



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

**This application is subject to a Section 106 Agreement and needs to
be read in conjunction with that Agreement.**

PLANNING PERMISSION

Application No: 23/02832/FUL

Name and address of applicant

Gormac Developments Limited
Queensway House
Waterloo Road
Widnes
Cheshire
WA8 OFD
United Kingdom

Name and address of agent

Enabl
16 Old Market Place
Altrincham
WA14 4DF

Date of Receipt: 12 December 2023

Date Valid: 14 December 2023

Address/Location Of Development:

Dales Bar
Okell Drive
Halewood
Knowsley

Description of Development:

**DEMOLITION OF EXISTING BUILDING AND ERECTION OF 9NO.
DWELLINGHOUSES INCLUDING ASSOCIATED PARKING AND LANDSCAPING**

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 Streetscene - Rev P03 - (Received 31/07/2024)
- b. Proposed Site Plan - Rev P07 - (Received 31/07/2024)
- c. Proposed Block Plan - Rev P05 - (Received 31/07/2024)
- d. Location Plan - Rev P04 - (Received 31/07/2024)
- e. Landscape Plan - 01 - Rev F - (Received 19/04/2024)
- f. Arboricultural Survey - (Received 19/04/2024)
- g. Refuse Store Plan and Elevations - Rev P02 - (Received 12/12/2023)
- h. Proposed Side Elevation Block C (1403) - Rev P01 - (Received 31/07/2024)
- i. Proposed Side Elevation Block C (1401) - Rev P01 - (Received 31/07/2024)
- j. Proposed Rear Elevation Block C - Rev P01 - (Received 31/07/2024)
- k. Proposed Front Elevation Block C - Rev P01 - (Received 31/07/2024)
- l. Proposed Roof Plan Block C - Rev P01 - (Received 31/07/2024)
- m. Proposed Second Floor Plan Block C - Rev P01 - (Received 31/07/2024)
- n. Proposed First Floor Plan Block C - Rev P01 - (Received 31/07/2024)
- o. Proposed Ground Floor Plan Block C - Rev P01 - (Received 31/07/2024)
- p. Proposed Side Elevation Block B (1403)- Rev P03 - (Received 31/07/2024)
- q. Proposed Side Elevation Block B (1401) - Rev P04 - (Received 31/07/2024)
- r. Proposed Rear Elevation Block B - Rev P03 - (Received 31/07/2024)
- s. Proposed Front Elevation Block B - Rev P03 - (Received 31/07/2024)
- t. Proposed Roof Plan Block B - Rev P02 - (Received 31/07/2024)
- u. Proposed Second Floor Plan Block B - Rev P04 - (Received 31/07/2024)
- v. Proposed First Floor Plan Block B - Rev P04 - (Received 31/07/2024)
- w. Proposed Ground Floor Plan Block B - Rev P03 - (Received 31/07/2024)
- x. Proposed Side Elevation Block A (1403)- Rev P04 - (Received 31/07/2024)
- y. Proposed Side Elevation Block A (1401) - Rev P04 - (Received 31/07/2024)
- z. Proposed Rear Elevation Block A - Rev P03 - (Received 31/07/2024)
- aa. Proposed Front Elevation Block A - Rev P03 - (Received 31/07/2024)
- bb. Proposed Roof Plan Block A - Rev P02 - (Received 31/07/2024)
- cc. Proposed Second Floor Plan Block A - Rev P04 - (Received 31/07/2024)
- dd. Proposed First Floor Plan Block A - Rev P04 - (Received 31/07/2024)
- ee. Proposed Ground Floor Plan Block A - Rev P03 - (Received 31/07/2024)

Reason: For the avoidance of doubt.

3. No development (except demolition) shall take place until a scheme for the design and layout of highway improvement works has been submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the works shall include but not be limited to:

- o Site access junction and footway connecting to the existing footway to the south of the site access,
- o Pedestrian crossing over Okell Drive with tactile paving and dropped kerbs,
- o Resurfacing of the existing footway between the site access and the bus stop.

The approved scheme shall be implemented before the development is brought into use.

Reason: To ensure the provision of safe and adequate means of access to the development in the interests of highway safety and amenity and to comply with Policy CS19 of the Core Strategy, adopted January 2016

4. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction effects. This shall include but not be limited to the following:
 - a. Layout of the site compound including identification of areas for the storage of plant and materials, loading/unloading and turning areas for delivery vehicles [for each phase as necessary].
 - b. Management of deliveries including prevention of waiting/layover of construction related traffic on the highway, measures for the control of traffic to and from the site and consideration of any temporary traffic management arrangements which may be necessary during periods of construction. Note reversing on the highway is not permitted without a trained Banksman (RoSPA or equivalent)
 - c. Construction staff parking arrangements
 - d. Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
 - e. Methods for dust control and suppression.
 - f. A programme of works including phasing, if applicable.
 - g. Adequate provision for addressing any abnormal wear and tear to the highway, if applicable.
 - h. The location in a pedestrianised area subject to vehicular access restrictions from 10am - 5pm.
 - i. Details of relevant pest control measures that will be in place, or will be put in place, should evidence of pests become apparent during the construction works.
 - j. Woodland protection measures to minimise run-off, dust and pollution impacts;
 - k. Reasonable Avoidance Measures for protection of great crested newt and common amphibians, in line with paragraphs 4.1.13 and 4.1.14 of the PEA;
 - l. Breeding birds- no tree or scrub removal between 1 March and 31 August inclusive, unless informed by a suitably qualified ecologist, in line with paragraphs 4.1.18 of the PEA;
 - m. Artificial lighting to be aimed away from woodland areas for the protection of bats, in line with paragraph 4.1.24 of the PEA;
 - n. Reasonable Avoidance Measures for protection of hedgehog (Protected Species (NERC, 2006)) and badger, in line with paragraphs 4.1.26 and 4.1.27 of the PEA; and
 - o. Removal or treatment of cotoneaster (invasive species), by a competent contractor, in line with paragraph 4.1.28 of the PEA.

