



Quod

---

# Planning and Retail Statement

Sovereign industrial  
Estate, Wilson Road,  
Huyton, Knowsley, L36  
6AD

---

NOVEMBER 2023

Q230156

# Contents

---

|   |                                                    |    |
|---|----------------------------------------------------|----|
| 1 | Introduction                                       | 2  |
| 2 | Factual Background                                 | 5  |
| 3 | Proposed Development & Prospective Retail Occupier | 7  |
| 4 | Planning Policy Context                            | 11 |
| 5 | Retail Use in Primary Industrial Area              | 18 |
| 6 | Retail Use in Out of Centre Location               | 23 |
| 7 | Development Management Considerations              | 32 |
| 8 | Summary and Conclusions                            | 38 |

## Documents

1. Site Location Plan
2. Relevant Decision Notices
3. Decision Notice & Officer Report (ref. 17/00301/HYB)
4. Home Bargains Retail Requirements
5. Plan showing Core Catchment

# 1 Introduction

---

- 1.1 This Planning and Retail Statement ('PRS') has been prepared by Quod on behalf of DAVOS Property Developments Limited ('the Applicant').
- 1.2 The PRS has been prepared in support of a full planning application for the retail-led regeneration of the former Halewood Distillery at Sovereign Industrial Estate in Huyton, Knowsley, L36 6AD ('the Application Site').
- 1.3 The full planning application proposes the following development:
- "Partial demolition, reconfiguration and refurbishment of existing employment floorspace to create 2no. industrial warehouse buildings with ancillary offices (Classes E(g)(iii), B2 and B8) with dedicated servicing and car parking arrangements; erection of 1no. retail unit (Class E) with external display area and dedicated car parking and servicing arrangements; retention and amendment of existing site accesses along with internal estate roads; 2no. substations; landscaping; and associated works."*
- 1.4 The Application Site comprises a large industrial warehouse unit which was formerly occupied by Halewood International Limited ('Halewood'), a production company that specialises in the production of alcoholic beverages. The premises was the company's headquarters until September 2022, when this was relocated to Chorley, following an announcement in 2020 that they intended to vacate the site. The Application Site has sat vacant since.
- 1.5 The substantial warehouse building is at risk of falling into disrepair, becoming detrimental to visual amenity. The vacant land is also at risk of becoming problematic with recent incidents of trespassing and vandalism. However, the proposals provide an exciting opportunity to regenerate a vacant, and therefore underutilised site.
- 1.6 This planning application is coming forward as a second phase, following the Applicant's purchase of the Phase 1 Site immediately to the north which gained planning permission on 5<sup>th</sup> May 2023 under application ref. 22/00109/FUL. Specifically, this permission was for 2no. industrial units and the remodelling of the existing unit to form 7no. employment units. This scheme is currently going through a process of detailed design and discharging relevant planning conditions.
- 1.7 The Phase 2 Application Site extends to 6.54 hectares and will comprise the partial demolition, reconfiguration and refurbishment of the existing buildings and the erection of a new retail unit. It should be noted from the outset that the catalyst for the regeneration of the Sovereign Industrial Estate will be the retail floorspace, which is occupier-led by Home Bargains. Indeed, the purchase, maintenance, partial demolition and redevelopment of both phases is attracting significant losses that need to be offset to secure a viable scheme. This redevelopment is achievable through the value arising from the retail unit through a guaranteed occupier, Home Bargains, associated rent and commercial value which will facilitate the delivery of the much-needed regeneration at both Phases 1 and 2.

1.8 The proposed development therefore represents a real opportunity to bring a large vacant, brownfield industrial allocation back into active economic use, contributing positively to the local economy. The proposed development gives rise to significant tangible and intangible benefits including the creation of up to 120 jobs<sup>1</sup> during the construction phase and a further 389 jobs<sup>2</sup> at the operation phase generating approximately £14 million GVA per year<sup>3</sup>. The benefits arising from the proposals should be afforded considerable weight, as emphasised by the National Planning Policy Framework ('NPPF').

1.9 The PRS will demonstrate how the uses proposed are supported in this location within Huyton and that the layout and design is one which delivers a wholly acceptable scheme and one which has significant merit. The proposals do not unduly impact the surroundings, maintaining the commercial function of the area alongside providing new landscaping. As we will demonstrate, the proposals are consistent with Paragraph 11 of the NPPF and the presumption in favour of sustainable development should apply, with planning permission granted without delay.

1.10 In terms of the structure of this report:

- **Section 2** sets out the factual background of the proposal, including the site and surrounding area and the relevant planning history;
- **Section 3** outlines the proposed development and the prospective occupier;
- **Section 4** summarises the planning policy framework within which the proposals should be considered against;
- **Section 5** deals with the relevant retail policy tests;
- **Section 6** deals with other planning considerations associated with the proposals;
- **Section 7** outlines the development benefits; and
- **Section 8** provides a summary of the application and draws the overall conclusions.

1.11 Finally, this Statement should be read alongside the following reports.

- Design and Access Statement, prepared by AEW Architects;
- Tree Survey Report, prepared by Encon Associates;
- Travel Plan, prepared by Rappor;

---

<sup>1</sup> CITB, Labour Forecasting Tool

<sup>2</sup> For warehouse floorspace, a density of one employee for 70 m<sup>2</sup> GIA has been applied. For retail floorspace, a density of one employee per 20 m<sup>2</sup> GIA has been used.

<sup>3</sup> GVA estimates are informed by Office for National Statistics (ONS) data on regional GVA (ONS (2023) Regional gross value added (balanced) by industry: all ITL regions) and Business Register and Employment Survey (BRES) data (ONS (2021). Business Register and Employment Survey).

- Transport Statement, prepared by Rappor;
- Sustainability and Energy Statement, prepared by Envision;
- Noise Assessment, prepared by Tetra Tech;
- Landscaping Scheme, prepared by Amenity Tree;
- Drainage Strategy and Flood Risk Assessment, prepared by Adept;
- Coal Mining Risk Assessment, prepared by Fairhurst
- Air Quality Assessment, prepared by Tetra Tech;
- Health Impact Assessment, prepared by Quod;
- Preliminary Risk Assessment, prepared by Fairhurst;
- Preliminary Ecology Assessment, prepared by Amenity Tree;
- Biodiversity Net Gain Assessment, prepared by Amenity Tree;
- Bat Roost Assessment, prepared by Amenity Tree; and
- Social Value Strategy, prepared by Fusion 21.

## 2 Factual Background

---

### Site and Surrounding Area

- 2.1 The extent of the Application Site is outlined on the accompanying Site Location Plan (ref. 13579 – 0501 – P01), which is appended at **Document 1**.
- 2.2 The Site is located and accessed off Wilson Road, and forms part of the wider and well-established Huyton Business Park. It is bordered by Cronton Road (A5080) to the south, industrial and commercial uses to the west and residential housing and industrial units to the north. The Site is well connected to the wider strategic road network, located adjacent to the Junction 6 of the M62 and Junction 1 of the M57.
- 2.3 The Site is accessible by variety of modes of transport, with bus stops located within 400 metres of the Site, along Cronton Road (A5080), which provide frequent services from Liverpool to Warrington. Huyton Railway Station and Whiston Railway Station are both located within a 10-minute drive of the Site.
- 2.4 The Site is also accessible by foot and bicycle with footways provided adjacent to both sides of Wilson Road and Cronton Road.
- 2.5 The Site is located within a Development High Risk Area which sits within a Coal Mining Reporting Area. The Site is located within Flood Zone 1 and does not fall within an AQMA. The site does not sit within a Conservation Area nor are there any Listed Buildings within 100 metres of the site. There is a Tree Preservation Order (ref. 2-2001) which covers a number of trees around the southwest boundary of the Application Site.

### Relevant Planning History

- 2.6 The Application Site has extensive planning history, which spans over a significant period of time with a number of applications seeking extensions and modifications to suit the previous tenant's operation needs over a number of years.
- 2.7 More recently, in May 2023, planning permission was granted (ref. 22/00109/FUL) for the redevelopment of Site to form 9no. industrial units on 4.47 hectares of land off Wilson Road. Specifically, planning permission was granted for the following development, referred to as Sovereign Industrial Phase 1.

*“Demolition of buildings and the erection of 2no. industrial units together with the part demolition/part extension and remodelling of existing industrial building to form 7 no. Units (use classes e (g)(ii) (iii), b2 and b8) with ancillary office space. Reconfiguration of car parking including service and vehicular circulation areas, landscaping, infrastructure works and other associated works.”*

- 2.8 The permission forms Phase 1 of the overall redevelopment proposals and is located immediately north of the Application Site and falls within the Applicant's ownership.

- 2.9 In October 2023, a subsequent NMA was approved (ref. 22/00109/NMA) to reduce the floorspace of Unit C and reduce the number of parking spaces.
- 2.10 Details of the above planning history is continued at **Document 2**.
- 2.11 There is no other site-specific planning history of relevance, but it is important to highlight that there is precedent in support of the development proposed. Specifically, full planning permission (ref. 17/00301/HYB) was granted for a 1,800 square metres food store, 1,161 square metres of Class B1/B2 floorspace along with outline planning permission for up to 7,500 square metres of Class B1/B2 floorspace, a petrol filling station with up to 400 square metres for associated Class A1 unit, up to 1,000 square metres of Class A3/A4 floorspace along with associated works. This application was approved on 30<sup>th</sup> January 2019 and sets a clear precedent of the acceptability of over 3,000 square metres of Class A1/A3/A4 uses, now Class E uses, in this location. The Decision Notice and Committee Report is appended at **Document 3**.

# 3 Proposed Development & Prospective Retail Occupier

## Proposed Development

3.1 Full planning permission is sought for the following development:

*“Partial demolition, reconfiguration and refurbishment of existing employment floorspace to create 2no. industrial warehouse buildings with ancillary offices (Classes E(g)(iii), B2 and B8) with dedicated servicing and car parking arrangements; erection of 1no. retail unit (Class E) with external display area and dedicated car parking and servicing arrangements; retention and amendment of existing site accesses along with internal estate roads; 2no. substations; landscaping; and associated works.”*

3.2 For ease the two aspects of the proposals, the industrial warehouses and the retail unit, have been covered separately below. The proposals are however shown holistically on the enclosed planning drawings, listed below, which support the planning application, prepared by AEW Architects.

| Drawing Title                                           | Drawing No.        | Scale       |
|---------------------------------------------------------|--------------------|-------------|
| Site Location Plan                                      | 13579 – 0501 – P01 | 1:1250 @ A2 |
| Existing Site Plan                                      | 13579 – 0502 – P01 | 1:1000 @ A1 |
| Proposed Site Plan                                      | 13579 – 0503 – P05 | 1:1000 @ A1 |
| Proposed External Works                                 | 13579 – 0504 – P01 | 1:1000 @ A1 |
| Retail Unit 1 – Sections                                | 13579 – 0516 – P03 | 1:100 @ A1  |
| Retail Unit 1 – Ground Floor Plan                       | 13579 – 0512 – P03 | 1:200 @ A1  |
| Retail Unit 1 – Roof Floor Plan                         | 13579 – 0514 – P03 | 1:200 @ A1  |
| Retail Unit 1 – Elevations                              | 13579 – 0515 – P03 | 1:200 @ A1  |
| Unit A – Existing GA Ground Floor Plan                  | 13579 – 0521 – P01 | 1:200 @ A0  |
| Unit A – Proposed GA Ground Floor Plan                  | 13579 – 0525 – P01 | 1:200 @ A0  |
| Unit A & B – Existing GA Ground Floor Plan (Demolition) | 13579 – 0801 – P01 | 1:500 @ A1  |
| Unit A – Proposed GA First Floor Plan                   | 13579 – 0526 – P02 | 1:200 @ A0  |
| Unit A – Existing GA Roof Plan                          | 13579 – 0522 – P01 | 1:200 @ A0  |
| Unit A – Proposed GA Roof Plan                          | 13579 – 0527 – P01 | 1:200 @ A0  |
| Unit A – Existing GA Elevations                         | 13579 – 0523 – P01 | 1:200 @ A0  |
| Unit A – Proposed GA Elevations                         | 13579 – 0528 – P02 | 1:200 @ A0  |
| Unit B – Existing GA Ground Floor Plan                  | 13579 – 0531 – P01 | 1:200 @ A0  |

| Drawing Title                          | Drawing No.        | Scale      |
|----------------------------------------|--------------------|------------|
| Unit B – Proposed GA Ground Floor Plan | 13579 – 0535 – P02 | 1:200 @ A0 |
| Unit B – Proposed GA First Floor Plans | 13579 – 0536 – P02 | 1:200 @ A0 |
| Unit B – Existing GA Roof Plan         | 13579 – 0532 – P01 | 1:200 @ A0 |
| Unit B – Proposed GA Roof Plan         | 13579 – 0537 – P01 | 1:200 @ A0 |
| Unit B – Existing GA Elevations        | 13579 – 0533 – P01 | 1:200 @ A0 |
| Unit B – Proposed GA Elevations        | 13579 – 0538 – P02 | 1:200 @ A0 |

### Reconfigured & Modernised Employment Floorspace

- 3.3 The proposed development will include the partial demolition, reconfiguration and refurbishment of the existing warehouse at the Application Site. Given the specific nature of the previous occupier and the age of the warehouse, significant modernisation is required, including the demolition of 1,813 square metres across Units A and B to create two separate buildings, making the buildings attract to two separate occupiers.
- 3.4 Unit A, which occupies the front half of the premises facing Wilson Road, will measure 13,494 square metres (gross internal area) including 372 square metres of ancillary first floor office floorspace. A total of 134no. car parking spaces are proposed for Unit A. This includes 7no. accessible parking spaces and 1no. electric vehicle space. There will be a total of 16no. cycle parking spaces and 7no. motorcycle parking spaces.
- 3.5 Unit B, situated to the rear of the Applicant Site, will measure 6,094 square metres (gross internal area), including 232 square metres of ancillary office space on the first floor. A total of 61no. car parking spaces are proposed for Unit B. This includes 7no. accessible parking spaces and 1no. electric vehicle space. There will be a total of 7no. cycle parking spaces and 3no. motorcycle parking spaces.
- 3.6 Both Units A and B will be accessed via an existing access from Wilson Road which will be realigned.
- 3.7 Each of the units will have a dedicated service yard area, trailer parking, ancillary office space and landscaping will be provided throughout the development. Unit A will retain the existing servicing area to the south with an additional level loading bay to the east.
- 3.8 In terms of appearance both industrial units, the existing steel portal frame will form the structure. Glazing around the ancillary offices which will be the focal point of the buildings which are located along key elevations. Contrasting composite cladding will then be used, a slate grey will be used around the glazing and a silver metallic for the remainder of the building to create a modern industrial look.

### Retail Unit

- 3.9 The proposed retail unit will extend to 2,396 square metres (Class E(a)) alongside an external display area for garden goods. The retail unit will have a prominent position along Wilson Road to ensure it has the visual prominence required to deliver a viable scheme. Access to

the customer car park will be taken from a dedicated existing access off Wilson Road, separate from the access further north which serves the industrial units.

- 3.10 The retail unit will also be served by a dedicated customer car park, with a total of 140no. spaces comprising 131no. standard spaces, 9no. accessible spaces, 4no. parent and child spaces and 1no. electric vehicle charging space. Future electric vehicle spaces can also be provided through the installation of ducting. There will be a total of 7no. motorcycle parking spaces and 17no. cycle spaces for both customers and staff.
- 3.11 In terms of appearance, the unit will comprise of a simple steel frame with an external skin of metal cladding and red brick piers and store front glazing. The external finishes will comprise of modern materials including profiled metal cladding roof panels, flat panels on external walls which will sit above the brickwork. External walls will incorporate the parapet up to roof ridge level, hiding the eaves of the building. There will be roller shutters externally placed over the shopfront glazing to provide security when the store is closed; this is a requirement of Home Bargains' specification.
- 3.12 Additional information on the design and access arrangements of the entire development proposals can be found within the submitted Design and Access Statement, prepared by AEW Architects.

#### Site-wide Works

- 3.13 The proposed development will result in both existing access points being utilised. These will be retained but amended to ensure they are suitable for the proposals.
- 3.14 Two new substations are proposed to serve the development, as illustrated on the submitted Proposed Site Plan.
- 3.15 The proposed redevelopment incorporates both hard and soft landscaping throughout the scheme. Soft landscaping will include grass, shrubs and tree planting along the southwestern boundary, as well as improving planting along the north of the Site.

#### Prospective Retail Occupier

- 3.16 The retail unit is proposed to secure a catalyst for the wider regeneration of the site and specifically the reconfiguration and modernisation of the existing employment floorspace. The confidence of these wider benefits being delivered is secured through an agreement with Home Bargains to occupy the purpose-built retail unit.
- 3.17 TJM was established over 40 years ago by Tom Morris who opened his first store in Liverpool. The business has grown organically to become one of the largest privately-owned companies in the UK and currently employs over 24,000 members of staff.
- 3.18 The business currently has more than 600 stores throughout the UK and plans to expand to over 1,200 stores employing over 40,000 staff. HB is one of the UK's fastest growing discount retailers in the UK.
- 3.19 There is an existing, first generation Home Bargains store in Huyton town centre (on Derby Road), albeit this is a small format store on the high street and does not meet the retailer's

modern retail requirement, as shown on the published Retail Requirements brochure which appears at **Document 3**. Home Bargains now require stores of between 25,000 and 40,000 square feet, but it is often the case that the retailer will trade these larger format stores alongside the first generation town centre stores, fundamentally because the two format serve the needs of different customers and carry a markedly different product offer in terms of the breadth and depth of range.

- 3.20 HB operates within the discount, or value, retail sector. Affordable access to good quality everyday goods is more important now than ever given the cost-of-living issues that people throughout the UK are increasingly facing. HB's strap line is 'Top Brands – Bottom Prices'. The discount retailer sector has seen significant growth in recent years as shoppers have been attracted by the quality of products and competitive pricing.
- 3.21 The success of discount retailers and their ability to offer such low prices, is based on a combination of low profit margins and operational efficiency. The efficiency of HB's operation extends across all aspects of their business including their trading format.
- 3.22 HB's principal range includes health and beauty products, medicines, baby products, household products, toys and games, pet food, home furnishings and ornaments, seasonal products, ancillary food and drink products (typically up to 30% of the total floorspace) and a limited clothing range.
- 3.23 The above mix of goods form an integral part of HB's business model with a varied value product offer including food and non-food goods. This complete product range is required to attract customers and is essential in providing the appropriate synergy within the retail unit and provide a commercially viable store. It is not possible to disaggregate the product range between alternative smaller units as it would not provide the required critical mass. Neither it is viable to exclude any of the above goods from being sold at the retail unit as this would preclude the retailer from successfully operating the required business model.
- 3.24 The proposed store when opened, would generate over 100 new full and part-time job opportunities. Most of these job opportunities will be available to local people and will be across a range of scales.
- 3.25 In addition to jobs within the store, other employment opportunities will be created. These would include through the store fit out and merchandising of the store, and with the future maintenance and security of the unit, such as cleaners, security guards, etc.
- 3.26 The high-quality, modern retail unit and shop fit out proposed will result in additional investment in the local economy.

## 4 Planning Policy Context

---

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.2 In this instance, the Development Plan consists of the Knowsley Local Plan Core Strategy (January 2016) and the remaining 'saved' policies of the Knowsley Replacement Unitary Development Plan ('UDP') (2006), including the Proposals Map. The National Planning Policy Framework ('NPPF') (September 2023) and the Planning Practice Guidance ('PPG') are key material considerations, alongside various SPDs including 'Ensuring a Choice of Travel' and 'Knowsley: Adding Social Value to Development: Employment and Skills'.
- 4.3 The policies relevant to this application are set out below.

