



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 23/02741/FUL

Name and address of applicant

Abbey Group
4 Kirkby Bank Road
Knowsley Industrial Estate
Liverpool
L33 7SY

Name and address of agent

Lawrenson Associates
1 The Globe
142 Hardshaw Street
St Helens
WA10 1JT

Date of Receipt: 24 October 2023

Date Valid: 27 October 2023

Address/Location Of Development:

Atlas Sheds Store
9 - 8 Draw Well Road
Knowsley Industrial Park
Kirkby
Knowsley
L33 7BJ

Description of Development:

**CONVERSION OF VACANT MAGAZINE BUNKER TO
COMMERCIAL/INDUSTRIAL PREMISES FOR THE MANUFACTURING AND
STORAGE OF METAL PRODUCTS**

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. The development hereby permitted shall not be brought into use until the areas indicated on Site Plan Drawing 106 Rev A within the site set aside for parking, servicing, vehicular manoeuvring have been surfaced, drained and permanently marked out / demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter. For the avoidance of doubt, this does not include the spaces demarcated on the plan which fall outside the site boundary on Draw Well Road.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2 and CS7 of the Core Strategy, adopted January 2016.

4. A ground gas risk assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development works to establish whether there are any concerns of ground gas contamination from previous use of the site or adjacent sites. The scheme shall include a phased investigation approach to identify the extent of ground gas and any measures required to remediate the site, including post-development monitoring. If gas protection measures are required a methodology of these works (including specification details, design plans, installation, inspection, and validation details) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site

Reason: To ensure that the development of the site minimises harm to the environment and to humans and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

5. 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 being brought into use.

Reason: To ensure that the development of the site minimises harm to the environment and to humans and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

6. 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: To ensure that non-contaminated materials are brought to site in the interests of the environment and human safety and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

7. No construction work shall take place outside the hours of 08:00-18:00 on any day of the week.

Reason: In the interests of amenity of the occupiers of surrounding properties and to comply with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

8. 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 protect the amenities of the occupiers of neighbouring site and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

9. During and after vegetation clearance of the roof of the bunker a report on a programme of archaeological monitoring and recording should be undertaken and submitted to and agreed in writing with the Local Planning Authority. That programme of archaeological works should be undertaken in accordance with an addendum to the approved document Project Design prepared by the Archaeology Company (April 2024).

Reason: To ensure the appropriate level of additional archaeological recording of the premises in accordance with Policies CS2, CS19 and CS20 of the Knowsley Local Plan Core Strategy adopted January 2016.

10. Notwithstanding any submitted details the development shall not be used until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- a) Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- b) Hard surfaced areas and materials,
- c) Planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
- d) Any existing plants / trees to be retained
- e) A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

For the avoidance of doubt the scheme shall include details of vegetation to be installed to the roof to maintain a 'green'roof, which was characteristic of the original bunkers, and this element of the scheme shall include bryophyte and sedum grasses, to mitigate the loss of such on the existing roof.

The submitted scheme should include biodiversity enhancements including bat roosting boxes, bird nesting boxes and insect bricks. Details, including drawings, of the roosting and nesting boxes, and the insect bricks, should be included with the scheme, and including location and height details.

The approved landscaping works shall be implemented and completed prior to the first use of the building or the following planting season if the conversion of the bunker is completed outside the planting season.

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: In the interests of the historic nature of the site, and to ensure that the site is satisfactorily landscaped in the interests of amenity and biodiversity and to comply with Policies CS2, CS8 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016, and the National Planning Policy Framework.

11. Prior to installation details of the cladding of the external walls, including colour (RAL or BS) shall be submitted to and agreed in writing by the Local Planning Authority. The cladding shall only be undertaken using the agreed cladding details.

Reason: In the interests of visual amenity and to comply with saved Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

12. Prior to installation the roller shutter doors shall be powder coated a colour previously agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with saved Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

13. Prior to any tree removal the trees should be inspected by a suitably qualified and licensed ecologist, details of whom shall previously have been submitted to the Local Planning Authority, to ensure that the trees are not used as roosts for bats. In the event that any bat roosts are found in the trees an appropriate mitigation scheme including timetable of implementation for the loss shall be submitted to and approved in writing by the Local Planning Authority before tree removal, and works shall only proceed in accordance with that agreed scheme.

Reason: To ensure that no potential bat roost habitat is lost without an acceptable scheme of mitigation being agreed including implementation timetable to comply with Policy CS2 and CS8 of the Knowsley Local Plan Core Strategy adopted January 2016.

14. No external lighting, notwithstanding any submitted details, shall be installed until a scheme of external lighting of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include drawings of the lighting and lighting columns, a site layout indicating positions of the lighting, an isolux drawing, luminosity details and manufacturers specifications and the submitted scheme shall take into account Bat Conservation Lighting Guidelines, and Secure by Design principles and detail such. The external lighting shall only be installed in accordance with the agreed scheme and shall be retained as such at all times that it is on site.

Reason: In the interests of amenity, security and ecology and to comply with Policies CS2, CS8 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
25/10/2023	6460	-	LOCATION PLAN
25/10/2023	6460-106A	-	EXISTING AND PROPOSED SITE PLAN
25/10/2023	6460-104A	-	PROPOSED ELEVATIONS
25/10/2023	6460-102A	-	PROPOSED FLOOR PLAN
29/04/2024	-	-	WRITTEN SCHEME OF INVESTIGATION

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:-

CS2 - Development Principles

CS4 - Economy and Employment

CS7 - Transport Networks

CS11 - Principal Regeneration Area - Knowsley Industrial and Business Parks

CS19 - Design Quality and Accessibility in New Development

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS20 - Managing the Borough's Historic Environment

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

EC3 - Primarily Industrial 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 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 Merseyside Fire Service consultation response letter.
- 2 No tree felling, scrub clearance, vegetation management and / or ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.
- 3 The habitats on site are suitable for hedgehog which is a Priority Species. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:
 - o A pre-commencement check for hedgehog;
 - o All trenches and excavations should have a means of escape (e.g. a ramp);
 - o Any exposed open pipe systems should be capped to prevent hedgehogs gaining access;
 - and
 - o Appropriate storage of materials to ensure that mammals do not use them.
- 4 Section 14(2) of the Wildlife and Countryside Act 1981 states that "if any person plants or otherwise causes to grow in the wild any plant which is included in Part 2 of Schedule 9, he shall be guilty of an offence". Himalayan cotoneaster and Wall cotoneaster are present within the site boundary and are Schedule 9 plants. A suitable method of preventing the plant species spreading further should be used, and eradication of the plant species from the site should be carried out by an appropriate method and by appropriately qualified persons, and monitoring of the situation undertaken.

Executive Director - Regeneration and Economic Development

Date: 23 May 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.
- 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.