All site works shall then be carried out in accordance with the approved Plan unless otherwise agreed in writing beforehand with the Local Planning Authority

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

5. Prior to commencement of development (except demolition), a lighting scheme to provide lighting for the private road whilst preventing light spill onto nearby habitats shall be submitted to and be approved by, the local planning authority. For the avoidance of doubt, such a scheme shall be accompanied by a maintenance strategy to ensure its future operation.

All works shall be carried out in accordance with the approved details and retained as such hereafter.

Reason: In order to appropriate lighting whilst protecting wildlife (including bats) from excessive light.

6. Notwithstanding the submitted plans no part of the development hereby permitted shall commenced until a scheme showing details of the method of delineation between the edge of the adopted highway and the proposed private road has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the safety and amenity of the residents and users of the proposed highway and to comply with Policy CS19 of the Core Strategy, adopted January 2016.

7. No development (except demolition) shall take place until an assessment of the risks posed by any contamination has been submitted to, and approved in writing by, the Local Planning Authority.

Prior to any further ground investigations taking place, the scope of works for these investigations must be agreed, in writing, with the local planning authority.

The assessment must also be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include (were relevant):

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and
 - o service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments.

B. Submission of Remediation Scheme

Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be implemented, and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

D. Reporting of Unexpected Contamination

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 (or relevant phase of development) being brought into use.

E. Materials Management Plan

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, signed off by a Qualified Person, shall be submitted to and agreed in writing with the local planning authority. The MMP shall demonstrate that any reuse of contaminated materials does not result in increased risk to the environment or human health.

F. Importation of Soil/Material

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 order to prevent harm to human health from contamination.

8. Five working days written notice shall be given to the Arboricultural Officer before commencement of the works hereby granted.

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

9. Prior to occupation of any dwelling, details of a biodiversity enhancement management plan shall have been submitted to and been approved by the local planning authority. This shall be implemented before the occupation of any dwelling and retained hereafter in accordance with the agreed plan.

Reason: In order to improve biodiversity within the site.

10. Prior to the occupation of any dwellings, details of bird and bat boxes (including their number, location and detailed specification) shall have been submitted to and have been approved by, the local planning authority. All works shall be carried out in accordance with the approved details and retained as such hereafter.

Reason: In order to secure bird and bat boxes on the site to improve biodiversity.

11. The development shall not be brought into use until the areas indicated on Site Plan P23036-FCH-XX-XX-DR-A-1210 Rev P05 be set aside for car parking, servicing, vehicular manoeuvring, and cycle storage) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter.

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

12. No construction work shall take place outside the hours of 08:00 - 18:00 hours Monday to Friday, 08:00- 13:00 hours Saturday and not at all on Sundays/Public Holidays.

Reason: In order to avoid harm to amenity.

13. No gates or other obstruction shall be placed across the vehicular access.

Reason: To permit vehicles to pull clear of the carriageway when entering the site, in the interests of highway and pedestrian safety.

14. No dwelling hereby approved shall be occupied until a full fibre broadband connection has been installed and made available for use.

Reason: To support economic growth in accordance with NPPF Para 119.

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

CS7 - Transport Networks

CS8 - Green Infrastructure

CS19 - Design Quality and Accessibility in New Development

CS21 - Greenspaces and Trees

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.

- 2 The applicant, their advisers and contractors should be made aware that if bats or great crested newt are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
- 3 It is recommended that the developer/architect consider implementing a good standard (LPS standard or similar equivalent) of padlock/lock for the refuse store and that TS007 3* cylinders or similar equivalent for any UPVC/Composite doors be incorporated. This will ensure that properties do not succumb to burglary via lock snapping as it is still the primary entry method for offenders across Merseyside and can be avoided by installing a cylinder resistant to this form of attack.
- 4 It is an offence to carry out any works within the public highway without the permission of the Highway Authority. The grant of planning permission will require the developer to enter into an agreement under s278 of the Highways Act 1980 with the Council. The applicant is advised to contact the Site Development Team at SiteDevelopment@knowsley.gov.uk to discuss the matter further.

The applicant is reminded that it is an offence to allow material carried from the site to be deposited on or cause damage to the highway, as a result of dirty wheels or badly loaded vehicles. Should this occur, the Council as Local Highway Authority will seek to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and will prosecute offenders under Sections 131, 148 and 149 of the Highways Act 1980.

The road serving the permitted development is to be designated a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). It is incumbent on the developer to undertake the appropriate measures to ensure that the future maintenance and management of the private street is established and continued in perpetuity. For example: through the establishment of a Maintenance or Management Company, whose terms of reference are secured by means of a Section 106 Agreement of the Town & Country Planning Act, as well as the developer formally seeking exemption under Section 219 of The Highways Act 1980. All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Further information can be obtained by contacting SiteDevelopment@knowsley.gov.uk

It should be noted that the Council operates the Advance Payments Code in accordance with Sections 219 - 225 of the Highways Act 1980. This Code applies wherever a new building is to be erected which will have a frontage onto a new section of road which is to be declared a private road. Failure to deposit or secure monies with the Highway Authority prior to the commencement of building work, in accordance with the Code, is an offence, which could lead to the suspension of construction and may lead to prosecution and a fine.

- 5 Merseyside Fire and Rescue - See Letter



Executive Director - Regeneration and Economic Development

Date: 23 October 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.
- 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.