### Development Plan

#### Knowsley Local Plan Core Strategy (2016)

- 4.4 The Knowsley Local Plan Core Strategy was adopted in January 2016.
- 4.5 The Application Site is allocated as a Primary Industrial Area on the Local Plan Proposals Map which covers the wider Huyton Business Park.
- 4.6 The Local Plan outlines a number of strategic objectives, including Strategic Objective 1 that seeks to encourage and maintain sustainable economic and employment growth in Knowsley; and Strategic Objective 3, which seeks to regenerate and transform areas of social and economic deprivation.
- 4.7 Policy CS1 ('Spatial Strategy for Knowsley') sets out Knowsley's priorities for the development of Knowsley to 2028. The priorities include enhancing existing employment areas and provide a suitable range of sites and premises for new employment development.
- 4.8 Policy CS2 ('Development Principles') outlines Knowsley's five development principles to which new development is expected to follow. The principles include sustainable economic growth, reducing carbon emissions, reduce the need to travel, recognise environmental limits and make efficient use of available resources.
- 4.9 Policy CS4 ('Economy and Employment') outlines its overall employment development strategy which aims to:

*"a) Support sustainable economic growth and meet the development needs of established and emerging employment sectors, including the Liverpool City Region key economic sectors;*

*b) Provide sufficient land to meet employment development needs to 2028;*

*c) Enhance the quality and efficiency of land use within existing employment areas;*

*d) Improve accessibility to an appropriate range of jobs, for example by encouraging mixed use employment/residential schemes where appropriate and improving transport linkages between housing and employment areas;*

*e) Address skills and educational barriers to employment;*

*f) Encourage recruitment targeted towards communities living in and around the development site;*

*g) Support new start up businesses including social enterprise;*

*h) Encourage homeworking through improvements to digital communications and telecommunications infrastructure;*

*i) Support the diversification of the rural economy; and*

*j) Support the appropriate development of tourism facilities.”*

- 4.10 The policy continues to set out a provision for at least 164 hectares of land to be developed for employment uses between 2010 and 2028 and to be primarily located within a number of locations including Huyton Business Park within which Application Site is located. Part 7 of the Policy sets out the approach to safeguarding existing employment land:

*“Land which is currently in use or allocated for employment development will be safeguarded from changes to other types of development, except where: there is no current or likely future demand for employment uses on the land; or where other uses would bring wider regeneration, environmental and amenity benefits.” (our emphasis)*

- 4.11 Within the sub-text of the policy, it continues to highlight how a key priority will be enhancing the quality, effectiveness and accessibility of existing employment areas.

- 4.12 Policy CS6 (‘Town Centres and Retail Strategy’) sets out the hierarchy of centres for Knowsley for which main town uses should be prioritised in these locations. Proposals for retail or other main town centre uses will only be permitted if they would complement regeneration opportunities, avoid significant impact upon the viability and vitality of the town, district and local centres, and comply with a sequential test. There is no locally set threshold for retail impact assessments.

- 4.13 Policy CS7 (‘Transport Networks’) states that new development will be required to be located and designed to prioritise accessibility and sustainable modes of travel. Larger scale proposals should be located in the most accessible locations.

- 4.14 Policy CS19 (‘Design Quality and Accessibility in New Development’) aims to enhance the local distinctiveness, identity and accessibility of new development; maintain a good standard of amenity for all existing and future occupants and address the challenges of climate change in social, economic and environmental priorities.

- 4.15 Policy CS21 (‘Greenspaces and Trees’) states at ‘10’ that the Council encourage proposals to incorporate the following:

- a) *Retention of existing trees, woodland, vegetation and other habitat features which offer a positive contribution to the local environment in terms of visual amenity, recreation value or biodiversity/wildlife interest;*
- b) *Appropriate planting of trees, other soft landscaping and installation of habitat features for the benefit of biodiversity; and*
- c) *Adequate replacement provision where tree loss is unavoidable, comprising two additional trees for every tree lost and taking account of species and size.*

4.16 Policy CS22 ('Sustainable and Low Carbon Development') requires all new development to meet high standards of sustainable design and construction and minimise carbon emissions.

4.17 Policy CS24 ('Managing Flood Risk') states that new development should be located in areas of low probability of flooding.

#### **Knowsley Replacement Unitary Development Plan (2006)**

4.18 Policy CP3 ('Development Quality') states that all development proposals should provide a high design quality which will enhance the characteristics of the site and surrounding area.

4.19 Policy EC1 ('Strategy for Provision of Employment Land') sets out a list of Strategic Employment Location where employment development will be primarily located, this includes Huyton Business Park. The redevelopment or change of use of existing employment land or premises to other employment uses will in most cases be permitted as will applications for the renewal of existing planning permissions for employment development.

4.20 Policy EC3 ('Primarily Industrial Areas') identifies the site as an appropriate location for employment uses. Proposals for development for other uses in these areas (either on sites which are allocated for development or on other land or buildings) will only be permitted where they would:

- a) *Be complementary to and compatible with the surrounding employment uses;*
- b) *Be consistent with any approved regeneration strategy for the area;*
- c) *Preserve or enhance the image of the industrial area; and*
- d) *Avoid causing an unacceptable loss of land available for industrial development.*

4.21 Policy S1 ('Retail and Town Centre Development Strategy') states that the preferred location for development of new retail will be on the edge of an existing centre, in preference to an out-of-centre location. All proposal for major retail use development must be in location which are easily accessible by public transport, walking or cycling.

4.22 Policy T5 ('Location of Major Traffic Generating New Development') states that major developments should be located within safe and convenient walking distance of public transport facilities (defined as being no more than 400 metres from a bus stop and/or 800 metres from a rail station).

- 4.23 Policy T6 ('Ensuring Choice Travel to Serve New Developments') sets out how new development should provide or be served by good choice of modes of travel which is appropriate to the scale of development.
- 4.24 Policy T8 ('Transport Assessments') requires all major development to be accompanied by a Transport Assessment. In addition, Policy T9 ('Travel Plans') requires all major development to implement a Travel Plan.
- 4.25 Policy T10 ('Access for the Less Mobile') requires all new development to have adequate access for the less mobile.
- 4.26 Policy DQ1 ('Design Quality in New Development') states that new development should be of high-quality design which will respond to the site's surroundings, preserve any natural features and provide safe and convenient access.
- 4.27 Policy DQ2 ('Security in the Built Environment') states that new development should be designed so as to provide good levels of personal and property security. Security features such as fencing, walls, CCTV cameras and lighting (both in new developments and where proposed to provide added security to existing developments) should be designed so as to avoid causing harm.
- 4.28 Policy DQ4 ('Trees and Development') requires all new development to include appropriate planting of trees or other soft landscaping. Development proposals affecting existing trees, woodlands and other vegetation, which make a positive contribution to amenity, should make provision for their retention.
- 4.29 Policy ENV1 ('Control of Pollution in New Development') states that development will not be permitted which is likely to cause significant harm to amenity as a result of impact on air quality, quality of land and soil, or quality of the water environment.
- 4.30 Policy ENV2 ('Noise and Vibration') states that development will not be permitted if there is an unacceptable increase in noise or vibration levels.
- 4.31 Policy ENV3 ('Light Pollution') states that development requiring external lighting must satisfy the following criteria:
- a) *The lighting scheme proposed is the minimum required for security and working purposes to undertake the task;*
  - b) *There would be no unacceptable impact on visual amenity in the surrounding area;*
  - c) *The scheme will not have an unacceptable effect on road safety;*
  - d) *The scheme will not harm wildlife; and*
  - e) *There will be no unacceptable loss of residential amenity.*

- 4.32 Policy ENV5 ('Contaminated Land') states that new development will not be permitted if there is existing contamination on the site which could, as a result of the proposed development, place the occupiers or users of the development, ecological systems, the water environment or surrounding land uses at unacceptable risk.

## Material Considerations

### National Planning Policy Framework (NPPF) (September 2023)

- 4.33 The NPPF is underpinned by a presumption in favour of sustainable development which is embodied within paragraph 11.

- 4.34 Paragraph 8 sets out the economic objective to *"help build a strong, responsive and competitive economy"*.

- 4.35 Paragraph 81 goes on to advise that *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth"*. Moreover, Paragraph 38 sets out that local planning authorities should:

*"... approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible"*.

- 4.36 Paragraph 81 goes on to advise that:

*"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth"*.

- 4.37 Specific to the development of certain sectors, Paragraph 83 states that

*"Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations."*

- 4.38 In terms of town centre and retail policies, these are set out at paragraphs 86 to 91. Paragraph 86 advises that it is important that needs for all main town centre uses are met in full and not compromised by limited site availability. It goes on to note at Paragraph 87 that local planning authorities should apply the sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. In undertaking such an assessment, Paragraph 88 states that applicants and local planning authorities should demonstrate flexibility on issues such as form and scale.

- 4.39 Paragraph 90 advises that retail and leisure development outside of town centres and over the default threshold of 2,500 square metres should complete a retail impact assessment.

- 4.40 Paragraph 119 relates to the Government's objective of making effective use of land and states that planning decisions should, inter alia, promote and support the development of underutilised land and buildings.

#### Planning Practice Guidance

- 4.41 The online Planning Practice Guidance (PPG) was initially published in March 2014 and supports policies within the NPPF. It therefore includes important guidance on specific planning topics including both economic need and town centre uses which includes the application of both the sequential and impact tests.

- 4.42 The PPG puts great emphasis on logistics development. At Paragraph 031<sup>4</sup> it states:

*"The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land)."*

*Strategic facilities serving national or regional markets are likely to require significant amounts of land, good access to strategic transport networks, sufficient power capacity and access to appropriately skilled local labour..."*

- 4.43 In regard to the sequential and impacts tests, Paragraph 12<sup>5</sup> states:

*"Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations..."*

- 4.44 The PPG states<sup>6</sup>, in respect of transport and highways, that Travel Plans, Transport Assessments and Statements are required for all developments which are likely to generate significant amounts of movements.

- 4.45 The advice contained in the PPG will therefore inform the assessment undertaken in support of the application proposals.

#### Ensuring a Choice of Travel SPD

- 4.46 This document was adopted in September 2010 and provides detailed guidance about the council's transport policies, including parking standards.

#### Knowsley: Adding Social Value to Development: Employment and Skills SPD

- 4.47 This SPD, adopted in September 2018, and is driven by the Council's aspiration to see additional benefits incorporated into development opportunities.

---

<sup>4</sup> Reference ID: 2a-031-20190722

<sup>5</sup> Reference ID: 2b-012-20190722

<sup>6</sup> Reference ID: 42-001-20140306

## Summary

- 4.48 Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The policies of the Core Strategy and the UDP represent the principal development plan documents in this instance. The NPPF and PPG also provide a material consideration of considerable weight in the determination of the application.
- 4.49 The Site comprises a Primarily Industrial Area where Class E(g), B2 and B8 uses are encouraged. However, both the Core Strategy and UDP recognises that other uses would be appropriate where other uses can bring wider regeneration, environmental and amenity benefits, as well as be complementary to and compatible with the surrounding employment uses.
- 4.50 There are also development management policies that also need to be considered when assessing the application proposal, and these along with addressing the sequential test, are considered later in this report.

## 5 Retail Use in Primary Industrial Area

---

- 5.1 The first in-principle consideration arising from the proposals relates to the location of a retail use within a designated Primary Industrial Area.
- 5.2 As previously set out, Core Strategy Policy CS4 permits other uses within Primarily Industrial Areas where they bring wider regeneration, environmental and amenity benefits. Saved UDP Policy EC3 also permits other uses in Primary Industrial Areas but only where they: complement and are compatible with surrounding employment uses, preserve, or enhance the image of the industrial area and avoid unacceptable loss of land available for industrial development.
- 5.3 The adopted UDP is out of date, being almost 20 years old. We would fundamentally question the weight that can be afforded to it when determining the application, particularly given the age of the evidence base that underpinned the UDP's preparation. However, in the interests of robustness, both policies are addressed below.
- 5.4 The Application Site is one that was occupied since 1978 by Halewood. Over time the site evolved to meet the needs of its unique operation but investment slowed in latter years, and notably since it announced the intention to close in 2020. Although only vacant since September 2022, it has quickly become dilapidated and subject to vandalism and trespassing recently as October 2023.
- 5.5 The Application Site and the main warehouse require significant investment in order to upgrade and modernise the buildings as well as to reconfigure the layout to ensure it suitable and appealing to occupiers and the industry standard expectations.

### Policy CS4 Assessment

#### Regenerative Benefits

- 5.6 Policy CS4 states that other uses are acceptable where they bring wider regeneration benefits. The proposed retail unit is a necessary catalyst to achieve the value required to facilitate the redevelopment of the existing vacant building as well as deliver the Phase 1 proposals in full which also falls under the Applicants ownership.
- 5.7 The retail unit is being built for a specific tenant, Home Bargains, who are a significant investor in the area. Having an occupier secured provides the confidence and investor security needed to make the wider regeneration viable and deliverable. The value arising from the retail unit through a secured tenant, rent and commercial value unlocks the ability to deliver the much-needed regeneration at both phases 1 and 2.
- 5.8 The proposed development, including the erection of a Class E retail unit, represents a real opportunity to bring a large vacant, brownfield industrial allocation back into active economic use, contributing positively to the local economy.

5.9 As mentioned, the Application Site has extensive history as being operating as an industrial premises, and whilst forming part of the Primarily Industrial Area, it has sat vacant since September 2022 following an announcement in 2020 that the previous, long-term, occupier was to vacate. The premises is at risk of falling into disrepair following a period of underinvestment and vacancy, where it has recently become victim of trespassing and vandalism. However, the proposals carry huge potential in terms of modernising the industrial floorspace, secured by the introduction of a new retail unit. The huge potential also includes notable social, environmental and economic benefits which goes to the heart of the NPPF.

5.10 The economic benefits arising from both construction and post-completion fundamentally underpin the regenerative impact of the development. In particular, the development will give rise to the following benefits, with the proposed retail use acting as a catalyst.

- A total of **120 full-time equivalent (FTE) jobs in construction** during the eight month construction period estimated based on the Construction Industry Training Board's (CITB) Labour Forecasting Tool<sup>7</sup>;
- A total of **389 FTE gross jobs in the warehouse and retail uses** on site when the Site is operation which would benefit the local labour market estimated based on employment densities<sup>8</sup> set out in the Employment Density Guide (Homes & Communities Agency, 2015)<sup>9</sup>;
- Potential to support further jobs through indirect effects;
- New employees on-site would generate approximately **£1.2 million per year in spending** within the local area. This has been estimated based on an average daily worker spend of approximately £14 on food and drink<sup>10</sup>.
- **Local labour, skills and training opportunities** through the construction and operational phase;
- Economic benefits, including job creation, in an **area with high unemployment rate among working residents and a lower economic activity rate**;
- The employees accommodated by the warehouse and retail would generate approximately **£14 million GVA per year**<sup>11</sup>;
- Provision of a modern and updated working environment that prioritises health of the employees; and

---

<sup>7</sup> CITB, Labour Forecasting Tool.

<sup>8</sup> For warehouse floorspace, a density of one employee for 70 m<sup>2</sup> GIA has been applied. For retail floorspace, a density of one employee per 20 m<sup>2</sup> GIA has been used.

<sup>9</sup> Homes & Communities Agency, 2015. Employment Density Guide, 3<sup>rd</sup> Edition.

<sup>10</sup> Estimated using Visa (2014) UK Worker Spend and adjusted to inflation using Bank of England Inflation Calculator available at: <https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator>

<sup>11</sup> GVA estimates are informed by Office for National Statistics (ONS) data on regional GVA (ONS (2023) Regional gross value added (balanced) by industry: all ITL regions) and Business Register and Employment Survey (BRES) data (ONS (2021). Business Register and Employment Survey).

- Intensifying the existing premises, which sits vacant, through providing upgraded and modernised warehousing space which will support growth within the wider economy.

5.11 These proposals come forward as the UK continues to recover from a period of prolonged economic and politically uncertainty both within the United Kingdom and overseas. This application seeks to deliver the much-needed improvement of this corner of Sovereign Industrial Estate, and in a manner which is policy compliant and ultimately constitutes a sustainable economic development. These regenerative benefits should not be underestimated or delayed unnecessarily, and in line with Paragraph 81 of the NPPF, significant weight should be afforded accordingly.

5.12 The proposals accord with this aspect of Policy CS4.

#### Environmental Benefits

5.13 As mentioned, the retail unit secures the redevelopment of the wider employment floorspace which is in desperate need of modernisation and improvement. The retention of the existing warehouse, as far as possible, represents the most sustainable option for the Site. The reuse of the warehouse will deliver whole life cycle carbon savings over new development given the approach avoids large scale demolition and therefore significant waste.

5.14 Further, the existing floorspace is required to meet the minimum thermal and efficiency requires of Section 6, Volume 2 of the Building Regulations 2021.

5.15 Regarding the retail unit, this will be equipped with an efficient fabric performance, air tight building envelope and air source heat pumps. At planning stage it results in an overall 23% reduction in CO2 emissions and 25% reductions in primary energy when compared to Part L Notional building. Finally, water efficiency measures will be aligned with BREEAM Excellent criteria. Further details can be found in the Sustainability and Energy Statement, prepared by Envision.

5.16 The application is also accompanied by Landscaping Scheme which seeks to maximise planting across the Application Site. The scheme includes native edge and hedge planting, wildflower areas as well as native tree planting for 70no. new trees.

5.17 The proposals accord with this aspect of Policy CS4.

#### Amenity Benefits

5.18 The principal amenity benefits arising from the scheme are visual, with wholesale improvement to both the aesthetics of the refurbished warehouse space, and the creation of a high-quality, modern retail unit.

5.19 The existing warehouse has become dilapidated since the previous occupier vacated in September 2022. This followed a period of under investment in the premises as Halewood announced their intended departure in 2020. More recently, the Application Site has been subject to trespassing and vandalism.

- 5.20 The visual amenity benefits are twofold, the retail unit will unlock the refurbishment, modernisation and positive improvements to the dated industrial floorspace. Through cladding and glazed office areas the industrial buildings will receive a notable facelift, enhancing the character of this commercial area. Secondly, the retail unit will be a contemporary, yet coherent, new building including contrasting cladding, glazing and brickwork. The latter will occupy a gateway site into Huyton Business Park which will display investor confidence in the employment area as well as give the warehouse building a new lease of life.
- 5.21 Intended occupier Home Bargains, have a policy to erect buildings of substance utilising quality sustainable materials that will enhance the local area and retain their appearance over the passage of time.
- 5.22 The proposed landscaping will also have notable visual amenity benefits.
- 5.23 The proposals therefore comply with Policy CS4 in regard to amenity benefits.

### UDP Policy EC3 Assessment

- 5.24 As highlighted, Policy EC3 is some 20 years old and its policies in respect of employment development are considered to be out of date and should therefore only be afforded limited weight. Notwithstanding, for robustness, the proposals have been assessed against the criteria which permits alternative uses. It is considered that there is overlap between the criteria within Policy CS3 and EC3 with criterion 'c' (preserve or enhance the image of the industrial area) having been addressed above in full. Further, there is no specific 'regeneration strategy' (criteria 'b') for the area outside of the allocation which has been addressed and therefore this has not been expanded on further. The remaining criteria have been addressed below.

#### *a) be complementary to and compatible with the surrounding employment use*

- 5.25 The retail use proposed falls within Class E ('Commercial, Business and Service') which is commercial in its very nature, and therefore akin to the industrial uses permitted within Primarily Industrial Areas. Indeed, retail and industrial uses are often situated 'cheek by jowl' given their long-standing ability to complement one another.
- 5.26 Further, there is clear precedent of Class E uses being acceptable in such allocations through the nearby Aldi permission (ref. 17/00301/HYB). In determining the application, Officers concluded "the principle of development and incorporating the range of uses proposed, is considered acceptable."
- 5.27 The same conclusion can be reached for the proposed development and therefore the requirements of UDP Policy EC3(a) are complied with.

#### *d) avoid causing unacceptable loss of land available for industrial development*

- 5.28 The Application Site has been vacant since September 2022 following an announcement in 2020 that the premises were to be vacated. This period has allowed occupiers to come forward to take the premises in its current guise, but a new tenant has not been secured. This is principally owing to the bespoke and dated nature of the existing warehouses.

