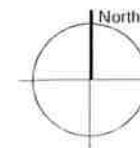
Secondary schools, colleges, large health and community facilities— Should have a water supply capable of delivering a minimum flow of 35 litres per second through any single hydrant on the development or within a vehicular distance of 70 metres from the complex.

ANNEXURE – THE PLAN

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KEY

— Planning Application Boundary

2.14 hectares/ 5.29 acres

B	16/02/22	Red line boundary amended.	sh
A	03/02/22	Tileblock amended.	sh
dra	clark	drawn by	ly



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Pembury Developments Ltd.

Penrhyn Road
Knowsley

Location Plan

scale	1:1250	date	sh
drawn by	clark	checked by	16/02/22

6982 - 9 Rev B

PLANNING



THE COMMON SEAL OF THE COUNCIL
was affixed in the presence of:



SEAL NO 31020

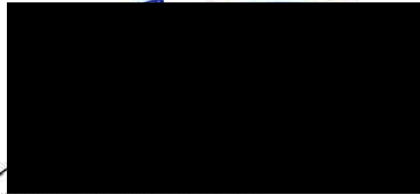
AUTHORITY:-
22/00163/FUL
M. QUINN 22/8/22
A. KILROE 24/8/22

NAME: MIKE DEARING
POSITION: HEAD OF LEGAL SERVICES

Authoris



EXECUTED as a)
DEED by)
YLEM GROUP)
LIMITED acting by a)
Director)
in the presence of:)



Signature of Witness:

Name of Witness: ELIZABETH HULL

Address of Witness: BIRCHFIELD, CHURCH LANE

GRAPPEHALL

CHESHIRE WAY 34

Executed as a deed by
ABRDN PROPERTY HOLDINGS LIMITED,
a company incorporated in Guernsey acting by
NICHOLAS JAMES PATRICK IRELAND

Signature in the name of the
Company:

abrdn Property Holdings Limited

being a person who in accordance with
the laws of that territory, is acting under the authority
of the company by way of a Power of Attorney
dated [] in the presence of

Signature of Attorney



Witness Signature

Witness Name

Witness Address

1 George Street
Edinburgh
EH2 2LL