



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 22/00594/FUL

Name and address of applicant

Vistry Partnerships North West
Innovation House
Kelburn Court,
Birchwood,
Warrington
WA3 6UT

Name and address of agent

JDA Architects
Unit 400 Vanilla Factory
39 Fleet Street
Liverpool
L1 4AR

Date of Receipt: 28 September 2022

Date Valid: 30 September 2022

Address/Location Of Development:

Cherry Tree Childrens Centre
Arncliffe Road
Halewood
Knowsley
L25 9PB

Description of Development:

VARIATION OF CONDITION NO.2 ATTACHED TO PLANNING PERMISSION 20/00410/FUL (ERECTION OF A PART THREE AND FOUR STOREY EXTRA CARE APARTMENT BLOCK COMPRISING OF 77 NO. APARTMENTS (USE CLASS C3), BISTRO, SALON/TREATMENT ROOM, GUEST SUITE, COMMUNAL LOUNGE AND ASSOCIATED STAFF FACILITIES TOGETHER WITH CAR PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS) TO ALLOW FOR AMENDMENTS TO THE APPROVED PLANS INCLUDING CHANGES TO SITE PLAN, GROUND FLOOR PLAN AND ELEVATIONS TO ALLOW FOR THE BUILDING MOVING TO AN ALL ELECTRIC SOLUTION REQUIRING ADDITION OF A SUBSTATION AND GRILLS TO ELEVATIONS

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 following approved plans and documents:-

- a. Proposed Site Plan - Rev H - (Received 1/3/23)
- b. Proposed Substation Plans and Elevations 1 (Received 22/2/23)
- c. Proposed Substation Plans and Elevations 2 (Received 22/2/23)
- d. Proposed Substation Plans and Elevations 3 (Received 22/2/23)
- e. Site Location Plan (Received 28/9/22)
- f. Ground Plan (Received 28/9/22)
- g. Proposed Elevations 1 (Received 28/9/22)
- h. Proposed Elevations 2 (Received 28/9/22)
- i. Proposed Elevations 3 (Received 28/9/22)
- j. Tree Survey (We Know Services) 18-00023 (received 22/07/2020)
- k. Arboricultural Impact Assessment (We Know Services) (received 15/10/2020)
- l. Ecological Appraisal (We Know Services) (dated March 2018 (received 22/07/2020)

Reason: For the avoidance of doubt.

3. The development shall be carried out in accordance with the materials details agreed under 20/00410/DISCON. These details shall be implemented on site and retained hereafter.

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

4. The development shall be carried out in accordance with the surface water drainage details agreed under 20/00410/DISCON. These details shall be implemented on site and retained hereafter.

Reason: To prevent increased risk of flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to comply with saved Policies CS2 and CS24 of the Knowsley Local Plan Core Strategy, adopted January 2016. This condition is required before development commences because the detailed design of the drainage network may affect other operations being undertaken on site.

5. The development shall be carried out in accordance with the Drainage Management and Maintenance Plan details agreed under 20/00410/DISCON. These details shall be implemented on site and retained hereafter.

Reason: To ensure effectiveness of the flood risk measures during the lifetime of the development and to comply with Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy adopted January 2016.

6. The development shall be carried out in accordance with the Contaminated Land Assessment and remediation details agreed under 20/00410/DISCON. These details shall be implemented on site and retained hereafter.

Reason: In the interests of safety, to prevent pollution of the water environment and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted

7. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: In the interests of safety, to prevent pollution of the water environment 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.

8. The development shall be carried out in accordance with the Construction Management Plan details agreed under 20/00410/DISCON. These details shall be implemented on site.

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006

9. Notwithstanding any approved documents / details no construction works and no removal / delivery of materials shall take place outside the hours of: 0800 to 1800 Monday to Friday 0800 to 1300 Saturday and not at all on Sundays / Public Holidays. No construction or delivery vehicles shall access or egress the site between the hours of 08:15 to 09:00 and 14:30 to 15:30 during school term time. Site preparation works can commence at 07.30 Monday to Friday, however no works or machinery which cause noise which ordinarily would be considered excessive, or removal / delivery of materials, are to start before 08.00 Monday to Friday. No works or removal / delivery of materials are to commence prior to 08.00 Saturdays.