- 5.29 The proposals seek to reconfigure the existing floorspace and building to modernise and upgrade the premises so that they are capable of meeting the requirements of modern occupiers. Significantly, the application will not lead to the loss of land available for industrial development, instead it is safeguarded and protected resulting in increased chances of reoccupation by industrial uses.
- 5.30 The physical improvement to the existing employment floorspace, to modern standards, will not only safeguard the land for employment uses but result in an intensification of the industrial floorspace once occupied. Not only will there be an increase in the number of tenants operating at the premises, but their operations will be more efficient and effective following the improvements proposed to the buildings, with both units benefitting from dedicated servicing and car parking arrangements.
- 5.31 Whilst a retail unit is proposed, this is within an area of existing car parking and landscaping. Instead, the retail unit secures the safeguarding of - and improvement to – the allocated employment site.
- 5.32 Finally, this matter was considered within the Aldi permission<sup>12</sup>, and Officers concluded that “...the loss of some of the site to non-employment uses is not considered to significantly harm the supply of employment land available borough wide.”
- 5.33 The proposals are considered to be fully compliant with UDP Policy EC3(d).

## Summary

- 5.34 The proposals including retail floorspace which will act as a catalyst for the regeneration of the Application Site. Such reasoning was fully accepted as part of the Aldi permission. In assessing alternative uses, Officers stated “the non-employment development will ensure that the some employment development can be delivered because it will mean that the development overall is viable” [sic].
- 5.35 The relevant criteria with Policies CS4 and EC3 have been fully complied with as demonstrated above; the principle of the development should be deemed acceptable in this respect.

---

<sup>12</sup> Ref. 17/00301/HYB

## 6 Retail Use in Out of Centre Location

---

### Context

- 6.1 Having set out justification for a retail use within a Primary Industrial Location, the second in-principle consideration relates to the proposed retail floorspace in an out of centre location.
- 6.2 Planning policy at both the national and local level requires that the sequential approach to site selection be applied for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan.
- 6.3 The Application Site comprises a well-established commercial destination, although it is acknowledged that it comprises an out of centre location in retail policy terms. Therefore, a sequential approach to site selection has been undertaken, in line with established retail planning policy.
- 6.4 Whilst the sequential approach seeks to focus new retail development in ‘town centres’, it does not preclude sites coming forward for retail elsewhere if no in centre or edge of centre opportunity exists that is available and suitable for the nature of the development being proposed.
- 6.5 This is reflected in the nearby, aforementioned, permission for Aldi<sup>13</sup> (‘the Aldi permission’) which approved a 1,800 square metre supermarket in the immediate local area on 30<sup>th</sup> January 2019. Indeed, when dealing with the sequential approach to site selection the Committee Report<sup>14</sup> stated:
- “Its conclusion, that there are no alternative sites that are currently suitable or available, is agreed with. The applicant has also highlighted that the uses proposed would provide employment in the retail and hospitality sectors.”*
- 6.6 It is against this background that the sequential approach to site selection needs to be considered.

### Methodology and Approach

- 6.7 In undertaking the sequential approach, consideration is given to the relevant guidance found in the PPG.
- 6.8 In terms of the sequential approach, the PPG<sup>15</sup> advises that:

*“The application of the test should be proportionate and appropriate for the given proposal.”*

---

<sup>13</sup> Ref. 17/00301/HYB

<sup>14</sup> Paragraph 9.4

<sup>15</sup> Reference ID: 2b-011-20190722

- 6.9 The PPG also recognises that in applying the sequential approach to site selection there are certain main town centre uses that have particular locational requirements. In particular, the PPG<sup>16</sup> (ref ID. 2b-011-20190722) states that:

*“Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.”*

- 6.10 These factors are pertinent in considering the form and nature of development proposed by this application, which is led by a specific type of retailer (large format discount variety store). More significantly, the retail floorspace proposed on the Application Site is required as a catalyst to facilitate the wider development proposals, which look to regenerate this part of the Sovereign Industrial Estate. This regenerative effect would simply not be realised, should the retail unit be located within Huyton town centre, rather than the Application Site. This locational requirement is particularly pertinent in the context of the sequential approach to site selection.

## Flexibility

- 6.11 It is recognised that planning policy requires a degree of flexibility in relation to format and / or scale. In understanding this issue, the message established by recent Judgments and Secretary of State decisions is consistent in that there is a requirement to consider flexibility of format and scale, and a local planning authority must operate in the ‘real world’.

- 6.12 The approach should not fundamentally compromise the development proposal. The Dundee Supreme Court Judgment established that if a site is not suitable for the commercial requirements of the development in question, then it is not suitable for the purposes of the sequential approach; and that in terms of size of the alternative site, if the applicant has demonstrated flexibility in format and scale, the question is:

- 6.13 *“...whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site.”* (Para. 29 of the Dundee Judgment)

- 6.14 The interpretation of ‘suitability’ was also clarified in the Secretary of State decision at Rushden Lakes<sup>17</sup>. In particular, the Inspector identified that the Dundee Judgment to be of ‘seminal importance’. To this end, when commenting on suitability, the Inspector (para. 2.64, Inspector’s Report) noted that:

*“...if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach.”*

- 6.15 Similarly, in determining an appeal in Sheffield<sup>18</sup>, the Inspector stated (para. 35, Inspector’s Report) that:

---

<sup>16</sup> Reference ID: 2b-011-20190722

<sup>17</sup> APP/G2815/V/12/2190175

<sup>18</sup> APP/J4423/A/13/2189893

*“In considering the issue of suitability I have had regard to a ruling of the Supreme Court [Dundee] which indicates, amongst other matters, that what needs to be established is whether an alternative site is suitable for the development proposed, not whether the proposed development can be altered or reduced so that it can be made fit for purpose.”*

6.16 This position was built upon further in an appeal decision in Stoke-on-Trent<sup>19</sup>, where the Inspector concluded (para. 12, Inspector’s Report) that:

*“...taking account also of the 2012 judgment in Tesco Stores Limited v Dundee City Council, although an applicant is expected to demonstrate flexibility in assessing alternative sites, there is no unequivocal requirement to reduce the size of a proposed development to fit a particular site.”*

6.17 It is in this context that the issue of flexibility must be considered.

## Area of Search

6.18 Given the nature of the application, and the distribution of existing retail provision within the area, the primary catchment has been based on a 5-minute drivetime from the Application Site. This is consistent with the catchment adopted and accepted as part of the Aldi permission. A plan showing the extent of this area is provided at **Document 4**. Whilst it is expected that the proposal will draw some trade beyond this area, it is not expected that this will represent its core catchment.

6.19 The sequential test therefore considers opportunities within and on the edge of Huyton Town Centre given this is the only defined centre which falls within the catchment.

## Sequential Test Parameters

6.20 In operating in the ‘real world’, the approach to site selection should not be applied so as to fundamentally compromise the development proposed.

6.21 The proposals are being pursued due to demand from a specific type of retailer (large format discount variety retailer) that is seeking further representation in the local area and has particular operator requirements. The requirement of the type of retailer proposed is of significance in applying the sequential approach.

6.22 HB’s core product range comprises a mix of bulky and non-bulky goods, as well as an ancillary food and drink offer. The complete product range is required to attract customers to the store based on a very specific business model. Every product range is essential for HB in providing the appropriate synergy within the retail unit and provides a commercially viable store. It is not viable to exclude any of the core products from being sold at the retail unit, as this would fail to provide the full offer which customers have come to know and expect, and therefore preclude the retailer from successfully operating the required business model. These requirements are commonplace for other comparable retailers.

---

<sup>19</sup> APP/M3455/A/13/2195541

6.23 As with any successful business, HB's business model has evolved over time to facilitate the company's ability to operate viably in a competitive and challenging retail environment. To establish the most efficient and profitable trading format accessible to the widest range of customers. This has led HB to trade from retail warehouse units where a large level open floor plate, efficient servicing arrangements and immediately adjoining at-grade customer car parking are provided.

6.24 The fundamental operational requirements of the intended occupier include the following:

- The ability to sell the full range of goods including both bulky and non-bulky goods as well as ancillary food and drink products;
- An at-grade customer car park of an appropriate size directly adjacent to the retail unit to allow the safe and direct transfer of goods from store to customer vehicle;
- Simple, safe and efficient at-grade servicing arrangements allowing direct rear servicing for 16.5 metre articulated vehicles to arrive, unload and leave the site without any disruption, conflict with the wider highway network or any negative impact on residential amenity;
- The provision of sales area on a single level. Multi-level store formats do not provide a viable trading position, not least because of the high proportion of customers who have been shown to undertake their shop using a trolley; and
- A customer base that can make purchases from various ranges, for example someone buying home furnishings may also want to purchase the other related household items and so on. The core element of the retail offer is the complementary nature of many of the products and the synergy that exists between the product ranges.

6.25 HB (and similar large-format discount retailers) identify that it is all these key components that any new store requires in order to, first, stock the full product range but, secondly, not result in excessive or underutilised space. In short, these are all key components of HB, and many other similar retailers' business models. Without any one of these, the retail model is unacceptably compromised, and thus the retailer will not proceed with a new store.

6.26 The application relates to a unit of 2,396 square metres, together with an external display area, including adequate servicing arrangements and at-grade dedicated customer car parking. These criteria are essential for the future success of the new HB, and for the nature of retailing proposed – large format mixed goods variety store.

6.27 Against this background, the sequential assessment has been based on the following parameters:

- A unit measuring at least 1,917 square metres on a single ground floor level. This demonstrates significant flexibility representing a reduction of more than 20% to that

proposed (2,396 square metres), which is already at the minimum floorspace requirement for HB – as outlined by details of HB’s property requirements<sup>20</sup>.

- The provision of a sales area on a single level. Multi-level store formats do not provide a viable trading position, not least because of the high proportion of customers who have been shown to undertake their shop at HB stores using a trolley. The use of trollies by customers is reflected by the fact the scheme includes trolley bays within the car park and at the front of the retail unit.
- The ability to sell all core goods ranges including food goods and bulky and non-bulky goods, including the provision of an external garden area (as proposed), which does not form part of the built floorspace.
- Located in a commercially viable location (including main road frontage).
- Immediately adjacent, at grade, customer car parking with trolley bays.
- Adequate servicing arrangements capable of receiving deliveries by HGVs without customer conflict.

6.28 These criteria allow for flexibility in scale and format, whilst seeking to achieve and deliver a viable development.

6.29 As outlined above, in applying the sequential approach, the PPG recognises that there are particular market and locational requirements that need to be recognised. Such an approach has been reflected by recent Secretary of State / Appeal decisions. For example, in allowing an appeal for a foodstore in Gillingham, Dorset<sup>21</sup> the Inspector was clear that in applying the sequential approach (para. 29, Inspector’s Report) that:

*“The question is whether any suggested alternative site is suitable and available for the broad type of development currently proposed in terms of size, type and range of goods, incorporating the requirement for flexibility.”*

6.30 In this context, whilst it is acknowledged that alternative sites should not be considered for a specific operator, it is entirely appropriate to take account the broad nature of development proposed when assessing the suitability of alternative sites.

6.31 It is against this background that the sequential approach to site selection has been undertaken.

## Sites Considered

6.32 The following sites have been identified and assessed as part of our sequential assessment:

---

<sup>20</sup> [https://www.homebargains.co.uk/static/TJM\\_Retail\\_Requirements.pdf](https://www.homebargains.co.uk/static/TJM_Retail_Requirements.pdf)

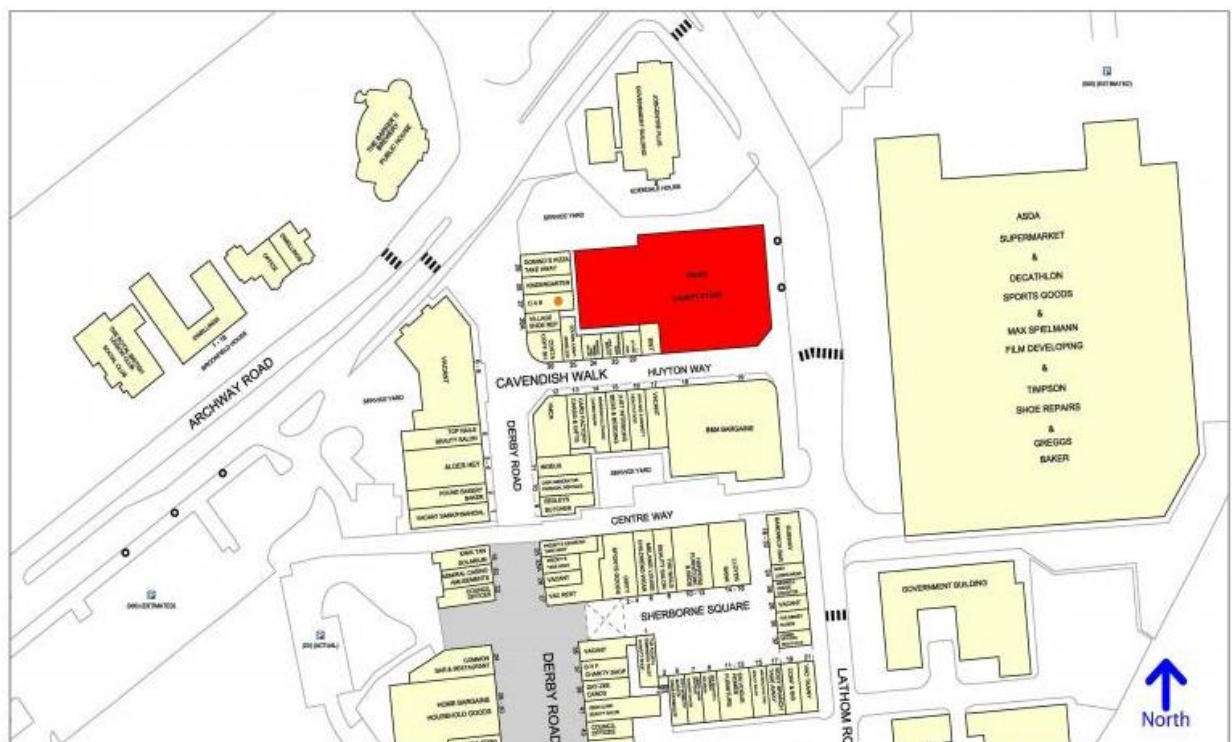
<sup>21</sup> APP/N1215/W/18/3195092

- Unit 20, Cavendish Walk Shopping Centre;
- Other vacant units within Cavendish Walk Shopping Centre;
- 31 – 33 Derby Road, Huyton;
- 42 – 46 Derby Road, Huyton;
- Post Office, 76 Derby Road; and
- 47 – 49 Derby Road, Huyton.

6.33 Further consideration of the above sites is provided below.

#### Unit 20, Cavendish Walk Shopping Centre

6.34 Cavendish Walk Shopping Centre is located within Huyton Town Centre. Unit 20, located at the northern end, was most recently occupied by Wilkinson but has sat vacant since their well-publicised administration in September 2023. The unit measures 2,600 square metres and is highlighted red on the Experian Goad extract below.



6.35 Although the unit is capable of accommodating the broad quantum of retail floorspace proposed on the Application Site, there are fundamental issues with the location of the unit which undermine its suitability in terms of accommodating the proposed development, having regard for flexibility.

6.36 First, the unit does not benefit from adjacent at-grade customer car parking. This is one of a number of essential commercial requirements for the type of retail offer proposed, which caters for trolley shops, with either bulky or bulk-purchase items being acquired by customers. Whilst

there are existing car parks within Huyton town centre these are multi storey format and/or 'Pay and Display'. Such parking arrangements are not suitable for the nature of retailing proposed. In the absence of free, adjacent parking, the retail model would be very significantly comprised, by preventing a key customer base frequenting the store.

- 6.37 Secondly, Huyton town centre is already very well served by discount variety retailers, such that a further, similar retail offer in this location would not meet the needs of those residents who would be served by the new store on the Application Site. Home Bargains and B&M trade within the immediate vicinity of the former Wilko store, bringing into question the viability of a third discount variety retailer in such proximity.
- 6.38 Thirdly, a store in this location would not deliver the regenerative benefits that would otherwise be realised on the Application Site. As set out, the proposed retail unit will act as a catalyst for the wider regeneration of the site, including the reconfiguration, modernisation and refurbishment of two large warehouse units. If this catalytic element were lost, by locating the retail unit in the town centre and specifically the former Wilko store, notwithstanding the other suitability issues raised, the regeneration of the Application Site would not be realised.
- 6.39 For these reasons, the former Wilkinson's unit can be discounted as not being suitable or viable for the proposed development.

#### Other vacant units within Cavendish Walk Shopping Centre

- 6.40 Cavendish Walk Shopping Centre comprises c9,290 square metres of retail floorspace across a range of unit size. There are 7no. available units which have been identified as part of our sequential assessment:
- 26 Cavendish Walk (114 square metres)
  - 28 Cavendish Walk (212 square metres)
  - Unit 12, Cavendish Walk (331 square metres)
  - Unit 15, Cavendish Walk (187 square metres)
  - Unit 17, Cavendish Walk (155 square metres)
  - Unit 18, Cavendish Walk (577 square metres)
- 6.41 The majority of the units are very limited in size (577 square metres or less) meaning they are far too small to accommodate the proposed development. Even if amalgamation were an option the floorspace would still fall short of the flexible interpretation of the proposals. Further, as above, even if the units were big enough, regeneration of the Application Site would not be realised.
- 6.42 These units, although available, are discounted on the basis they are too small to accommodate the proposals, or a flexible interpretation of them.

### 31 – 33 Derby Road, Huyton

- 6.43 31 – 33 Derby Road is located within Huyton Town Centre and sits adjacent to the Cavendish Walk Shopping Centre. The unit comprises two storeys and measures 264 square metres at ground floor.
- 6.44 The unit is too small to accommodate the minimum floorspace requirements (1,917 square metres). Further the unit is constrained in terms of the opportunity to expand this floorspace. This means that there is no opportunity to substantially increase the size of the unit. As such this unit is far too small to the proposed development or a flexible interpretation of it.
- 6.45 In conclusion, the unit, although available, can be discounted on the grounds of suitability and viability.

### 42 – 46 Derby Road, Huyton

- 6.46 42 – 46 Derby Road comprises three ground floor retail units, with ancillary first floor space formerly used as office and storage space. The unit is located within Huyton town centre.
- 6.47 The combined floorspace only measures 354 square metres at ground floor. This represents less than 15% of the retail floorspace proposed at the Application Site and is therefore too small to accommodate the proposals. There is also no real opportunity to substantially expand these units. The limited floorspace that could be provided means that this site is simply not suitable for the nature of retailing proposed.
- 6.48 In addition, the unit has a small service and parking area to the rear of the unit, which would not be suitable for the nature of the retailer. This is reflective of the size of the unit.
- 6.49 Against this background, the site is not a suitable alternative for the proposed development.

### Post Office, 76 Derby Road

- 6.50 The Post Office measures approximately 160 square metres and is accessed off Derby Road within Huyton Town Centre.
- 6.51 This unit is too small to accommodate the proposed development given that it extends to only 160 square metres.
- 6.52 In addition, the nature of the proposed retailer also requires immediately adjacent at-grade customer car parking. Such parking provision is not possible in this constrained location.
- 6.53 Against this background, the site is not a suitable alternative for the proposed development.

### 47 – 49 Derby Road

- 6.54 The former Boots units sits along Derby Road, within Huyton Village Shopping Centre, which is located immediately south of Cavendish Walk Shopping Centre. The unit measures 619 square metres at ground floor.

6.55 Although vacant, the unit is too small to accommodate the proposed development, even when flexibility is applied. Against this background, the site is not a suitable alternative for the proposed development.

## Retail Impact

6.56 National planning policy only requires an impact assessment to be undertaken for proposals for main town centre uses above 2,500 square metres unless there is a locally set threshold. In the absence of a locally set threshold, the default threshold set by national policy applies. The retail unit falls below the default threshold.

6.57 Within this context, retail impact is not a policy consideration in the determination of the application proposals.

## Summary

6.58 The assessment has demonstrated that there is no sequentially preferable site that is available within a reasonable period, and suitable to accommodate the proposed development, or a flexible interpretation of it – a position entirely consistent with that reached by Knowsley Council in determining the Aldi permission in the local area.

