



**Knowsley Council**

**REGENERATION AND ECONOMIC DEVELOPMENT  
DEPARTMENT**

**TOWN AND COUNTRY PLANNING ACT 1990**

**PLANNING PERMISSION**

**Application No: 22/00783/FUL**

**Name and address of applicant**

Miller Homes  
103 Dalton Avenue  
Birchwood Park  
Warrington  
WA3 6YF

**Name and address of agent**

Pegasus Group  
Queens House  
Queen Street  
Manchester  
M2 5HT

**Date of Receipt:** 23 December 2022

**Date Valid:** 12 January 2023

**Address/Location Of Development:**

Former Site Of The RSPCA  
(Miller Homes Development Site)  
Higher Road, Halewood  
L26 0AG

**Description of Development:**

**CONSTRUCTION OF 1.NO TEMPORARY VEHICULAR ACCESS TO FINCH LANE  
(IN CONJUNCTION TO PLANNING PERMISSION 19/00104/FUL)**

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. This permission is granted for a limited period which will expire on 15 March 2025. At the expiration of this period the development for which permission is hereby granted, the use shall be discontinued and:
  - i. the footpath shall be reinstated to its former condition in accordance with a restoration scheme to be submitted to and approved in writing by the Local Planning

Authority; the reinstate scheme to be submitted within one month of the date of this decision;

ii. the hedgerow shall be replanted in accordance with Drawing No. 206 Rev D during the first available planting season following the cessation of use of the vehicular access hereby permitted.

Reason: The development is of a temporary nature only and is not considered acceptable on a permanent basis.

3. The hedgerow shall be improved in accordance with Drawing No. 206 Rev D. For the avoidance of doubt, these details include:
- Replanting of the gaps in the hedgerow at the end nearest Higher Road
  - Removal of the old field gate and pallets
  - Removal of the ivy and elder at the end nearest Higher Road
  - Replanting of the removed hedgerow with more developed plants min height: 150cm (with the growing tip removed to allow for the plant to bush out) The approved works must be implemented in accordance with the approved details within six weeks of the date of this decision notice.

REASON: It is in the interests of visual amenity and in accordance with the duty of the Council under Section 197 of the Town and Country Planning Act 1990 in respect of the planting and preservation of trees.

4. Five working days written notice shall be given to the Local Planning Authority prior to the removal of the hedgerow and five working days written notice shall be given to the Arboricultural Officer prior to the replacement of the hedgerow.

Reason: For the avoidance of doubt and to comply with the application.

5. In the event that any of the trees/plants that are planted as part of the replacement hedgerow planting scheme as per the details secured under condition 2 and 3 of this permission which die, become diseased, damaged or are removed within 5 years of planting shall be replaced with trees/plants of similar sizes and species or as may otherwise be agreed with the Local Planning Authority in the first available planting season thereafter. Should replacement planting be necessary, the Council shall be notified in writing at least 7 days prior to the planting taking place. Notification shall include details of the problem with the implemented scheme and the specification and timing of the replacement planting.

REASON: It is in the interests of visual amenity and in accordance with the duty of the Council under Section 197 of the Town and Country Planning Act 1990 in respect of the planting and preservation of trees.

6. The hedgerow along the entire eastern site boundary, as illustrated on Drawing No. BLHW/LP/02 Rev A, shall be laid in accordance with the details outlined in the email dated 08.02.23 (details of hedge laying) and 09.03.2023 (which states that the hedge will be laid at a height of 1.2m) hereby approved. The hedgerow must be laid in accordance with the approved details within six weeks of the date of this decision notice.

Reason: To improve the hedgerow and the character of the local area in accordance with Saved Unitary Development Plan Policy DQ4.

7. No works to the hedgerow hereby permitted can take place within the breeding bird season 1st March until 31st August unless a nesting bird check has been carried out within 24-hours prior to such works commencing. In the event that nesting birds are

recorded within the works area, a scheme of mitigation shall be submitted to and approved by the local planning authority. The works to the hedgerow shall be carried out in accordance with the approved mitigation measures.

Reason: Breeding birds, their nests and eggs are protected under the Wildlife and Countryside Act.

8. Within three months of the date of this decision, a hedgerow management scheme for the entire eastern boundary shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timescale, programme and the body responsible for its implementation. The approved scheme is to be implemented in perpetuity. Any successors to the original body responsible for its implementation shall be notified to the Local Planning Authority in writing within one month of any such change occurring.

Reason: The Council wishes to ensure that these areas are appropriately managed in the interests of visual amenity.

9. No vehicles will be permitted to wait for any length of time on Finch Lane, and therefore must be able to access site on arrival without delay, any reports of such issues will be investigated, and the use of a temporary access revoked on safety grounds.

Reason: Highway safety.

10. Given the reduced visibility splay, the temporary access hereby permitted shall be used by construction vehicles only and no other vehicles (including vans and cars). The use of the access by other vehicles may result in the temporary access being closed.

Reason: Highway safety.

## **SCHEDULE 1**

| <b>Date Received</b> | <b>Ref. No</b>     | <b>Version</b> | <b>Drawing/Document Title</b>                                                |
|----------------------|--------------------|----------------|------------------------------------------------------------------------------|
| <b>08/03/2023</b>    | <b>BLHW/LP/02</b>  | <b>Rev A</b>   | <b>TEMPORARY ACCESS LOCATION PLAN</b>                                        |
| <b>23/12/2022</b>    | <b>-</b>           | <b>Rev 5</b>   | <b>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN</b>                            |
| <b>18/01/2023</b>    | <b>706.16</b>      | <b>Rev G</b>   | <b>ARBORICULTURAL IMPACT ASSESSMENT</b>                                      |
| <b>07/03/2023</b>    | <b>02/18</b>       | <b>Rev D</b>   | <b>FINCH LANE TEMPORARY SITE ACCESS SETTIN-OUT INFORMATION &amp; DETAILS</b> |
| <b>10/03/2022</b>    | <b>206</b>         | <b>Rev D</b>   | <b>PLANTING PLAN - REPLACEMENT HEDEGEROW PROPOSALS</b>                       |
| <b>08/03/2023</b>    | <b>BLHW/ESP/01</b> | <b>Rev A</b>   | <b>EXISTING SITE PLAN</b>                                                    |

## **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:-

**NATIONAL PLANNING POLICY FRAMEWORK 2021**  
**PLANNING PRACTICE GUIDANCE DCLG**  
**NATIONAL DESIGN GUIDE**

### **THE JOINT MERSEYSIDE AND HALTON WASTE LOCAL PLAN 2013**

WM8 - Waste Prevention and Resource Management

WM9 – Sustainable Waste Management Design and Layout of New Development

### **SAVED POLICES – KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)**

T5 – Location of Major Traffic Generating New Development.

DQ3 – Gateway Sites and Corridors

DQ4 – Trees and Development

### **KNOWSLEY LOCAL PLAN: CORE STRATEGY POLICIES (2016)**

SD1- Sustainable development

CS1 – Spatial Strategy for Knowsley

CS2 - Development Principles

CS4 – Economy and Employment

CS7 - Transport Networks

CS8 – Green Infrastructure

### **SUPPLEMENTARY PLANNING DOCUMENTS**

Trees and Development SPD (2016)

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 (Jo Sheridan on 0151 443 2376)

## **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: 31 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.
- As this is a decision for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.