Reason: In the interests of residential amenity and to avoid school pick-up and dropoff times and potential vehicle conflicts in the interests of highway safety, having regard to Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

10. No gate or other form of enclosure / barrier shall be sited across the vehicular access of the gate without details previously being submitted to and approved in writing by the Local Planning Authority. Any such gate or other form of enclosure / barrier shall be positioned at least 5 metres back from the nearside edge of the highway boundary of Arncliffe Road, and shall be constructed to open into the site only and/ or have acceptable remote control if opening times are not manually restricted/controlled

Reason: In the interests of visual amenity, to permit vehicles to pull clear of the carriageway when entering the site, in the interests of highway and pedestrian safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

11. Prior to the first occupation of any apartment hereby permitted a Car Park Management Plan (CPMP) shall be submitted to and agreed by the Local Planning Authority. The purpose of this CPMP is to ensure that car parking within the site is sustainable and mitigate off-site/on street displaced parking when demand for parking exceeds supply. The CPMP is a tool to manage parking demand by identifying the users of a parking area (staff, tenants, visitors, deliveries) and planning for their respective parking needs is an integral part of a Travel Plan. A CPMP details the practical measures which enables an organisation to exert control over how and when a car park is used and by whom; enabling an organisation to make the best use of the space available for either an existing car park or sets out how a new car parking area will be managed. The CPMP should demonstrate effective measures which will ensure, as far as practicable, that the authorised users will comply with the on-site parking restrictions with supporting monitoring and enforcement measures. The CPMP should serve to demonstrate the operator's commitment to controlling residents' future parking habits long after initial occupation through ongoing and dynamic measures. Typical control mechanisms adopted to demonstrate that parking will be properly managed include: - Authorised users not being allowed to park on any of the common parts or footpaths of the development. - Clear signage provided to identify parking area usage terms and/or restrictions eg a tenant has the right to use the allocated parking space for the parking of one motor vehicle only. - Consequences/process/actions for unauthorised use eg monitoring and enforcement. - Authorised users (residents and/or visitors) not being permitted to use any parking space for any purpose other than the parking of a car. - Only those tenants/users permitted to park within the development being issued with remote control keys/access code or suchlike. - Effective control of access to the car park for those with access rights/permission through the use of remote-controlled security gates or suchlike - The apartment number associated with each parking space if allocated or allocation process and monitoring/enforcement if permeable (unallocated). The agreed CPMP shall be in place prior to the first occupation of any apartment and shall be operated with regard the site car parking at all times.

Reason: To ensure a satisfactory regime of car parking management to prevent excessive car parking on the highway in the interests of highway and pedestrian safety and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

12. The development shall be carried out in accordance with the Travel Plan details agreed under 20/00410/DISCON. These details shall be implemented on site and retained hereafter.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable, having regard to Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

13. Prior to any part of the development hereby permitted being first occupied or used a Delivery and Service Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall describe the means of servicing, times of deliveries and the provision for servicing / delivery vehicles. The DSP should identify exactly how and what types of vehicles are anticipated for the commercial uses and their delivery times should also be detailed to demonstrate that the proposed system would work with minimum detriment to the local highway network and users therein. Any measures described in the DSP shall be implemented within the time period identified for the duration of the time that the building is in use. The following matters, but not limited to, shall be addressed by the DSP: - The location of loading and

unloading, - The hours of loading and unloading - prohibition of delivery during school dropoff/pick-up times, - Access arrangements, - The frequency and size of vehicles, - Routing, including swept paths where relevant. Note - no reversing on the highway without banksman. - Consolidation of deliveries, - Control measures e.g., Low/zero emission vehicles, direct vision vehicles, FORS accreditation etc, - Waste management and segregated wastes, temporary storage, transfer and servicing arrangements. For the avoidance of doubt no deliveries shall be made to, or waste collections from, the site except between the hours of 08:00 - 18:00 Monday to Saturday and not at all on Sundays and Public Holidays.