6.59 Whilst the former Wilko has recently become available, it is not suitable for a range of reasons, including fundamentally the fact that the regeneration of the Application Site would not be realised should the discount variety retail offer be located in the town centre. It is essential to have regard to this fact, namely that even if sequential alternatives did exist, the retail element of the scheme is critical to the redevelopment of the remainder of the site for employment uses as it would act as the catalyst for the Site's wider regeneration.

6.60 Against this background, the proposed development satisfies the sequential approach as set out in national and local planning policy.

# 7 Development Management Considerations

---

## Principle of Development

- 7.1 The principle of development has been addressed in the previous two sections of this report. This section focused on the wider development management considerations arising from the proposals.

## Design and Layout

- 7.2 The height, size, mass and appearance of the proposed development will be in keeping with the surrounding area as outlined in detail within the accompanying planning drawings and Design and Access Statement, prepared by AEW architects.
- 7.3 The proposals will deliver a new, modern retail unit to accommodate a national retailer (HB). The unit will be of a high-quality design, with appropriate landscaping to mitigate against any visual impact.
- 7.4 Unit A and Unit B are sleek and simple in design, with a contemporary colour palette and glazed areas providing a good quality office environment. The units have been designed to create a simplistic aesthetic with high quality materials. The contrasting and modern colour palette, with offices facing the internal roads, create an attractive façade and a consistent architectural language throughout the Site.
- 7.5 The proposed service yards are securely contained and shielded with fencing. Secure car parking is proposed away from HGV vehicles. Car parks are overlooked by the office areas and separate entrances for HGVs and cars have been established, where appropriate.
- 7.6 The proposed development is also suitable for accessible use. The appropriate amount of accessible parking has been allocated and is located close to the level building entrances, where possible.
- 7.7 In summary, the Design and Access Statement outlines how the proposed development has been designed to meet Knowsley Council's design and sustainability policies. As such, it is considered that the proposed development is in line with Policies SD1 and CS19 of the Core Strategy and Policies CP3, DQ1 and DQ2 of the Replacement Unitary Development Plan.

## Transport

- 7.8 This planning application is supported by a Transport Statement (TS) and Framework Travel Plan (FTP), which has been prepared by Rappor.
- 7.9 The TS demonstrates the following:
- A review of the local highway network and accident data indicates that there are no inherent / apparent local highway safety issues;

- The application site is sustainably located and accessible to a range of services and amenities in addition to public transport linkages;
- Access to the application site will be retained via amended access arrangement to be located in approximately the same location as existing;
- The existing internal site layout / operation shall be reconfigured and has been demonstrated to operate efficiently, as demonstrated by swept path analysis of vehicles and is therefore concluded to be appropriate to serve the application site;
- Parking provision for cars, including accessible spaces, motorcycle spaces and EV Charging are in accordance with the Ensuring Choice of Travel SPD;
- Cycle Parking provision is in accordance with the Ensuring Choice of Travel SPD.
- Forecast trip attraction and net trip impact indicates a minor increase during the weekday network peak periods, and the Saturday peak period, when existing flows on the local highway network are lower.

7.10 It is demonstrated that the proposed development will not have a material impact upon the safety or operation of the surrounding local highway network.

7.11 There are no significant highways and transportation matters that should preclude the Local Planning Authority of approving this planning application. Further detail can be found in the accompanying TS and FTP submitted in support of the application.

7.12 The FTP submitted as part of this planning application sets out the initiatives and measures to be provided before the development is occupied, to influence future staff and customers travel behaviour at the outset and therefore minimise single occupancy car journeys and encourage staff and customers to use other sustainable modes of travel.

7.13 Compliance with Policy CS7 Core Strategy, Policies T5, T6, T8, T9 and T10 of the Replacement Unitary Development Plan and the Ensuring Choice of Travel SPD has been demonstrated.

## Drainage

7.14 This planning application is accompanied by a Drainage Strategy and Flood Risk Assessment (FRA), prepared by Adept.

7.15 The FRA confirms that the Application Site is entirely within Flood Zone 1 (low probability of flooding). The Proposed Drainage Strategy includes retaining as much as possible of the existing surface water management and any new drainage will connect to the existing private networks within the site. The site will drain by gravity into the existing drains on site.

7.16 The FRA confirms that the potential flood risks to the Site, surrounding areas or downstream catchments resulting from constructing the new development have been recognised and addressed.

7.17 The proposals comply with Policy CS24 of the Core Strategy and relevant national policy.

## **Trees / Landscaping**

7.18 A Tree Survey Report, prepared by Encon Associates and a Landscaping Scheme, prepared by Amenity Trees which accompany this planning application.

7.19 The Tree Survey Report includes a survey of 18no. individual trees and 4no. groups of trees located both within the Application Site and within the proximity of the development.

7.20 The majority of the trees within the Application boundary are of 'moderate quality', with 2no. trees categorised as 'low quality'. To facilitate the development 15no. trees in total require removal, with 3no. groups of trees and 8no. individual trees being retained.

7.21 4no. individual trees that require removal are covered by the TPO. The report recommends that 4no. new trees are planted elsewhere on site to provide instant visual amenity to the site.

7.22 There is an opportunity to introduce new tree planting to increase the diversity of tree species in the area and increase the biodiversity of the Application Site. A Landscape Scheme for the development has been prepared which includes the planting of a number of native individual trees and hedge planting.

7.23 The removal of the trees will have a minimal visual impact in the short term. However, once replacement trees are established this effect will be entirely mitigated.

7.24 Overall, the Tree Survey Report concludes that subject to the identified recommendations and replacement tree planting is included, the impact of the development can be fully mitigated.

7.25 The relevant policies, CS21 of the Core Strategy and Policy DQ4 of the Replacement Unitary Development Plan, have been fully adhered to.

## **Ecology**

7.26 A Preliminary Ecology Assessment has been prepared by Amenity Tree and accompanies this planning application.

7.27 The Assessment concludes that there are no statutory or non-statutory designated sites within the Application Site. There is also no evidence of protected species was recorded on site, which could be affected by development. Other protected species that may be present on site include bats, badgers and hedgehog.

7.28 Whilst further protected species surveys are being completed to fully inform the intrinsic value of the Application Site, at present, it is considered that the proposals would be in accordance with relevant planning policy at the national and local level. Moreover, it is not considered the results of the surveys would represent any insurmountable ecological constraint that would prevent the Application Site coming forward for the proposed development.

## **Ground Investigation and Coal Mining Risk**

- 7.29 A Preliminary Risk Assessment ('PRA') has been prepared by Fairhurst. The PRA identifies that the initial assessment concludes that the identified pathways are of low to high risk.
- 7.30 Potential geotechnical risks have been identified that should be further understood and addressed with consideration of the specific Proposed Development. On this basis an Intrusive Ground Investigation is recommended to inform both planning / building control requirements and design considerations.
- 7.31 The PRA recommends that some additional geotechnical ground investigations are undertaken to inform the proposed development geotechnical design and ground solution.
- 7.32 Further, a Coal Mining Risk Assessment, prepared by Fairhurst, has also been included as part of the planning application. The Assessment concludes that the site lies within the Moderate to High category. Certain areas within the site remain suspect from a mineral stability aspect and the assessment recommends further investigation by drilling at the site in order to establish the geological structure beneath the subjects.
- 7.33 Compliance with Policy ENV5 of the Replacement Unitary Development Plan has been demonstrated in full.

## Noise

- 7.34 The planning application is accompanied by a Noise Assessment, prepared by Tetra Tech. A noise survey was undertaken, and the measurements used to establish representative ambient and background noise levels to use within the assessment of operational noise from the proposed development.
- 7.35 The assessment outlines that the noise levels for demolition and construction phase will be below the BS 5228-1 noise limit criteria. Similarly, when assessing the operational phase, it was demonstrated that all combined operational noise levels from all proposed noise sources associated with the Site are predicted to result in a No Observed Adverse Effect Level (NOAEL) during the daytime and night-time with a windows closed scenario at all receptors.
- 7.36 The report concludes that, assessed against a worst-case basis, the proposed store is not expected to have a significant adverse impact and that no additional mitigation is necessary.
- 7.37 The proposals are concluded to comply with Policy ENV2 and ENV1 of the Replacement Unitary Development Plan.

## Air Quality

- 7.38 This planning application is accompanied by an Air Quality Assessment, prepared by Tetra Tech.
- 7.39 This report outlines that during the construction phase of the development a number of site-specific mitigation measures outlined in the report will be implemented to ensure that there will be no significant adverse effects arising from the construction.

7.40 At the operational phase, the long-term impact associated with the development with respect to Nitrogen Dioxide, PM10 and PM2.5 will be 'negligible' at all identified existing sensitive receptor locations. The report concludes that no further assessment is required and the impact at all modelled ecological receptor locations is considered to be negligible.

7.41 The proposals adhere in full to the requirements of Policy ENV1 of the Replacement Unitary Development Plan.

## **Sustainability**

7.42 This planning application is accompanied by a Sustainability and Energy Statement, prepared by Envision. The report outlines how the proposed development will incorporate a range of sustainable design features and construction measures.

7.43 The statement outlines that the retail unit will be equipped with an efficient fabric performance, air tight building envelope and air source heat pumps. At planning stage it results in an overall 23% reduction in CO2 emissions and 25% reductions in primary energy when compared to Part L Notional building. Finally, water efficiency measures will be aligned with BREEAM Excellent criteria.

7.44 In regards to the warehouse, the retention of the existing warehouse, as far as possible, represents the most sustainable option for the Site. The reuse of the warehouse will deliver life cycle carbon savings over new development given avoids large scale demolition and significant waste. Further, the existing floorspace is required to meet the minimum thermal and efficiency requires of Section 6, Volume 2 of the Building Regulations 2021.

7.45 Compliance with Policy CS22 of the Core Strategy has been demonstrated.

## **Health Impact Assessment**

7.46 This planning application is accompanied by a Health Impact Assessment, prepared by Quod.

7.47 The report assesses the proposals potential health impact. The assessment finds that the scheme is likely to have an overall positive impact on health due to the creation of employment opportunities, being located within an accessible area with sustainable transport options and an accessible working environment. The assessment also goes on to make several recommendations and highlight mitigation measures to minimise potential negative health impacts.

7.48 The proposals accord with Policy CS2 of the Core Strategy.

## **Social Value Strategy**

7.49 The planning submission is accompanied by a Social Value Strategy which has been prepared in partnership with Fusion 21, the Council's preferred consultant on leading this area of work.

7.50 The strategy outlines that the development will target a minimum social value of 45 weeks. This is to be secured via a Section 106 Agreement. The development will be monitored to

deliver the aims of the strategy which will result in a final report to be submitted to satisfy the S106 obligation.

- 7.51 The proposals comply with the Knowsley: Adding Social Value to Development: Employment and Skills SPD.

## Summary

- 7.52 All relevant development management considerations have been assessed and the supporting technical reports provide further justification for the development. The assessment has demonstrated that the proposed development fully complies with the relevant development plan.

## 8 Summary and Conclusions

---

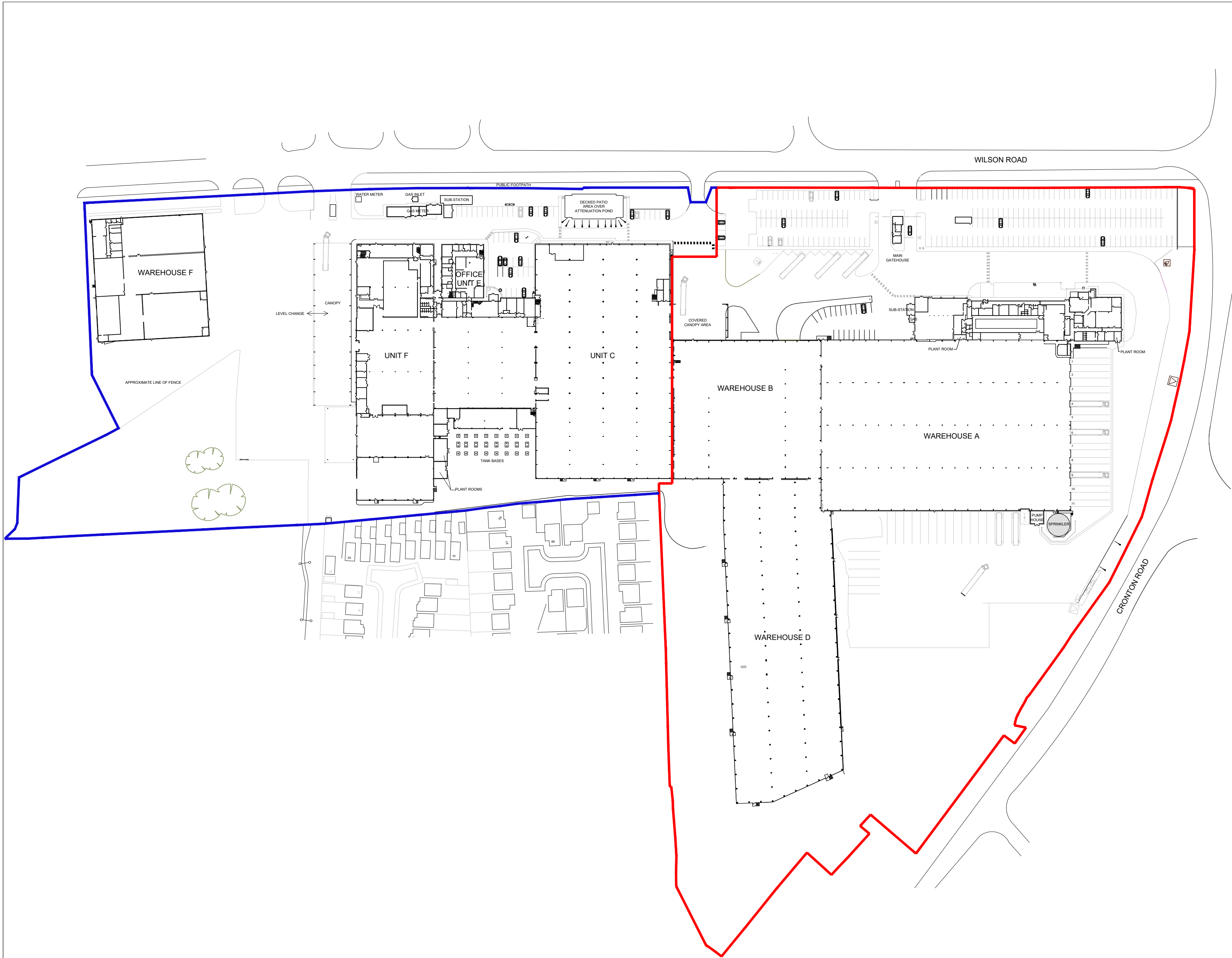
- 8.1 This Planning and Retail Statement has been prepared by Quod, on behalf of Davos Property Developments Limited, in support of the retail-led regeneration proposals at Sovereign Industrial Estate, Huyton, Knowsley, L36 6AD ('the Application Site').
- 8.2 The proposed development includes the partial demolition, reconfiguration and refurbishment of the existing industrial unit to create 2no. industrial warehouse units with ancillary office space, dedicated servicing and car parking arrangements. Further the proposals include the erection of a single retail unit along with the creation of an external display area and car parking and servicing arrangements; retention and amendment of existing site accesses along with internal estate roads, substations, landscaping and associated works.
- 8.3 The application is submitted as Phase 2 of the redevelopment of Sovereign Industrial Estate following the approval of Phase 1 under application ref. 22/00109/FUL, which also falls under the Applicants ownership.
- 8.4 A key aspect of the proposals is the introduction of a new retail unit which is to be occupied by the national retailer Home Bargains. It should be noted from the outset that this is the catalyst for the wider regeneration of the Site. This redevelopment is achievable through the value arising from the retail unit through a guaranteed occupier, rent and commercial value which will assist with the delivery of the much-needed regeneration at both Phases 1 and 2.
- 8.5 The proposals will result in the re-use of currently vacant and derelict part of the allocated Industrial Estate which lies in a prominent location with nearby links to the M57 and M62. Although the Application Site comprises an out-of-centre location, both the NPPF and local planning policy supports retail proposals in this location where the sequential approach to site selection and retail impact (if relevant) have been satisfactorily addressed. The latter is reflected by the nearby planning history which provides clear precedent for the proposals being accepted in this location.
- 8.6 Full consideration has also been given to a wide range of other development management issues, including highways, drainage, ecology and landscaping. These are all covered within supporting technical reports and compliance with the relevant development plan and national policy has been demonstrated.
- 8.7 The development will also give rise to a significant number of tangible socio-economic benefits including the beneficial reoccupation of long-standing vacant land, job creation, inward investment and consumer choice. These benefits underpin the regenerative credentials of the scheme and should be afforded significant weight when considering the overall planning balance.
- 8.8 For all the reasons set out within this report and the supporting documents, the proposals comprise a sustainable economic development, the principle of which is supported by national and local planning policy. The proposals accord with the development plan and, applying the presumption in favour of sustainable development, planning permission should be granted without delay.



## Document 1

### Site Location Plan

---



NOTES

- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences
- This drawing shall not be scaled to ascertain any dimensions. Work to figured dimensions only.
- This drawing shall not be reproduced without express written permission from AEW.
- Title overlay drawings and ownership boundaries are produced using all reasonable endeavors. AEW cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.
- All works are to be undertaken in accordance with Building Regulations and the latest British Standards.
- All proprietary materials and products are to be used strictly in accordance with the manufacturers recommendations.

CDM 2015

Client notified of duties: CDM\_PD\_Date  
Principal Designer: CDM\_PD\_Name  
Unless noted below, all known hazards have been highlighted on the drawing:  
0 10 20 30 40 50m  
Scale 1:1250 @ A2

- Ownership boundary
- Site boundary : 16.16acres / 6.54ha

NOTES:

- Layout based on CAD plan provided by Hulewood International

|                                                           |                                |             |               |
|-----------------------------------------------------------|--------------------------------|-------------|---------------|
| P02                                                       | 09/11/23                       | DW          | DRS           |
| Omitted temporary tent previously adjacent to warehouse D |                                |             |               |
| P01                                                       | 26/10/23                       | DJS         | DRS           |
| Initial Issue                                             |                                |             |               |
| REV                                                       | Date                           | Drawn by: - | Checked by: - |
| Status                                                    | Purpose of Issue               |             |               |
| S2                                                        | For Information                |             |               |
| drawing stage                                             | Stage 3 - Spatial Coordination |             |               |
| client                                                    |                                |             |               |

Davos Industrial Ltd.

project  
Sovereign Distillery  
Huyton

drawing title  
Site Location Plan

date Oct 23 drawn DJS  
scale@A2 1:1250 checked DRS

Rev P02

Job No 13579-AEW-XX-XX-DR-A-0501

aeew architects  
01 61 214 4370  
www.aewarchitects.com

aeew



## Document 2

### Relevant Decision Notices

---



**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: 22/00109/FUL**

**Name and address of applicant**

Network Space  
Centrix House  
Crow Lane East  
Newton-le-Willows  
WA12 9UY

**Name and address of agent**

Spawforths  
Spawforths  
Junction 41 Business Court  
East Ardsley  
Leeds  
WF3 2AB

**Date of Receipt:** 18 February 2022

**Date Valid:** 11 July 2022

**Address/Location Of Development:**

**The Sovereign Distillery, Halewood Wines And Spirits - Factory Outlet  
Wilson Road  
Huyton  
Knowsley  
L36 6AD**

**Description of Development:**

**DEMOLITION OF BUILDINGS AND THE ERECTION OF 2 NO. INDUSTRIAL UNITS TOGETHER WITH THE PART DEMOLITION/PART EXTENSION AND REMODELLING OF EXISTING INDUSTRIAL BUILDING TO FORM 7 NO. UNITS (USE CLASSES E (G)(II) (III), B2 AND B8) WITH ANCILLARY OFFICE SPACE. RECONFIGURATION OF CAR PARKING INCLUDING SERVICE AND VEHICULAR CIRCULATION AREAS, LANDSCAPING, INFRASTRUCTURE WORKS AND OTHER ASSOCIATED WORKS.**

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 approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

3. Notwithstanding any description of materials in the application, no above ground construction works of any phase of development shall take place until samples and / or full specification of materials to be used externally on the buildings to which they relate within that phase have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out only in accordance with the agreed schedule of materials.

