



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 24/00227/FUL

Name and address of applicant

Countryside Partnerships
301 Bridgewater Place
Birchwood Park,
Warrington
Cheshire
WA3 6XF

Name and address of agent

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

Date of Receipt: 1 May 2024

Date Valid: 3 May 2024

Address/Location Of Development:

**Site Of The Former Cherry Tree Childrens Centre
Arncliffe Road
Halewood
Knowsley
L25 9PB**

Description of Development:

**REMOVAL OF CONDITION 23 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) FOLLOWING
TREE REMOVAL.**

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

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

2. The development shall only be carried out in accordance with the scheme for the provision and implementation of a surface water regulation system to manage the risk of flooding from both overland flow and from the sewer network approved and discharged pursuant to condition 4 of planning permission 20/00410/FUL and maintained as such at all times that the development is on site.

Reason: To ensure the prevention of 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.

3. The Management and Maintenance Plan for the drainage system agreed pursuant to condition 5 of planning permission 20/00410/FUL shall be operated at all times that the development is on site and operational.

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.

4. No gate or other form of enclosure / barrier shall be sited across the vehicular access of the site other than agreed pursuant to condition 10 of planning permission 20/00410/FUL at any time.

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.

5. The site car parking shall only be operated in accordance with the Car Park Management Plan agreed pursuant to condition 11 of planning permission 20/00410/FUL at all times the development is operational on site.

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.

6. The Travel Plan agreed pursuant to condition 12 of planning permission 20/00410/FUL shall be operated at all times the development is on site and operational.

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, 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.

7. The Delivery and Service Plan agreed pursuant to condition 13 of planning permission 20/00410/FUL shall be operated at all times that the development is on site and in use.

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.

8. The parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) areas indicated on the approved plans of planning permission 20/00410/FUL shall be surfaced, drained and permanently marked out or demarcated in accordance with the details submitted to and agreed in writing with the Local Planning Authority, all within 2 months of the date of this planning permission. 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.

9. 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 of planning permission 20/00410/FUL 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.

10. The cycle parking provision agreed pursuant to condition 17 of planning permission 20/00410/FUL shall be maintained on site at all times the development is in use.

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.

11. The bin store, shed and mobility scooter / buggy store agreed pursuant to condition 18 of planning permission 20/00410/FUL shall be retained on site at all times that the development is in use.

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.

12. The landscaping scheme agreed pursuant to condition 19 of planning permission 20/00410/FUL shall be maintained both ongoing and for the longer term in accordance with those agreed details.

Any trees or shrubs planted or retained in accordance with that 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,

13. 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.

14. The drainage from the kitchen area shall incorporate a grease trap in accordance with the details agreed pursuant to condition 21 of planning permission 20/00410/FUL and which shall be retained in accordance with those details at all times the kitchen is in use.

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.

15. The odour control and ventilation system of the bistro kitchen shall be in accordance with details agreed pursuant to condition 22 of planning permission 20/00410/FUL and shall be retained and operated to the manufacturer's specification at all times the kitchen is in use.

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.

16. 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.

17. Within two months of the date of this planning permission details of bat and bird boxes, including number, type and location shall be submitted to and agreed in writing by the Local Planning Authority, and installed in accordance with the agreed details.

Reason: to provide bat and bird roosts and nesting spaces in the interests of biodiversity and to comply with Policies CS2 and CS8 of the Knowsley Local Plan Core Strategy adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
01/03/2023	A DR 100	H	PROPOSED SITE PLAN
02/03/2023	AP---- .APT.HV.XX.GF. Y.120003	-	X TYPE SUB - IDNO 3
28/09/2022	A DR 250	M	OVERALL ELEVATIONS 1 OF 3
28/09/2022	A DR 251	L	OVERALL ELEVATIONS 2 OF 3
28/09/2022	A DR 252	L	OVERALL ELEVATIONS 3 OF 3
28/09/2022	A DR 200	K	OVERALL GROUND PLAN
22/02/2023	AP---- .APT.HV.XX.GF. Y.120002	-	X TYPE SUB - IDNO 2
02/03/2023	AP---- .APT.HV.XX.GF. Y.120001	-	X TYPE SUB - IDNO 1
01/05/2024	VG-SOP-SHE-09	A2.0	ECOLOGY MANAGEMENT (VG-SOP-SHE-09 VERSION A2.0: VISTRY GROUP)
15/05/2024	A DR 00	-	SITE LOCATION PLAN
01/05/2024	-	-	PLANNING CONDITION 23 SUPPORT STATEMENT - VISTRY GROUP

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

CS8 - Green Infrastructure

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.



Executive Director - Regeneration and Economic Development

Date: 24 July 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.