



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 24/00479/FUL

Name and address of applicant

Cavendish Walk Limited acting by its
Joint Fixed Charge R...
C/O Watling Real Estate Ltd
125 Deansgate
Manchester
M3 2BY

Name and address of agent

Broadgrove Planning & Development
Ninth Floor, Regent House
34b Heaton Lane
Stockport
SK4 1BS

Date of Receipt: 13 September 2024

Date Valid: 13 September 2024

Address/Location Of Development:

**Underground Carpark
Cavendish Walk
Derby Road
Huyton
Knowsley
L36 9YG**

Description of Development:

**REMOVAL OF CONDITION 16 (UNDERGROUND CAR PARK) ATTACHED TO
PLANNING PERMISSION 04/01370/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 pedestrian link from Lathom Road to Derby Road, previously discharged on 13.10.2006 shall be retained at all times.

Reason: For the avoidance of doubt and to accord with 04/01370/FUL.

2. The external facing materials to be used on walls and roofs and details of any external doors and windows (including any roller shutters) shall remain as those previously approved and discharged on 19.07.2006.

Reason: In the interests of visual amenity, for the avoidance of doubt and to accord with 04/01370/FUL.

3. No tree within the site shall be cut-down, up-rooted, topped, destroyed or in any other way damaged, (nor any hedge within the site cut-down or grubbed out), without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity, for the avoidance of doubt and to accord with 04/01370/FUL.

4. The details of surface treatment of the areas not covered by buildings shall remain as those previously approved and discharged on 19.07.2007.

Reason: In the interests of visual amenity, for the avoidance of doubt and to accord with 04/01370/FUL.

5. The details relating to any scheme of external lighting for the development, including the type, design, siting, intensity and direction of illumination along with the hours of operation of the lights, shall remain as those previously approved and discharged on 14.10.2006.

Reason: In the interests of visual and residential amenity, for the avoidance of doubt and to accord with 04/01370/FUL.

6. The details relating to any scheme for the control of noise arising from use of the site shall remain as those previously approved and discharged on 14.09.2006. These works and/or measure forming part of the agreed scheme shall be maintained/operated at all times.

Reason: In the interests of residential amenity, for the avoidance of doubt and to accord with 04/01370/FUL.

7. Deliveries shall not take place to units within block A outside the hours of 07:00 and 23:00 on any day, without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual and residential amenity, for the avoidance of doubt and to accord with 04/01370/FUL.

8. The details relating to any refuse storage arrangements for each of the proposed blocks shall remain as those previously approved and discharged on 19.07.2006. These works which form part of the agreed scheme shall be maintained/operated at all times.

Reason: In the interests of residential amenity, for the avoidance of doubt and to accord with 04/01370/FUL.

9. The details relating to the trading space within the site as shown on the approved plan (Drawing No 362-212 received on the 22 December 2004) for the loading, unloading and parking of vehicles, this space shall remain as that previously approved from the submitted plan. This space shall be retained in accordance with the approved details at all times that the proposed development is in use.

Reason: In the interests of residential amenity, for the avoidance of doubt and to accord with 04/01370/FUL.

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

CS1 - Spatial Strategy for Knowsley

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

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 (Reece Black on 0151 443 5040)

ARTICLE 35 STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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.

Informative

1. The Planning Permission hereby granted is only for the removal of Condition 16 of 24/01370/FUL, however, this does not amend or alter the original description of development,

and the use of the underground car park shall remain as a use which accords with the original

description of development. This Planning Permission does not permit any material change of use to the application site and should any alternative use be considered a new, separate application for full planning permission will be required as this would alter the operational use of the application site contained within the description of development.

2. The Planning Permission hereby granted shall continue to accord with any previously approved plans and documents in relation to the original Planning Permission.



Executive Director - Regeneration and Economic Development

Date: 20 November 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.
- 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.