Reason: In the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

4. Notwithstanding the submitted soft landscaping scheme and proposed external surfaces plan 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. (including the incorporation of species rich grassland into landscaping areas on site and new native tree and shrub planting to replace that being lost )
- d) existing plants / trees to be retained
- e) tree replacement scheme for the 5 individual trees to be removed on a 2:1 basis with a minimum girth of 12-14cm.
- f) incorporation of species rich grassland into landscaping areas and new native tree and shrub planting to replace that being lost.
- g) A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the first occupation of the development or in accordance with a timetable to be 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 and to comply with Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

5. At least five days written notice has been given to the Local Planning Authority of the intention to commence development. The protective fencing referred to in the submitted arboriculture report ref B029861 shall be in place prior to the written notice of the start of development being given to the Local Planning Authority and shall be retained in place until the development is complete.

No storage of plant or material (including soil), works (including movement of soil, changes in ground level, vehicular movements, siting of temporary buildings or other works), lighting of fires or tipping of liquids shall take place within the protective fencing thereby defined for the duration of the development works.

Reason: To protect existing trees within the site 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 DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

6. All works which form part of the mitigation measures as detailed within the Noise Assessment (Network Space Ltd, Sovereign Business Park, February 2022, report ref: 784-B029681) shall be implemented in full in accordance with the scheme as agreed prior to the first occupation of the development and shall be retained at all times the development is in use and maintained in accordance with the approved scheme. Documentary evidence of the implementation of the works shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development.

Reason: To safeguard local residents from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

7. 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: To safeguard local residents from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

8. A. Risk Assessment

No development ( except for demolition works) 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:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and
- service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- 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 the interests of safety, to prevent pollution of the water environment and to comply with Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006

9. Prior to the commencement of development, details of a sustainable surface water drainage scheme based on the principles of the SUDS manual (C753) and the criteria set out within Knowsley Strategic Flood Risk assessment (SFRA Levels 2) and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

Prior to occupation of any unit hereby approved the approved drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and to ensure compliance with Policy CS24 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

10. No part of the development hereby permitted ( including demolition) shall be commenced until a Demolition/Construction Management Plan that details the means of mitigation of construction effects has been submitted and agreed in writing by the Local Planning Authority. This shall include the following:
  - a) Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.
  - b) Methods for dust control and suppression.
  - c) Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
  - d) The areas for the storage of plant and materials.
  - e) A programme of works, including phasing
  - f) 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].
  - g) 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 Banksman.
  - h) Construction staff parking arrangements
  - i) hours of construction (the following is usually acceptable: 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday and not at all on Sundays/Public Holidays).
  - j) methods to be used to minimise waste and implementation of measures to achieve efficient use of resources including designing out waste and minimisation of off-site disposal
  - k) details of relevant pest control measures during construction.
  - l) Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.

All site works shall then proceed only in accordance with the approved management 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 the National Planning Policy Framework; Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016; Policy WM9 of the Merseyside and Halton Joint Waste Local Plan 2013 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

11. A Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development through an appropriate legally binding agreement shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- (i) The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by a resident's management company.
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime
- (iii) Details for planned maintenance and a mechanism for remedial and urgent repair works.
- (iv) Means of access for inspection and maintenance purposes.
- (v) The plan shall be implemented in accordance with the timeframes contained within it.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

12. The development shall not be brought into use until the approved parking and vehicular manoeuvring layout for the intended use class have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. For the avoidance of doubt, a use falling within class B2 or B8 shall be laid out in accordance with drawing A-0503 Rev P13. For Units C, G1 or G2, any uses falling within either classes E (g)(ii) or (iii) parking shall be laid out in accordance with A-0509 Rev P01.

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

13. The proposed development shall not be brought into use until precise scheme details of the proposed cycle storage highlighted on Drawing A-0503 Rev P13 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed before any part of the development hereby permitted has been brought into use. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles.

Reason: To ensure that adequate provision is made for parking cycles securely and to comply with Policy CS7 of the Core Strategy, adopted January 2016

14. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises to which this permission relates shall only be used for either Use Classes B2, B8 and E(g) (ii) and (iii) and for no other purpose, including any other use falling within Class E of the Schedule to that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission.

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class and to comply with Policies CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

15.

The car parking spaces serving units F1-F6 shall remain available to any users of said units within Block F and shall not be fenced, segregated, marked out, signed or otherwise reserved for specific users.

Reason: To ensure that parking is adequately utilised for units F1-F6 to avoid overspill parking, which may affect the passage of traffic into or out of the site to the detriment of highway safety and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

16. No part of the development hereby permitted shall be occupied prior to implementation of the submitted Framework Travel Plan B024793 TP Issue 1. During the first year of occupation of each block (C, F, G1 or G2) a Full Travel Plan based on the Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Each approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment and to comply with saved policy T9 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

17. The proposed development shall not be brought into use until precise scheme detail of the proposed cycle storage highlighted on Drawing A-0503 Rev P13 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed before any part of the development has been brought into use. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles.

Reason: To ensure that adequate provision is made for parking cycles securely and to comply with Policy CS7 of the Core Strategy, adopted January 2016

18. No part of the development hereby permitted shall be brought into use shall until a scheme for the provision of motorcycle parking, in accordance with the Council's current standards, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. For the avoidance of doubt, parking must be offer a means to secure the motorcycles.

Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

## SCHEDULE 1

| Date Received | Ref. No | Version | Drawing/Document Title |
|---------------|---------|---------|------------------------|
|---------------|---------|---------|------------------------|

|            |                                                                  |         |                                           |
|------------|------------------------------------------------------------------|---------|-------------------------------------------|
|            |                                                                  |         |                                           |
| 10/02/2023 | 12211-AEW-XX-XX-DR-A-0501-S2-P04                                 | -       | LOCATION PLAN                             |
| 23/05/2022 | B029681                                                          | -       | ARBORICULTURAL REPORT                     |
| 11/07/2022 | 12211-AEW-BC-ZZ-DR-A-0535                                        | REV P05 | UNIT C - PROPOSED GA FLOOR PLANS          |
| 11/07/2022 | 12211-AEW-BC-RF-DR-A-0536                                        | REV P04 | UNIT C – PROPOSED GA ROOF PLAN            |
| 11/07/2022 | 1211-AEW-BC-XX-DR-A-0537                                         | REV P05 | UNIT C – PROPOSED GA ELEVATIONS           |
| 11/07/2022 | 12211-AEW-BC-DR-A-0538                                           | REV P05 | UNIT C – PROPOSED GA SECTIONS             |
| 11/07/2022 | 12211-AEW-G1-XX-DR-A-0561                                        | REV P04 | UNIT G1 – PROPOSED GA FLOOR PLANS         |
| 11/07/2022 | 12211-AEW-G1-XX-DR-A-0562                                        | REV P04 | UNIT G1 – PROPOSED GA ROOF PLAN           |
| 18/02/2022 | 784-B029681                                                      | -       | NOISE ASSESSMENT                          |
| 18/02/2022 | B024793 TP ISSUE 1                                               | -       | FRAMEWORK TRAVEL PLAN                     |
| 18/02/2022 | -                                                                | -       | HABITAT SURVEY                            |
| 01/09/2022 | 100.22042-ACE-040-RP-C-0001-P1                                   | -       | DRAINAGE STRATEGY & FLOOD RISK ASSESSMENT |
| 18/02/2022 | 12211-AEW-BC-RF-DR-A-0536-S2-P02-UNIT C - PROPOSED GA ROOF PLAN  | -       | PROPOSED GA ROOF PLAN UNIT C              |
| 18/02/2022 | 12211-AEW-BC-XX-DR-A-0537-S2-P02-UNIT C - PROPOSED GA ELEVATIONS | -       | PROPOSED GA ELEVATIONS UNIT C             |
| 18/02/2022 | 12211-AEW-BC-XX-DR-A-0538-S2-P02-UNIT C - PROPOSED GA SECTIONS   | -       | PROPOSED GA SECTIONS UNIT C               |

|            |                                                                    |   |                                 |
|------------|--------------------------------------------------------------------|---|---------------------------------|
| 18/02/2022 | 12211-AEW-BC-ZZ-DR-A-0535-S2-P02-UNIT C - PROPOSED GA FLOOR PLANS  | - | PROPOSED GA FLOOR PLANS UNIT C  |
| 18/02/2022 | 12211-AEW-BF-RF-DR-A-0556-S2-P02-UNIT F - PROPOSED GA ROOF PLAN    | - | PROPOSED GA ROOF PLAN UNIT F    |
| 18/02/2022 | 12211-AEW-BF-ZZ-DR-A-0555-S2-P02-UNIT F - PROPOSED GA FLOOR PLANS  | - | PROPOSED GA FLOOR PLANS UNIT F  |
| 18/02/2022 | 12211-AEW-BF-ZZ-DR-A-0557-S2-P02-UNIT F - PROPOSED GA ELEVATIONS   | - | PROPOSED GA ELEVATIONS UNIT F   |
| 18/02/2022 | 12211-AEW-BF-ZZ-DR-A-0558-S2-P02-UNIT F - PROPOSED GA SECTIONS     | - | PROPOSED GA SECTIONS UNIT F     |
| 18/02/2022 | 12211-AEW-G1-XX-DR-A-0561-S2-P02-UNIT G1 - PROPOSED GA FLOOR PLANS | - | PROPOSED GA FLOOR PLANS UNIT G1 |
| 18/02/2022 | 12211-AEW-G1-XX-DR-A-0562-S2-P02-UNIT G1 - PROPOSED GA ROOF PLAN   | - | PROPOSED GA ROOF PLAN UNIT G1   |
| 18/02/2022 | 12211-AEW-G1-XX-DR-A-0563-S2-P02-UNIT G1 - PROPOSED GA ELEVATIONS  | - | PROPOSED GA ELEVATIONS UNIT G1  |
| 18/02/2022 | 12211-AEW-G1-XX-DR-A-0564-S2-P02-UNIT G1 - PROPOSED GA SECTIONS    | - | PROPOSED GA SECTIONS UNIT G1    |
| 18/02/2022 | 12211-AEW-G2-RF-DR-A-0522-S2-P03-UNIT G2 - PROPOSED GA             | - | PROPOSED GA ROOF PLANS UNIT G2  |

|                   |                                                                           |   |                                        |
|-------------------|---------------------------------------------------------------------------|---|----------------------------------------|
|                   | <b>ROOF PLAN</b>                                                          |   |                                        |
| <b>18/02/2022</b> | <b>12211-AEW-G2-XX-DR-A-0521-S2-P03-UNIT G2 - PROPOSED GA FLOOR PLANS</b> | - | <b>PROPOSED GA FLOOR PLANS UNIT G2</b> |
| <b>18/02/2022</b> | <b>12211-AEW-G2-XX-DR-A-0523-S2-P03-UNIT G2 - PROPOSED GA ELEVATIONS</b>  | - | <b>PROPOSED GA ELEVATIONS UNIT G2</b>  |
| <b>23/05/2022</b> | -                                                                         | - | <b>SOCIAL VALUE STRATEGY</b>           |
| <b>07/11/2022</b> | -                                                                         | - | <b>BIODIVERSITY ENHANCEMENT SCHEME</b> |
| <b>07/11/2022</b> | <b>220712</b>                                                             | - | <b>INVASIVE SPECIES SURVEY RESULTS</b> |
| <b>10/11/2022</b> | <b>12211-AEW-XX-XX-DR-A-0017-S2-P01</b>                                   | - | <b>PROPOSED SITE LEVELS PLAN</b>       |
| <b>07/11/2022</b> | <b>12211-AEW-XX-XX-DR-A-0016-S2-P02</b>                                   | - | <b>PROPOSED SECTIONS</b>               |
| <b>07/11/2022</b> | <b>12211-AEW-XX-XX-DR-A-0503-S2-P09</b>                                   | - | <b>AMENDED SITE LAYOUT</b>             |
| <b>10/02/2023</b> | <b>12211-AEW-XX-XX-DR-A-0503 REV P13</b>                                  | - | <b>PROPOSED MASTERPLAN</b>             |
| <b>11/07/2022</b> | <b>12211-AEW-BC-ZZ-DR-A-0535 REV P05</b>                                  | - | <b>UNIT C PROPOSED FLOOR PLANS</b>     |
| <b>11/07/2022</b> | <b>12211-AEW-BC-RF-DR-A-0536 REV P04</b>                                  | - | <b>UNIT C - PROPOSED ROOF PLAN</b>     |
| <b>11/07/2022</b> | <b>12211-AEW-BC-XX-DR-A-0537 REV P05</b>                                  | - | <b>UNIT C - PROPOSED ELEVATIONS</b>    |
| <b>11/07/2022</b> | <b>12211-AEW-BC-XX-DR-A-0538 REV P05</b>                                  | - | <b>UNIT C - PROPOSED SECTIONS</b>      |
| <b>11/07/2022</b> | <b>12211-AEW-G1-XX-DR-A-0561 REV P04</b>                                  | - | <b>UNIT G1 - PROPOSED FLOOR PLANS</b>  |
| <b>11/07/2022</b> | <b>12211-AEW-G1-XX-DR-A-0562 REV P04</b>                                  | - | <b>UNIT G1 - PROPOSED GA ROOF PLAN</b> |

|            |                                          |   |                                      |
|------------|------------------------------------------|---|--------------------------------------|
| 23/05/2022 | 12211-AEW-BF-ZZ-DR-A-0557-S2-P04-UNIT F  | - | PROPOSED ELEVATIONS UNIT F           |
| 23/05/2022 | 12211-AEW-BF-ZZ-DR-A-0558-S2-P04-UNIT F  | - | PROPOSED SECTIONS UNIT F             |
| 23/05/2022 | 12211-AEW-G1-XX-DR-A-0563_S2-P03_UNIT G1 | - | PROPOSED ELEVATIONS UNIT G1          |
| 23/05/2022 | 12211-AEW-G1-XX-DR-A-0564-S2-P03-UNIT G1 | - | PROPOSED SECTIONS UNIT G1            |
| 23/05/2022 | 12211-AEW-G2-RF-DR-A-0522-S2-P05-UNIT G2 | - | PROPOSED ROOF PLAN - UNIT G2         |
| 23/05/2022 | 12211-AEW-G2-XX-DR-A-0521-S2-P05-UNIT G2 | - | PROPOSED FLOOR PALN UNIT G2          |
| 23/05/2022 | 12211-AEW-G2-XX-DR-A-0523_S2-P05_UNIT G2 | - | PROPOSED ELEVATIONS UNIT G2          |
| 23/05/2022 | 12211-AEW-G2-XX-DR-A-0524-S2-P04-UNIT G2 | - | PROPOSED SECTIONS UNIT G2            |
| 23/05/2022 | 12211-AEW-BF-RF-DR-A-0556-S2-P04-UNIT F  | - | PROPOSED ROOF PLAN UNIT F            |
| 23/05/2022 | 12211-AEW-BF-ZZ-DR-A-0555-S2-P04-UNIT F  | - | PROPOSED FLOOR PLAN UNIT F           |
| 14/02/2023 | 12211-AEW-XX-XX-DR-A-0508 REV P02        | - | AMENDED PEDESTRIAN CONNECTIVITY PLAN |
| 01/02/2023 | 26263-HYD-XX-XX-TP-DR-1009.REV P01.01    | - | SWEPT PATH - HGV NORTHERN ACCESS     |
| 01/02/2023 | 26263-HYD-XX-XX-TP-DR-1008 REV P01.01    | - | SWEPT PATH 16.5M HGV NORTHERN ACCESS |
| 24/01/2023 | 26263-HYD-XX-XX-RP-TP-6001-REV           | - | AMENDED FRAMEWORK TRAVEL PLAN        |

|                   |                                            |          |                                      |
|-------------------|--------------------------------------------|----------|--------------------------------------|
|                   | <b>P2-S4</b>                               |          |                                      |
| <b>12/01/2023</b> | <b>12211-AEW-XX-XX-DR-A-0509- REV - P1</b> | <b>-</b> | <b>MAXIMISED PARKING RATIOS PLAN</b> |
| <b>10/02/2023</b> | <b>12211-AEW-XX-XX-DR-A-0504 REV P07</b>   | <b>-</b> | <b>PROPOSED EXTERNAL SURFACES</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:-

CS2 - Development Principles  
CS4 - Economy and Employment  
CS7 - Transport Networks  
CS19 - Design Quality and Accessibility in New Development  
CS24 - Managing Flood Risk  
CS27 - Planning and Paying for New Infrastructure

### **KNOWSLEY LOCAL PLAN: CORE STRATEGY**

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

EC3 - Primarily Industrial Areas  
T8 - Transport Assessments  
T9 - Travel Plans  
DQ4 - Trees and Development  
ENV2 - Noise and Vibration  
ENV5 - Contaminated Land  
CS8 - Green Infrastructure  
National Planning Policy Framework

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 (Mark Quinn on 0151 443 2381)

### **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.

- 1 NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments;
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

- 3 No scrub clearance, tree removal, vegetation management or building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, scrub, trees and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.
- 4 Please find attached correspondence from The Coal Authority (30th August 2022) United Utilities (18th August 2022), Cadent Gas ( 18th August 2022) Merseyside Fire Service ( 28th July 2022)
- 5 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](mailto:SiteDevelopment@knowsley.gov.uk) to discuss the matter further.
- 6 The drainage scheme required pursuant to Condition 10 shall include the following :-
  - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

(vi) Currently, the proposed drainage design is based on an assumption which infiltrating-based features will not be feasible. Final destination of surface water runoff should be determined based on site characteristics by following the surface water drainage discharge hierarchy. As requested by National Planning Practice Guidance applications should aim to discharge surface water runoff as high up the following hierarchy of drainage options as reasonably practicable:

o into the ground (infiltration)

o to a surface water body

o to a surface water sewer, highway drain, or another drainage system, and

o to a combined sewer.

For infiltrating-based methods, the soakaway test should be completed according to the BRE 365 method and their results should be submitted with the full application. Should the infiltration rate on site would be sufficient for infiltration-based features, the proposed drainage design should be revisited.

(vii) Drainage Plan showing drainage layout, manholes including cover and invert levels, proposed finished floor levels, pipe sizes and gradients, all on-line controls, on and off line storage structures and outfall details. Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated will be required.

(viii) A drawing showing the proposed impermeable and permeable areas, suitably annotated.

(ix) Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event. Flow routes need to be considered when all on site drainage systems have been overwhelmed by an event of greater intensity than the design scenario. The impact of exceedance flows from and on adjacent land should also be considered. The duration of flooding, maximum depth and the route of flood flows shall be established and managed so as to mitigate the flood impact to people and property. For the assessment of an exceedance event impact, it would be expected to consider the 1 in 200 rainfall event plus climate change.

(x) The risk assessment should include for blockage of pipes, blockage of outlet structures and risk of impediments across planned flood routing paths. The application should be supported by a designer's risk assessment that identifies key points of failure of the system and what means have been engaged to limit risk of failure. This will also inform the maintenance plan with regards to corrective actions needed should a failure occurs.

(xi) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.

(xii) Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided.

(xiii) A SuDS aims to minimise the impacts from a proposed development on water quality and maximise amenity and biodiversity. In designing an appropriate set of SuDS techniques for a development site, the LLFA will therefore be expecting

above ground, green SuDS to be prioritised to promote water quality, amenity and biodiversity.

(xiv) In order to determine a stand-off distance from any of the three sewers crossing the site, they must be surveyed to determine the precise location, depth and condition. The existing connection points should be surveyed (location and cover and invert levels) to make sure the suitability of the points for use.

(xv) The surface water from the exiting site is assumed to be discharged to two outfall points as well as to an attenuation area/feature. Catchment areas to each of these points and location of the attenuation area/feature should be determined.

(xvi) An assessment of groundwater level and ground conditions should be provided.