Reason: To preserve the function of the highway network and in the interests of highway and pedestrian safety and residential amenity to comply with Policies CS2, CS7 and Policy CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

14. Notwithstanding the submitted plans the development shall not be brought into use until the areas indicated on approved plans is set aside for parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and previously submitted to and agreed in writing with the Local Planning Authority. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

15. Industry standard Electric Vehicle Charging Points shall be installed to the car parking bays identified on the approved Proposed Site Plan drawing number DR 002 Rev F and shall be maintained and retained at all times for charging purposes that the car park is in use.

Reason: In the interests of sustainable travel and air quality and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

16. Notwithstanding any submitted details prior to first occupation of any apartment cycle parking provision, including secured and covered cycle parking, shall be installed in accordance with details which have previously been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate provision is made for parking cycles securely in the interests of sustainable transport and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

17. Notwithstanding any submitted details prior to first occupation of any apartment the bin store, shed and mobility scooter / buggy store shall be installed in accordance with details of such which have previously been submitted to and agreed in writing with the Local Planning Authority. The details submitted shall include plans and elevations together with materials details. The agreed structures shall be retained on site at all times that any apartments are occupied.

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

18. Notwithstanding any details shown on approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall relate to all land surfaces not built upon and shall include:
- a) Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks.
 - b) Hard surfaced areas and materials.
 - c) Planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
 - d) Existing plants / trees to be retained
 - e) A detailed regime for the ongoing and longer-term maintenance of all soft landscaping.
- The landscape scheme shall include replacement tree planting at a minimum of 2:1 new trees to existing to be felled, with 12-14cm minimum girth. The landscape scheme shall include details of bat and bird boxes to include number, type and location and timing of installation. The agreed bird and bat boxes shall be retained thereafter. The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, to mitigate for trees to be felled, in the interests of biodiversity to comply with Policies CS19 and CS21 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policies H5 and DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006,

19. Fixed plant and machinery 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: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

20. The development shall be carried out in accordance with the Grease Trap details agreed under 20/00410/DISCON. These details shall be implemented on site and retained hereafter.

Reason: In the interests of the maintenance of the drainage system, residential amenity, and to comply with Policies CS2, CS19 and CS24 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

21. The development shall be carried out in accordance with the Odour Control and ventilation system agreed under 20/00410/DISCON. These details shall be implemented on site and retained hereafter.

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

22. The bistro and the salon / treatment room shall be for residents and their visitors use only and shall not be open to the general public without a further planning permission being obtained.

Reason: In order that full impact of the bistro and salon / treatment room being open to the public can be assessed and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policies H5 and EN2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

23. Prior to any tree felling works a qualified ecologist, details of whom has previously been submitted to and agreed by the Local Planning Authority, shall inspect the trees or bats and /or bat roosts. In the event that either are present works with regards to felling that tree shall be ceased and the ecologist shall advise of works which must be carried out to protect the bats and / or bat roosts in accordance with the Conservation of Habitats and Species Regulations 2010 the Wildlife and Countryside Act 1981 (as amended). In the event of such an occurrence the Local Planning Authority shall be notified of the findings, and any proposals to comply with the noted legislation and / or mitigation for such shall be submitted to and agreed in writing by the Local Planning Authority. In such case works shall only proceed in accordance with the agreed details.

Reason: In the interests of species and habitat conservation, biodiversity and to comply with Policies CS2 and CS8 of the Knowsley Local Plan Core Strategy adopted January 2016.

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

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

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

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

H5 - Development within Primarily Residential Areas

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Andrew Hunt on 0151 443 2204)

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.

Executive Director - Regeneration and Economic Development

Date: 3 March 2023

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.