(xvii) Water quality should be taken into account as part of the proposed drainage design. It will be required to demonstrate that adequate water quality of the off-site surface water flows (draining into a sewer, watercourse and ground) in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved. In this case that an industrial yard is proposed, water quality risk to surface water bodies and groundwater should be assessed (screening risk or detailed risk assessment) and mitigation measures to be adopted to ensure that risk to both surface water bodies, and groundwater are effectively managed (see Table 26.1 of the SUDS Manual).

(xviii) Given the topography of the site, the risk of surface water runoff entering the site from off-site should be assessed and, if required, protection / interception measures to be proposed.

(xix) Calculations and any supporting survey and investigations to justify and demonstrate the existing and proposed discharge rate.

(xx) Drainage Plan showing drainage layout, manholes including cover and invert levels, proposed finished floor levels, pipe sizes and gradients, all on -line controls, on and off line storage structures and outfall details. Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated will be required.

(xxi) A drawing showing the proposed impermeable and permeable areas, suitably annotated.

(xxii) Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event. Flow routes need to be considered when all on site drainage systems have been overwhelmed by an event of greater intensity than the design scenario. The impact of exceedance flows from and on adjacent land should also be considered. The duration of flooding, maximum depth and the route of flood flows shall be established and managed so as to mitigate the flood impact to people and property. For the assessment of an exceedance event impact, it would be expected to consider the 1 in 200 rainfall event plus climate change.

(xxiii) The risk assessment should include for blockage of pipes, blockage of outlet structures and risk of impediments across planned flood routing paths. The application should be supported by a designer's risk assessment that identifies key points of failure of the system and what means have been engaged to limit risk of failure. This will also inform the maintenance plan with regards to corrective actions needed should a failure occurs.

(xxiv) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.

xxv) Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided.

Reason: To ensure a satisfactory drainage system is provided to serve the site in accordance with Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy (January 2016).

A handwritten signature in black ink, appearing to read 'D. Smith'.

**Executive Director - Regeneration and Economic Development**

**Date: 5 May 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.



The Coal  
Authority



INVESTOR IN PEOPLE



**RTPI**  
Learning Partner

200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Mr M Quinn - Case Officer  
Knowsley Metropolitan Borough Council

**[By Email: [dcconsultations@knowsley.gov.uk](mailto:dcconsultations@knowsley.gov.uk)]**

30 August 2022

Dear Mr Quinn

**PLANNING APPLICATION: 22/00109/FUL**

**DEMOLITION OF BUILDINGS AND THE ERECTION OF 2 NO. INDUSTRIAL UNITS TOGETHER WITH THE PART DEMOLITION/PART EXTENSION AND REMODELLING OF EXISTING INDUSTRIAL BUILDING TO FORM 7 NO. UNITS (USE CLASSES E (G)(II) (III), B2 AND B8) WITH ANCILLARY OFFICE SPACE. RECONFIGURATION OF CAR PARKING INCLUDING SERVICE AND VEHICULAR CIRCULATION AREAS, LANDSCAPING, INFRASTRUCTURE WORKS AND OTHER ASSOCIATED WORKS; Halewood Wines And Spirits - Factory Outlet The Sovereign Distillery, Wilson Road, Huyton, Knowsley, L36 6AD: Re-consultation**

Thank you for your notification of 19 August 2022.

As you are aware, the Coal Authority objected to this planning application in our previous letter to you dated 08 August 2022 due to the demolition works required to facilitate the redevelopment of Unit F which could expose the recorded on-site mine entry (currently beneath Unit F).

We welcome the comments made by the applicant's planning agent: Laura Young (email dated 18 August 2022 to the LPA) clarifying that Unit F is being retained and therefore there is no disturbance to the mine entry recorded beneath this unit.

In light of the above, together with the professional opinion provided by Tetra Tech Ltd, report author of the previously submitted Coal Mining Risk Assessment (B029681.CMRA.0, May 2022), that there is no risk to the proposed development from historic unrecorded shallow mine workings, the Coal Authority **withdraws its objection** to the proposed development.

In the interest of public safety, it is requested that the following wording is included as an Informative Note on any planning permission granted:

***The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.***

***Further information is also available on the Coal Authority website at:***  
[\*\*\*www.gov.uk/government/organisations/the-coal-authority\*\*\*](http://www.gov.uk/government/organisations/the-coal-authority)

#### Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

#### Sustainable Drainage

Where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

D Roberts

**Deb Roberts** M.Sc. MRTPI

**Planning & Development Manager**

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

*In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.*

Knowsley Council  
By email

Your ref 22/00109/FUL  
Our ref DC/22/2567  
Date 18-AUG-22

Dear Planning Team

**Location: The Sovereign Distillery, Halewood Wines And Spirits - Factory Outlet Wilson Road Huyton Knowsley L36 6AD**

**Proposal: FULL PLANNING APPLICATION FOR DEMOLITION OF BUILDINGS TO CONSTRUCT TWO NEW INDUSTRIAL UNITS AND REMODELLING, REFURBISHMENT, EXTENSION AND PARTIAL DEMOLITION OF EXISTING INDUSTRIAL BUILDING TO FORM SEVEN UNITS TO CREATE E (G)(II) (III), B2 AND B8 EMPLOYMENT SPACE, WITH ANCILLARY E(G)(I) OFFICE USE, REMODELLING OF CAR PARKING, SERVICE, VEHICULAR CIRCULATION AREAS, LANDSCAPING AND INFRASTRUCTURE WORKS.**

United Utilities wish to make the following comments regarding the proposal detailed above.

#### **UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE**

##### **Wastewater pipelines**

Three critical sewers (with at least 450mm diameter) cross this site and they must not be built over. We require an access strip for maintenance or replacement and this access must not be compromised in any way. The applicant should determine the precise location, depth and condition of each pipeline as this can influence the required stand-off distance from any structure. Further advice is available from our Developer Services team. See Contacts section below.

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances. *Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details).*

Should the Council deem this application suitable for approval we request the following condition is included in the subsequent Decision Notice to afford appropriate protective measures for the wastewater assets:

#### **CONDITION**

***No construction shall commence until details of the means of ensuring the sewers that are laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the sewers that cross the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.***

***Reason: In the interest of public health and safety and to ensure protection of essential services.***

#### **Water pipelines**

United Utilities will not allow building over or in close proximity to a water main.

#### **Advice relating to both water and wastewater infrastructure**

It is the applicant's responsibility to demonstrate the exact relationship between United Utilities' assets and the proposed development. Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Any agreement to divert our underground assets will be subject to a diversion application, made directly to United Utilities. This is a separate matter to the determination of a planning application. We will not guarantee, or infer acceptance of a proposed diversion through the planning process (where diversion is indicated on submitted plans). In the event that a diversion application is submitted to United Utilities and subsequently rejected (either before or after the determination of a planning application), applicants should be aware that they may need to amend their proposed layout to accommodate United Utilities' assets.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Any construction activities in the vicinity of United Utilities' assets must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines'. This includes United Utilities' assets which may be located outside the applicant's red line boundary.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. Please see 'Contacts' section below.

## **DRAINAGE**

We request the following drainage condition is attached to any subsequent approval:

### **CONDITION**

***Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:***

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;***
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);***
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;***
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and***
- (v) Foul and surface water shall drain on separate systems.***

***The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.***

***Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.***

***Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.***

All fuel and chemical storage tanks must have adequate bund walls without outlets. The bund must be capable of holding more than the largest tank within it. Discharges from yard storage areas, vehicle washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage should be connected to the foul sewer and may be regarded as trade effluent.

The applicant can discuss any of the above with Developer Engineer, **Josephine Wong**, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk).

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If this proposal results in a trade effluent discharge to the public sewer, the applicant will need Trade Effluent Consent. The applicant should discuss this with their chosen retailer of wastewater services.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

### **Management and Maintenance of Sustainable Drainage Systems**

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. You may find the condition below a useful example.

*Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and*

*agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:*

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.*

*The development shall subsequently be completed, maintained and managed in accordance with the approved plan.*

*Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.*

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

## **WATER AND WASTEWATER SERVICES**

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

## **CONTACTS**

### **Website**

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the '**Live Chat**' function, please visit:

<http://www.unitedutilities.com/builders-developers.aspx>

#### **Email**

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

**Water mains and water supply, including metering** - [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)

**Public sewers and drainage** - [WastewaterDeveloperServices@uuplc.co.uk](mailto:WastewaterDeveloperServices@uuplc.co.uk)

**Telephone** - 0345 072 6067

#### **Property Searches (for asset maps):**

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit <https://www.unitedutilities.com/property-searches/>

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map.

We request that a copy of this letter is made available to the applicant.

Yours faithfully

The Planning, Landscape and Ecology Team

# **Standard Conditions for Works Adjacent to Pipelines**

**Document Ref. 90048**

**Issue 3.1 July 2015**

© United Utilities Water Ltd.

All Rights Reserved

The copyright of this document, which contains information of a proprietary nature, is vested in United Utilities Water Ltd. The contents of this document may not be used for purposes other than that for which it has been supplied and may not be reproduced, either wholly or in part, in any way whatsoever. It may not be used by, or its contents divulged to, any other person whatsoever without the prior written permission United Utilities Water Ltd.

## AMENDMENT SUMMARY

| <b>Amendment No.<br/>Date</b> | <b>Brief Description and Amending Action</b>                                                                                                                            | <b>Owner</b>               | <b>Verifier</b> |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-----------------|
| 3.1<br>July 2015              | 'Easement Area' defined and legal clarifications made.                                                                                                                  | Neil Sixsmith              | Jim Tresnan     |
| 3.0<br>March 2015             | Full review and update                                                                                                                                                  | Neil Sixsmith              | Jim Tresnan     |
| 2.0<br>May 2014               | Full review and update. Appendix 1 incorporated to provide guidance on tree roots and planting. Improvements to document around vibration monitoring and discolouration | Peter Tucker               | Nick Preston    |
| 1.2<br>October 2007           | Alterations into Distribution Manual                                                                                                                                    | Richard Duckett            |                 |
| 1.1<br>August 2007            | Alteration to Guideline number 12                                                                                                                                       | Paul Gough                 | Tony Conway     |
| 1<br>July 2003                | First issue in standard format                                                                                                                                          | Phil Hayden / Ian Skilling | Peter Womersley |

## HISTORY OF THE DOCUMENT

The following table details the task team involved in the full review of the Standard Conditions:

| Date and Issue Number | Task Team members                                                                                                                                                                                                          |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.0<br>March 2015     | Peter Tucker – UU Engineering<br>Nick Preston – UU Engineering<br>Jim Tresnan – UU Engineering<br>Neil Sixsmith – UU Water Services (Network)<br>Owen Newton - UU Engineering<br>Mike Taylor – UU Water Services (Network) |

## CONTENTS

|                                                                               |           |
|-------------------------------------------------------------------------------|-----------|
| <b>AMENDMENT SUMMARY .....</b>                                                | <b>2</b>  |
| <b>HISTORY OF THE DOCUMENT .....</b>                                          | <b>2</b>  |
| <b>CONTENTS .....</b>                                                         | <b>3</b>  |
| <b>1. SCOPE .....</b>                                                         | <b>4</b>  |
| <b>2. DEFINITIONS .....</b>                                                   | <b>4</b>  |
| <b>3. GUIDELINES .....</b>                                                    | <b>5</b>  |
| 3.1. General Guidelines .....                                                 | 5         |
| <b>4 ISSUES AFFECTING A PIPELINE DURING CONSTRUCTION ACTIVITIES .....</b>     | <b>6</b>  |
| 4.1. Temporary Access .....                                                   | 6         |
| 4.2. Temporary Fencing .....                                                  | 7         |
| 4.3. Excavations within an Easement Area or Easement Width .....              | 7         |
| 4.4. Ground Vibration .....                                                   | 8         |
| <b>5 ISSUES PERMANENTLY AFFECTING A PIPELINE OR EASEMENT .....</b>            | <b>8</b>  |
| 5.1. Permanent Access .....                                                   | 8         |
| 5.2. Permanent Fences and Boundaries .....                                    | 9         |
| 5.3. Installation of New Services within the Easement .....                   | 9         |
| 5.4. Cathodic Protection of Pipelines .....                                   | 9         |
| 5.5. Mains Adjacent to Buildings in Streets .....                             | 10        |
| 5.6. New Roads, Communal Parking and Driveways .....                          | 10        |
| <b>6 PLANTING NEAR TO PIPELINES .....</b>                                     | <b>10</b> |
| <b>7 EASEMENT INFRINGEMENTS .....</b>                                         | <b>11</b> |
| <b>8 STOPPING UP ORDERS .....</b>                                             | <b>12</b> |
| <b>9 DRAWINGS .....</b>                                                       | <b>13</b> |
| Figure 1: Easement Widths for Single Pipes .....                              | 13        |
| Figure 2: Service Crossing Restrictions in relation to Pipeline Sockets ..... | 14        |
| <b>APPENDIX 1: PLANTING NEAR TO PIPELINES .....</b>                           | <b>15</b> |

## 1. SCOPE

This document sets out United Utilities Ltd (UU) standard conditions for work carried out over, under or adjacent to a UU Pipeline which can include multiple UU Pipelines laid adjacent to each other.

It is UU company policy not to allow any building over UU Pipelines or water mains. Any such building / structure would compromise UU's obligation to maintain a constant water supply and, in particular, would obstruct UU's ability to respond in the event of a failure of the Pipeline. Building over mains also has potential risks to the health and safety of anyone who might be affected by a failure, including the occupants of the building.

## 2. DEFINITIONS

| Term                     | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Pipeline</b>          | Means any aqueduct, trunk main, water distribution main, multiple pipes laid adjacent to each other or non-potable main vested in UU as water undertaker.                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Easement Area</b>     | Means the easement specified in any relevant document, e.g. conveyance, transfer or deed of grant with such widths as specified therein.                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Easement Width</b>    | <p>Means the Easement Width for any Pipeline laid under statutory powers. For large diameter Pipelines, unless otherwise specified, the Easement Width shall extend 5 metres to each side of the Pipeline from its centreline (10 metres total width).</p> <p>For small single Pipelines of up to and including 300mm diameter, unless otherwise specified, the Easement Width shall extend 3 metres to each side of the Pipeline from its centreline (6 metres total width)</p> <p>Contact UU for specific Easement Width limits and conditions.</p> |
| <b>Street</b>            | The whole or part of any highway, any road, lane, footway, alley or passage, square or court, whether or not a thoroughfare. A Street can therefore be a footpath, cycle track, bridleway or full vehicular highway. Where a Street passes over a bridge or through a tunnel these are included as part of the Street.                                                                                                                                                                                                                                |
| <b>PPV</b>               | Peak Particle Velocity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Shall or Must</b>     | Mandatory requirements are adopted through the use of 'shall' or 'must' or are otherwise specifically stated. The document also contains information and guidance that is not mandatory but is provided for consideration.                                                                                                                                                                                                                                                                                                                            |
| <b>Stopping up Order</b> | An order authorising the stopping up (removal of public rights of way) of any highway, if the Secretary of State is satisfied to do so, to allow development to be carried out in accordance to a valid and relevant planning permission granted under the Town and Country Planning Act 2008 as amended or re-enacted from time to time.                                                                                                                                                                                                             |
| <b>Promoter</b>          | Any utility company, self-lay organisation, developer, Highway Authority, Local Authority or any other organisation wishing to work adjacent to or cross over or under a UU Pipeline.                                                                                                                                                                                                                                                                                                                                                                 |

### **3. GUIDELINES**

#### **3.1. General Guidelines**

3.1.1. The Standard Conditions are issued for the guidance of Promoters and others to reduce the risk of damage to the Pipeline and the consequent liability for such damage. They do not replace or alter any powers or rights exercisable by, or protection afforded to UU by virtue of: -

- a) Its ownership of the Pipeline or any rights or privileges in relation thereto;
- b) Any conveyance, lease, deed or grant, easement (see Figure 1 Easement Widths), licence, wayleave or other legal document relating to the Pipeline;
- c) Any statutory provision (including any provision in subordinate legislation) including but not limited to: -
  - i. The Water Industry Act 1991 as amended or re-enacted from time to time, will also apply.
  - ii. Any local statutory provision relating to a Pipeline and to any work of any other body or person which regulate, either generally or in relation to any specific crossing or work, the relations between UU and such other body or person, including any agreement or other document referred to in or incorporated with any such statutory provision.

In the event of any inconsistency between the provisions of these Standard Conditions and those of any document or statutory provision mentioned above, the latter shall prevail unless capable of variation by agreement and the substitution of the relevant provisions of these Standard Conditions is expressly agreed.

- 3.1.2. The Standard Conditions apply to all Pipeline(s). In the case of Pipeline(s) located in streets, the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, as amended or re-enacted from time to time, will also apply.
- 3.1.3. No work of any description shall take place on or within the Easement Area or Easement Width before full agreement has been reached with UU regarding the manner in which the work shall be carried out and consent to the same has been given in writing. At least 28 days' notice shall be given of any intention to carry out works in the Easement Area or Easement Width.
- 3.1.4. No vehicle, plant or machinery is to stand, operate or travel within the Easement Area or Easement Width of the Pipeline except as agreed by United Utilities.
- 3.1.5. UU reserves the right to supervise any work carried out on or within the Easement Area or Easement Width and to recover the costs incurred.
- 3.1.6. No buildings / structures of any description shall be erected within the Easement Area or the Easement Width.
- 3.1.7. No service shall cross the Pipeline at less than 1 metre in front of a socket face or at less than 300mm behind it. (See Figure 2)
- 3.1.8. No materials including spoil shall be placed on or stored within the Easement Area or Easement Width.
- 3.1.9. Access to and along the Easement Area or Easement Width shall be kept clear and unrestricted at all times. See Section 7, 'Easement Infringements'.

- 3.1.10. Sanitary arrangements approved by UU shall be provided for persons working on or within the Easement Area or Easement Width. Precautions shall be taken to avoid spillage of fuels, oils, paints, solvents or any other substance, which may damage the Pipeline or its protection.
- 3.1.11. Where construction of a new structure / building is proposed within 1m of the edge of the Easement Area or Easement Width, its foundations shall be designed to ensure that load from the structure / building is not transferred onto the Pipeline. The design shall also ensure that UU has full access to the lowest point of the bedding of the Pipeline for maintenance or construction purposes
- 3.1.12. No alteration to the existing ground levels or surface use of the Easement Area or Easement Width shall be made without prior written consent from UU. At least 28 days notice shall also be given of any proposal to alter ground levels or the surface of land adjoining the Easement Area or Easement Width. This includes increasing the ground level above the Pipeline by placing material to form a landscaping bund or road (or other) embankment, as this has the potential to cause settlement to the Pipeline that could damage it.
- 3.1.13. Persons or their Promoters working on or within the Easement Area or Easement Width shall be required to indemnify UU for the full cost of any damage caused to its Pipelines and for any costs, charges and expenses resulting from these operations.
- 3.1.14. In an emergency, contact shall be made immediately using the following telephone number:

The UU Response Manager is available on-

**07713887302 and this number shall be used for EMERGENCIES ONLY**

e.g. if the UU Pipeline is damaged / burst the UU response Manager must be contacted immediately.

Please supply the UU Response Manager with the following information:

Who you are (name and company)?

What is your contact number?

Exactly where you are (in order to quickly identify which main is damaged and potential risks to UU)?

What is the damage?

Is it causing flooding?

Is flood water entering a watercourse?

## **4 ISSUES AFFECTING A PIPELINE DURING CONSTRUCTION ACTIVITIES**

### **4.1. Temporary Access**

- 4.1.1. Movement of vehicles and plant with a total weight exceeding 6 tonnes across the unprotected Pipeline is forbidden. The repetitive movement of vehicles or plant of any weight over the unprotected Pipeline in the same position is forbidden. Where temporary or permanent access is required, the Promoter must consult with UU prior to gaining access.
- 4.1.2. Each proposed temporary crossing point of a Pipeline shall be considered on an individual basis. The Promoter shall submit the design of the proposed crossing point

to UU for acceptance. Work to construct the temporary crossing point shall not commence without prior written consent from UU.

- 4.1.3. The Promoter shall design any temporary crossing point such that the load from any vehicle or any item of construction plant that will use the crossing point creates a suitably factored bearing pressure of not more than 8.5kN/m<sup>2</sup> at the crown of the UU Pipeline. (N.B. *This load is approximately equivalent to the loading on a Pipeline with 900mm of cover when a 6 tonne excavator crosses above it.*) In order to achieve this, the Promoter may use substantial timber baulks, reinforced concrete slabs or proprietary ground protection systems (e.g. Eve Trakway). Where it is not possible to distribute the surcharge load from the plant to less than 8.5kN/m<sup>2</sup> at the crown of the Pipeline, then the design of the temporary crossing point shall consist of a suspended crossing which bridges over the Pipeline.
- 4.1.4. Temporary crossing points shall only be used to allow vehicles and plant to traverse across a Pipeline. Temporary crossing points are not to be used as working platforms for construction plant. Plant shall not be allowed to operate above a UU Pipeline unless specific written consent is given by UU. Any request by a Promoter for them to site working plant above a UU Pipeline must demonstrate that the platform which their plant is to be sited on has been designed as a working platform and will ensure that the maximum surcharge load from that plant is distributed to less than 8.5kN/m<sup>2</sup> at the crown of the Pipeline, or bridges over the Pipeline.
- 4.1.5. All parts of a temporary crossing point must be removed when the work is complete, unless written consent is obtained from UU for the crossing to be left in place. The design and construction of the temporary crossing point shall be such that it permits for its removal (and the reinstatement of the ground beneath it) without exposing the Pipeline to undue loading, vibration or risk.

## **4.2. Temporary Fencing**

- 4.2.1. Fencing shall be erected by the Promoter when they are working in and around the Easement Area or the Easement Width to demarcate its location, to regulate vehicle movements and to confine the crossing of the Pipeline only to approved crossing points. The fencing shall be of substantial construction. It shall be adequately maintained at all times to the satisfaction of United Utilities.

## **4.3. Excavations within an Easement Area or Easement Width**

- 4.3.1. Prior to general excavation, trial holes shall be dug by hand to determine the precise location of the Pipeline. UU reserves the right to carry out such excavations. The cost of all such excavations shall be borne by the Promoter.
- 4.3.2. Excavations shall be fully supported and shall be backfilled to the satisfaction of UU. All work shall be carried out during normal working hours, which shall have been previously agreed with UU. UU reserves the right to stop all work on or within the Easement Area or Easement Width which, in the opinion of its officers, places the Pipeline at risk. As a consequence of such action, UU shall not accept any claims for financial loss.
- 4.3.3. All excavations within the Easement Area or Easement Width shall be carried out by hand or may be carried out by mechanical excavator if under the supervision of UU personnel. Excavation within 1 metre of the Pipeline(s) must be carried out by hand and great care must be exercised to ensure that any protective wrapping is not damaged.
- 4.3.4. If a thrust block is discovered within any excavation adjacent to a Pipeline(s), then work shall be stopped and the excavation backfilled as soon as possible.

#### **4.4. Ground Vibration**

- 4.4.1. No blasting shall be carried out within 300 metres of the Pipeline(s) without prior written consent from UU, unless it can be demonstrated that ground vibration from such activities shall not exceed a peak particle velocity (PPV) of 5mm/s in any plane at the closest point of the Pipeline(s) to the blast.
- 4.4.2. Demolition, piling, tunneling or any other construction technique which induces significant vibration (not exceeding a peak particle velocity of 5mm/s) shall be permitted up to 10 metres away from the Pipeline(s). Permission will be granted by UU provided that the Promoter has accurately established the position of the Pipeline(s) and this has been verified by UU and a written statement of the precautions to be taken to ensure the safety of the Pipeline(s) has been submitted by the Promoter and received and consented to by UU prior to works being undertaken.
- 4.4.3. Should demolition, piling, tunneling or any other construction technique which induces significant vibration be proposed within 3.5 - 10 metres of the Pipeline(s) this shall be subject to seismic monitoring in order to prevent damage to the Pipeline(s). The Promoter shall accurately establish the position of the Pipeline(s). Seismograph readings shall be taken by the Promoter's specialist organisation on the line of the Pipeline at locations to be agreed with UU. Vibration monitoring shall be done under the supervision of a specialist organisation which has significant experience of similar monitoring work. The identity of the specialist organisation shall be proposed by the Promoter and approved by UU. This approval should not be unreasonably withheld or delayed. The cost of the seismic monitoring shall be borne by the Promoter. Vibration shall be measured in terms of peak particle velocity (PPV) and the Promoter shall employ suitable methods of construction in carrying out its works such that the PPV does not exceed 5mm/s. If the measured PPV does exceed 5mm/s then work shall cease immediately and a review of the monitoring data shall be undertaken between the Promoter and UU Engineering staff. If necessary UU shall notify the Promoter of any reasonable mitigation measures to protect the Pipeline(s) that it requires the Promoter to carry out. The Promoter shall comply with these reasonable mitigation measures in carrying out its works. A written statement of the precautions to be taken to ensure the safety of the Pipeline(s) shall be submitted by the Promoter and received and approved by UU prior to works being undertaken.
- 4.4.4. If UU identify that there is a risk of discolouration of the potable water supply the Promoter shall not excavate within 1m of the Pipeline(s) in any plane. Given the fact that there shall be significant excavation by hand, it may be more economical for the Promoter to consider directional drilling or another form of trenchless technique. UU would prefer this as an alternative construction technique.
- 4.4.5. Where practical, and when requested by UU due to the risk of discolouration, downstream turbidity monitoring should be undertaken for potable water Pipelines irrespective of Pipeline diameter. If UU reports to the Promoter that the turbidity levels measured in the main are very close to or exceeding the regulatory standards then work shall cease immediately and a review of the monitoring data shall be undertaken between the Promoter and UU Engineering staff. If necessary UU shall notify the Promoter of any reasonable mitigation measures to protect the Pipeline(s) that it requires the Promoter to carry out. The Promoter shall comply with these reasonable mitigation measures in carrying out its works.

## **5 ISSUES PERMANENTLY AFFECTING A PIPELINE OR EASEMENT**

### **5.1. Permanent Access**

- 5.1.1. Any proposed crossing of the Pipeline shall be considered on an individual basis. Any permanent access crossing the Easement Area or Easement Width shall be designed

and constructed by the Promoter to prevent any damage to the Pipeline. This may typically consist of mass concrete filled trenches constructed on either side of the Pipeline(s) with reinforced concrete slabs spanning between them. The Promoter shall submit the design of the proposed crossing point to UU for acceptance. Work to construct the permanent crossing point shall not commence without prior express written consent from UU.

## **5.2. Permanent Fences and Boundaries**

- 5.2.1. Fences or other boundaries structures crossing the Easement Area or Easement Width shall be as near as possible perpendicular to the line of Pipeline and in no case shall be made at an angle of less than 45 degrees. Proposals for any new fences or other boundary structures shall be submitted to UU for approval. Where necessary a lockable gate shall be provided for UU for their sole use.

## **5.3. Installation of New Services within the Easement**

- 5.3.1. Any pipes, drains, electricity cables or sewers crossing unmade ground over or under the Pipeline shall be laid in steel conduit or ductile iron pipe ideally jointed (or similar UU approved material) and adequately supported so as to be self-supporting over any subsequent excavation which may have to be carried out i.e. they should extend well into the undisturbed ground at each side of the Pipeline trench and shall cross as near as possible to 90 degrees to the Pipeline.
- 5.3.2. In no case shall any crossing be made at an angle of less than 45 degrees.
- 5.3.3. Provided that ground conditions are suitable, pipes crossing below the Pipeline shall be constructed by an approved tunneling method, and agreed by UU. The Promoter shall demonstrate that the predicted - and actual - ground settlement at the level of the invert of the Pipeline as a result of their pipes crossing below the Pipeline is not more than 20mm.
- 5.3.4. For UU Pipelines up to and including 300mm diameter, any pipes drains, electricity cables or sewers laid adjacent to the Pipeline must have a minimum clearance of 300mm from it. For UU potable water Pipelines over 300mm diameter (or for smaller diameter Pipelines where UU network operations have highlighted a risk of discoloration), there shall be a clearance between the pipes, drains, electricity cables or sewers and the Pipeline that is greater than or equal to the diameter of the Pipeline (ideally at least 1m clearance if possible to reduce the risk of discoloration). These clearances shall apply to crossings above or below the Pipeline, and include pipes, drains, electricity cables or sewers laid adjacent to the Pipeline.
- 5.3.5. The Promoter shall exercise suitable care when selecting and placing backfill material for any excavation dug within the Pipeline Easement to ensure that it is adequately compacted, provides sufficient support to the Pipeline and will not cause damage to the Pipeline. Reference should be made to the current version of 'Civil Engineering Specification for the Water Industry' (CESWI).

## **5.4. Cathodic Protection of Pipelines**

- 5.4.1. Where cathodic protection is proposed for the Promoter's works, or where it exists in connection with UU's Pipeline, the Promoter shall take all necessary steps to ensure that the integrity of the system is maintained during the construction of the works. Where cathodic protection exists on UU's Pipeline, or is to be installed by the Promoter on his apparatus, interference tests shall be carried out on completion of the works at the Promoter's expense. Where such tests indicate that UU's Pipeline may be at risk, then the Promoter, at his own expense, must install suitable remedial measures, to be agreed by UU. UU must be consulted in the case of installation of electric tramways over Pipelines.

## 5.5 Mains Adjacent to Buildings in Streets

- 5.5.1 Water mains may be laid in a Street or an Easement Area. Sometimes this is immediately adjacent to a building. In the case of an Easement Area, new buildings and their foundations may not be built within 2.5m of an existing water main (5m for mains > 300mm). This is to facilitate repair and maintenance.

## 5.6. New Roads, Communal Parking and Driveways

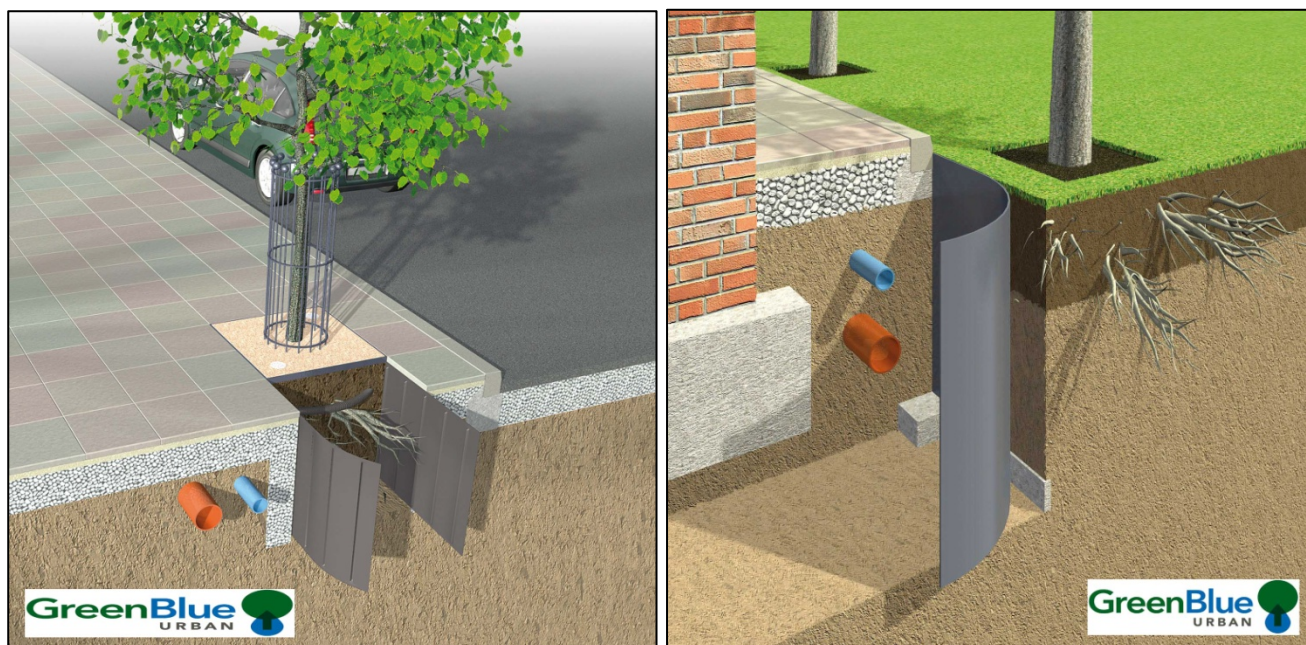
No alteration to the surface use of the Easement Area or Easement Width for the purpose of constructing a road, communal parking or private driveways (except for vehicular crossings at >45degrees) shall be made without prior written consent being obtained from UU.

## 6 PLANTING NEAR TO PIPELINES

- 6.1 Written consent must be obtained from UU before any tree or shrub planting is carried out. Any consent is subject to UU retaining the right to remove, at any time, all trees or shrubs that in its opinion becomes a danger or nuisance to the pipeline or asset.
- 6.2 Selection and planting of tree species should be in accordance with BS8545:2014 Trees: from nursery to independence in the landscape. Recommendation.
- 6.3 Planting of shallow rooted hedge plants, domestic soft fruiting bushes and ornamental shrubs shall be permitted however these shall not be permitted to develop as shrub trees and shall be maintained by the Promoter / Owner to a maximum height of 1.5m.
- 6.4 There shall be strictly no planting of Populus ssp. or Salix ssp. within 10 metres of a Pipeline.
- 6.5 Restrictions apply to all Easement Areas and Easement Widths see Appendix 1 for details. This includes a non-exhaustive list of trees and recommended planting distances.



- 6.6 United Utilities will consider the provision of specific tree root barriers where there is a need to establish trees closer to Pipeline(s) than would normally be acceptable best practice. Vertical or horizontal barriers can be effective and acceptable so long as they are professionally specified and installed following manufacturer's instructions and a suitable distance from the tree trunk to ensure tree stability at maturity. See the figures below for typical examples of these methods. These barriers shall be 1 – 2mm thick semi rigid type and be fitted by either a specialist installer or by very closely following the manufacturer's guidance. Further advice about root barriers can be found in BS8545.



Images supplied by GreenBlue Urban

- 6.7 A useful publication that can assist with planting near to utilities is “*NJUG Guidelines for the Planting, Installation and Maintenance of Utility Apparatus in Proximity to Trees*”

## 7 EASEMENT INFRINGEMENTS

- 7.1 UU acknowledges that there are situations where structures have been erected either directly above the Pipeline, or within an Easement Area or Easement Width. These encroachments should be assessed and recorded and appropriate actions taken. The assessment shall consider the potential risks to both UU's asset and the structure upon it.
- 7.2 The options available to UU are:-
- Notify owner of risks
  - Notify owner and consider mains diversion at owners cost with any required legal documentation to entered into
  - UU may take legal action to obtain a court order to instruct removal of the structure at the owners cost.

The key factors to be considered when selecting one of these options are:-

- a) Security of supply
- b) Health and safety
- c) Cost benefit
- d) Company reputation
- e) Probability of Pipeline failure and likely consequences. These will vary with the Pipeline material, diameter, depth below foundation, ground conditions and the operating regime of the Pipeline

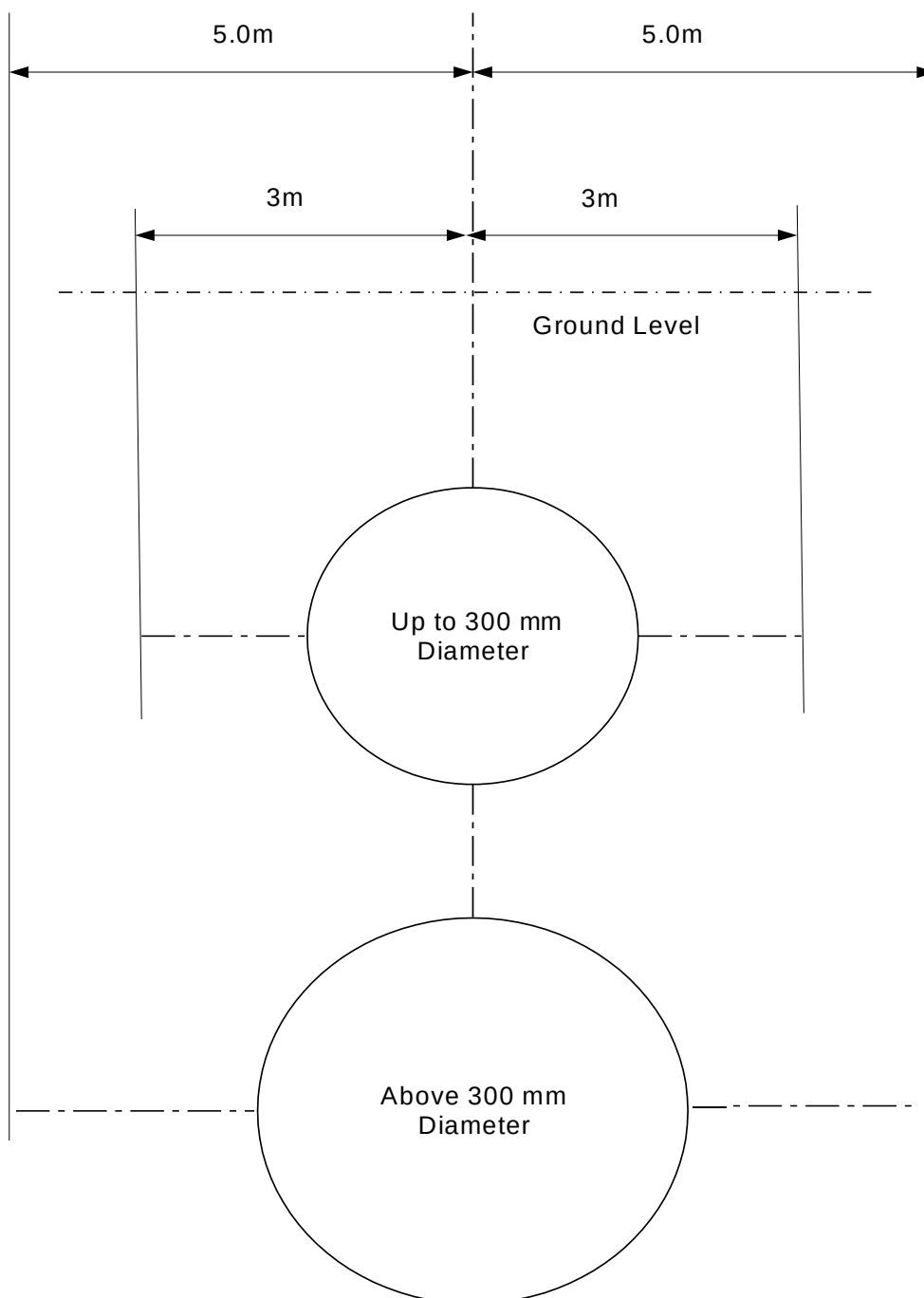
- 7.3 The notification given to the owner of the building shall state that, notwithstanding our Statutory Rights and those contained in any deed, UU shall not be liable for any costs whatsoever if damage is occasioned to the structure whilst carrying out our works.
- 7.4 In the case of structures of a temporary or easily removable character consent to such structures may after consideration be given by UU strictly on a case by case basis and the decision of UU being final. UU's access to any Easement Area or Easement Width should not be obstructed or impeded in any way

## **8 STOPPING UP ORDERS**

- 8.1 UU has no objection to a Stopping up Order, provided that access remains for repair and maintenance of the network within the area affected.
- 8.2 If the proposed development will impede clear access, then the water main must be abandoned or diverted at the applicants cost.
- 8.3 Typically, there would be no objection if the water main remains within a Street to which there is vehicular access sufficient for UU to perform its statutory duties. It is not necessarily a problem if the Street is within a gated enclosure, e.g. alley gates are not a problem.
- 8.4 If the main does not remain within a Street, the developer must provide an easement according to UU standard conditions. Detailed information is available from the United Utilities Website
- 8.5 The following is specifically not permitted in relation to easements.
  - a) Any alteration to ground level which leaves the water main at a depth less than 900mm (750mm for PE pipes), or more than 1200mm.
  - b) Any building over the main, or within the Easement Area or Easement Width, such that an excavation of the main would threaten the stability of the building.
  - c) Planting of large trees (detailed information available in Appendix 1). This shows the distances that various trees and shrubs can be planted away from Pipelines and water mains. Root barriers can be used when planting closer to the mains; however trees root barriers need to be deep enough to stop roots from penetrating under the barrier.

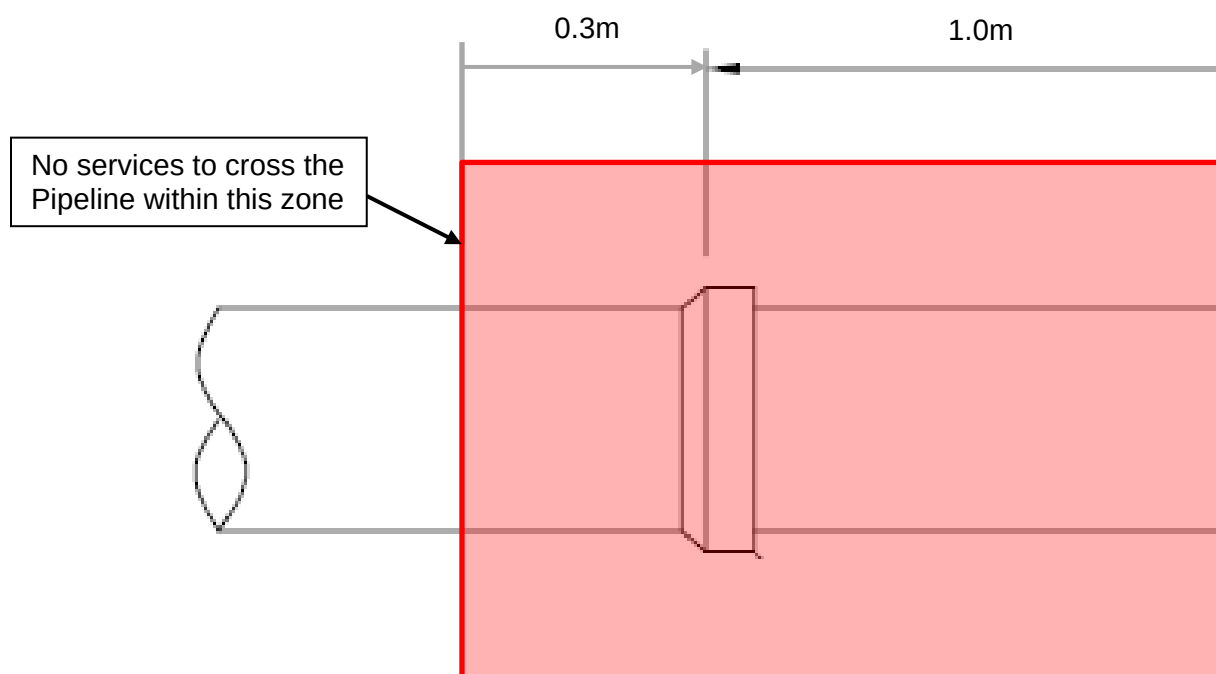
## 9 DRAWINGS

Figure 1: Easement Widths for Single Pipes



**Note:** This sketch is issued for guidance only (not to scale)

**Figure 2: Service Crossing Restrictions in relation to Pipeline Sockets**



## APPENDIX 1: PLANTING NEAR TO PIPELINES

| Latin Name                    | Common Name    | Tree or shrub planting maintained as hedge (no higher than 1.5m height) | Individual trees planted from 3 metres of underground asset or pipe | Individual trees planted from 6 metres of underground asset or pipe | Group trees planted from 10 metres of underground asset or pipe |
|-------------------------------|----------------|-------------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------|
| <i>Acer campestre</i>         | Field Maple    | Yes                                                                     | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Aesculus hippocastanum</i> | Horse chestnut | ✗                                                                       | ✗                                                                   | ✗                                                                   | Yes                                                             |
| <i>Carpinus betulus</i>       | Hornbeam       | Yes                                                                     | ✗                                                                   | ✗                                                                   | Yes                                                             |
| <i>Castanea sativa</i>        | Sweet Chestnut | ✗                                                                       | ✗                                                                   | ✗                                                                   | Yes                                                             |
| <i>Corylus avellana</i>       | Hazel          | Yes                                                                     | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Crateagus monogyna</i>     | Hawthorn       | Yes                                                                     | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Fagus sylvatica</i>        | Beech          | Yes                                                                     | ✗                                                                   | ✗                                                                   | Yes                                                             |
| <i>Ilex aquifolium</i>        | Holly          | Yes                                                                     | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Larix decidua</i>          | Larch          | ✗                                                                       | ✗                                                                   | ✗                                                                   | Yes                                                             |
| <i>Ligustrum vulgare</i>      | Privet         | Yes                                                                     | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Malus domestica</i>        | Apple          | ✗                                                                       | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Malus sylvestris</i>       | Crab Apple     | ✗                                                                       | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Pinus nigra</i>            | Black pine     | ✗                                                                       | ✗                                                                   | ✗                                                                   | Yes                                                             |
| <i>Pinus sylvestica</i>       | Scots Pine     | ✗                                                                       | ✗                                                                   | ✗                                                                   | Yes                                                             |
| <i>Platanus acerifolia</i>    | London Plane   | ✗                                                                       | ✗                                                                   | ✗                                                                   | Yes                                                             |
| <i>Prunus avium</i>           | Wild Cherry    | ✗                                                                       | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Prunus cerasifera</i>      | Plum           | ✗                                                                       | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Prunus lusitanica</i>      | Laurel         | Yes                                                                     | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Prunus padus</i>           | Bird Cherry    | ✗                                                                       | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Prunus spinosa</i>         | Blackthorn     | Yes                                                                     | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Pyrus communis</i>         | Pear           | ✗                                                                       | Yes                                                                 | Yes                                                                 | Yes                                                             |

| Latin Name              | Common Name | Tree or shrub planting maintained as hedge (no higher than 1.5m height) | Individual trees planted from 3 metres of underground asset or pipe | Individual trees planted from 6 metres of underground asset or pipe | Group trees planted from 10 metres of underground asset or pipe |
|-------------------------|-------------|-------------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------|
| <i>Sambucus nigra</i>   | Elder       | Yes                                                                     | Yes                                                                 | Yes                                                                 | Yes                                                             |
| <i>Sorbus aria</i>      | Whitebeam   | X                                                                       | X                                                                   | X                                                                   | Yes                                                             |
| <i>Sorbus aucuparia</i> | Rowan       | X                                                                       | X                                                                   | Yes                                                                 | Yes                                                             |
| <i>Taxus baccata</i>    | Yew         | Yes                                                                     | X                                                                   | X                                                                   | Yes                                                             |
| <i>Tilia cordata</i>    | Lime        | X                                                                       | X                                                                   | X                                                                   | Yes                                                             |
| <i>Ulmus glabra</i>     | Wych Elm    | X                                                                       | X                                                                   | Yes                                                                 | Yes                                                             |

Knowsley MBC  
Planning Department  
Municipal Buildings  
Archway Road  
Huyton  
L36 9YU

Email:  
dcconsultations@knowsley.gov.uk

**Merseyside Fire & Rescue Authority**  
**Community Fire Protection**  
Planning & Building Regulations Team  
Service Headquarters  
Bridle Road  
Bootle  
Merseyside  
L30 4YD

Telephone: 0151 296 6590 (Calls may be recorded)  
Inspecting Officer: Alison Harrison  
Email: [planningandbuildingregulationsteam@merseyfire.gov.uk](mailto:planningandbuildingregulationsteam@merseyfire.gov.uk)  
web Site: [www.merseyfire.gov.uk](http://www.merseyfire.gov.uk)

Your ref: 22/00109/FUL

Our ref:00509464/924537/AH/CS

Date: 28<sup>th</sup> July 2022

Dear Sir/Madam,

**THE TOWN AND COUNTRY PLANNING ACT 1990**  
**PLANNING APPLICATION NUMBER REF: 22/00109/FUL**  
**PROPOSAL: DEMOLITION OF BUILDINGS AND THE ERECTION OF 2 NO.**  
**INDUSTRIAL UNITS**  
**TOGETHER WITH THE PART DEMOLITION/PART EXTENSION AND REMODELLING**  
**OF EXISTING INDUSTRIAL BUILDING TO FORM 7 NO. UNITS (USE CLASSES E**  
**(G)(II) (III) B2 AND B8) WITH ANCILLARY OFFICE SPACE. RECONFIGURATION OF**  
**CAR PARKING INCLUDING SERVICE AND VEHICULAR CIRCULATION AREAS**  
**LANDSCAPING INFRASTRUCTURE WORKS AND OTHER ASSOCIATED WORKS.**  
**ADDRESS: THE SOVEREIGN DISTILLERY HALEWOOD WINES AND SPIRITS -**  
**FACTORY OUTLET WILSON ROAD**  
**HUYTON L36 6AD**

**The Fire Authority requests that any decision notice includes the following information;**

The plans relating to the above application have been examined and below are the Fire Authority's observations:

- \* Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.
- \* Water supplies for firefighting purposes should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied.

### **Industry**

The water supply infrastructure to any industrial estate should be as follows with the mains network on site being normally at least 150 mm nominal diameter—

Up to one hectare 20 litres per second.  
One to two hectares 35 litres per second.  
Two to three hectares 50 litres per second.

Over three hectares 75 litres per second.

\* The premises should comply with Section 55 of the County of Merseyside Act 1980

Should you require any further information in respect of this correspondence please contact the Officer named above.

Yours faithfully,

A handwritten signature in black ink that reads "Alison Harrison". The script is cursive and fluid, with the first name "Alison" and the last name "Harrison" clearly distinguishable.

Alison Harrison

Authorised Fire Safety Inspecting Officer

And on behalf of Merseyside Fire and Rescue Authority

## **Guidelines on flow requirements for firefighting**

The following flows represent the ideal requirements on new developments and during permanent system changes.

### **Housing**

Housing developments with units of detached or semidetached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant. Multi occupied housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any single hydrant on the development.

### **Transportation**

Lorry/coach parks - multi-storey car parks - service stations.

All of these amenities should have a water supply capable of delivering a minimum of 25 litres per second through any single hydrant on the development or within a vehicular distance of 90 metres from the complex.

### **Industry**

The water supply infrastructure to any industrial estate should be as follows with the mains network on site being normally at least 150 mm nominal diameter—

Up to one hectare 20 litres per second.  
One to two hectares 35 litres per second.  
Two to three hectares 50 litres per second.  
Over three hectares 75 litres per second.

### **Shopping, offices, recreation and tourism**

Commercial developments of this type should have a water supply capable of delivering a minimum flow of 20 to 75 litres per second to the development site.

### **Education, health and community facilities**

Village halls— Should have a water supply capable of delivering a minimum flow of 15 litres per second through any single hydrant on the development or within a vehicular distance of 100 metres from the complex.

Primary schools and single storey health centre's— Should have a water supply capable of delivering a minimum flow of 20 litres per second through any single hydrant on the development or within a vehicular distance of 70 metres from the complex.

Secondary schools, colleges, large health and community facilities— Should have a water supply capable of delivering a minimum flow of 35 litres per second through any single hydrant on the development or within a vehicular distance of 70 metres from the complex.



# Knowsley Council

DAVOS Industrial Limited  
c/o Mr Adam Cornish - Quod  
21 Soho Square  
London  
W1D 3QP

Our Ref: 22/00109/NMA

Date: 17 October 2023

Dear Sir/Madam

## TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 96A APPLICATION FOR NON-MATERIAL CHANGE TO PLANNING PERMISSION

**LOCATION:** Halewood Wines And Spirits - Factory Outlet, The Sovereign Distillery, Wilson Road, Huyton, Knowsley, L36 6AD

I refer to your application for a non material amendment which was received on the 12 September 2023. The proposed amendment(s) as listed below have been considered under s96A of the Town and Country Planning Act 1990 and have been determined to be non material.

### **KNOWSLEY MBC HEREBY GRANTS PERMISSION FOR THE FOLLOWING NON-MATERIAL AMENDMENT(S):-**

The plan(s) listed below are those approved. The development must be undertaken in accordance with the approved plans on the original application, except where amended by those below, including any conditions attached to that permission. No substitution should be made without the prior consent from the Local Planning Authority. Failure to adhere to the details of the approved plans or to comply with the conditions on the original planning permission constitutes a contravention of the Town and Country Planning Act 1990 in respect of which enforcement action may be taken.

### **Approved Plan(s):-**

#### **SCHEDULE 1**

| Date Received | Ref. No                           | Version | Drawing/Document Title |
|---------------|-----------------------------------|---------|------------------------|
| 12/09/2023    | 13546-AEW-BC-XX-DR-A-0537 REV P01 | -       | PROPOSED ELEVATIONS    |
| 12/09/2023    | 13546-AEW-BC-XX-DR-A-0535-S2-P01  | -       | PROPOSED FLOOR PLANS   |
| 12/09/2023    | 13546-AEW-BC-XX-DR-A-0536-S2-P01  | -       | PROPOSED ROOF PLAN     |
| 12/09/2023    | 13546-AEW-BC-XX-DR-A-0538-S2-P01  | -       | PROPOSED SECTIONS      |





**Knowsley Council**

|            |                                      |   |                      |
|------------|--------------------------------------|---|----------------------|
| 12/09/2023 | 13546-AEW-SI-XX-<br>DR-A-0503-S2-P02 | - | PROPOSED SITE LAYOUT |
| 12/09/2023 | 0501 P04                             | - | SITE LOCATION PLAN   |

Please note that this is not a decision under Building Regulations and separate consent may be required. Please contact Building Control for more information.

Yours faithfully

Executive Director - Regeneration and Economic Development



## Document 3

**Decision Notice & Officer Report (ref. 17/00301/HYB)**

---



**Knowsley Council**

***DEPARTMENT OF REGENERATION, ECONOMY & SKILLS  
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.**

**OUTLINE AND FULL PLANNING PERMISSION**

**Application No: 17/00301/HYB**

**Name and address of applicant**

Henry Boot Barnfield Limited  
C/O Agent

**Name and address of agent**

Iceni  
This Is The Space  
68 Quay Street  
Manchester  
M3 3EJ

**Date of Receipt:** 2 May 2017

**Date Valid:** 24 May 2017

**Address/Location Of Development:**

Land Between Cronton Road And M62 Motorway (Junction 6)  
Huyton  
Knowsley

**Description of Development:**

**HYBRID APPLICATION COMPRISING A FULL PLANNING APPLICATION FOR 1800 SQ.M GROSS EXTERNAL AREA FOOD STORE (USE CLASS A1), 1161 SQ.M GROSS EXTERNAL AREA B1/B2 USE (BUSINESS USE / GENERAL INDUSTRIAL USE) WITH ASSOCIATED CAR PARKING, LANDSCAPING, HIGHWAY WORKS, PUMPING STATION, SUBSTATION AND ASSOCIATED WORKS INCLUDING BUND AND NOISE ATTENUATION BOUNDARY TREATMENT TO TOP OF BUND ALONG WESTERN BOUNDARY OF THE SITE;**

**OUTLINE PLANNING APPLICATION FOR UP TO 6,000 SQ.M USE CLASS B1 AND B2 FLOOR SPACE, PETROL FILLING STATION (SUI GENERIS USE) WITH UP TO 400 SQ.M FLOOR SPACE ASSOCIATED USE CLASS A1 UNIT, UP TO 1000 SQ.M USE CLASS A3 AND A4 FLOOR SPACE (PUB / RESTAURANT), WITH ASSOCIATED CAR PARKING, SERVICING AREAS, HIGHWAY WORKS, AND OTHER ASSOCIATED WORKS, WITH ALL MATTERS RESERVED FOR FUTURE APPROVAL**

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that 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.

For the avoidance of doubt, the development hereby granted full planning permission is as follows:

- 1800 sq.m gross external area food store (Use Class A1), both with, highway works, pumping station and associated works
- 1161 sq.m gross external area B1 / B2 Use units
- associated car parking and landscaping
- pumping station
- substation
- associated infrastructure
- traffic signal staggered junction and associated highway works

and for the avoidance of doubt the development granted outline planning permission (all matters reserved for future approval) is as follows:

- up to 6000 sq.m Use Class B1 / B2 floor space units
- Petrol filling station (Sui Generis use) with up to 400 sq.m associated Use Class A1 floor space
- Up to 1000 sq.m Use Class A3 and A4 floor space (pub / restaurant)
- associated car parking and service areas and
- associated infrastructure works.

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 approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

3. Notwithstanding submitted details prior to their implementation, samples and details of the proposed external facing and roofing materials and details of all external doors and windows for all buildings granted outline permission or individual buildings within any phase or sub-phase, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using only the agreed materials.

Reason: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990, and in the interests of visual amenity and to comply with the National Planning Policy Framework and Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

4. Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must

be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

5.
  - a) Notwithstanding the submitted details, no development shall be commenced until a detailed development phasing plan for each phase of development is submitted to and approved in writing by the Local Planning Authority.
  - b) For the avoidance of doubt the phasing plan shall confirm the timescales for the commencement, specification of construction and completion of each development plot. The phasing plan shall also confirm the plots of B use class employment development which shall be constructed prior to the first occupation of the food store
  - c) The approved phasing plan shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure implementation of the employment uses for the avoidance of doubt and to comply with Policies CS1 and CS2 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policies EC1 and EC2 of the Knowsley replacement Unitary Development Plan, adopted June 2006.

6. As part of the layout reserved matters for the area identified as Phase 3 on the initial proposed phasing plan referenced Dwg PL07 a scheme for further intrusive site investigations with regard to coal workings shall be submitted to and approved in writing by the Local Planning Authority, and the agreed investigative scheme shall be carried out prior to any development occurring on this phase. A report of the findings of the intrusive site investigations together with a scheme of remedial works as necessary shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to any part of development within that phase being brought into use.

Reason: In the interests of ground stability and safety and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy, adopted January 2016.

7. No development within any phase shall be carried out until the agreed tree protection plan for the relevant phase of development has been implemented prior to the commencement of any development or site clearance works within that phase and shall remain in place until the completion of the development works within the phase. This shall be undertaken at each phase of development unless otherwise agreed in writing with the LPA.

Reason: To ensure that the trees to remain are adequately protected in the interest of visual amenity and to comply with Policies CS19 and CS21 of the Knowsley Local Plan Core strategy, adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

8. At least five working days written notice shall be given to the Local Planning Authority of the intention to commence development of each phase. The protective fencing referred to in condition 7 shall be in place prior to the written notice of the start of development being given to the Local Planning Authority and shall be retained in place at all times until the development within the phase is completed.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies CS 21 of the Knowsley Local Plan Core Strategy, adopted January 2016 and Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

9. Notwithstanding the submitted details no hard or soft landscape works within any phase or sub-phase shall commence until a full landscaping scheme, including
- a) the location of all existing trees and other planting to be retained;
  - b) all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities per sq m of all new planting;
  - c) biodiversity enhancements and management plan including the provision of bat and bird boxes or similar;
  - d) all proposed boundary treatments together with any internal enclosure treatments, with supporting elevations and construction details;
  - e) all proposed hard landscape elements, including layout, materials and colours;
  - f) the proposed arrangements and specifications for initial establishment maintenance and longer term maintenance of all planted and / or turfed areas,

has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved landscaping scheme. The landscaping works for the approved phase or sub-phase shall be completed by the end of the first planting and seeding seasons following the first occupation of that phase or sub-phase. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage.

Reason: In the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

10. No development shall take place until a written scheme of investigation for archaeological work has been submitted to and agreed in writing by the Local Planning Authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: To ensure that potential archaeological remains are investigated and recorded and to comply paragraph 141 of the National Planning Policy Framework and Policy CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016.

11. Notwithstanding the submitted details no development shall take place within a phase or sub-phase of the development hereby permitted, until a Construction Environmental Management Plan for that phase or sub-phase has been submitted to, and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following matters:
- a) Methods for the mitigation of noise and vibration from building works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.
  - b) Methods for dust control and suppression.
  - c) Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
  - d) Layout of site compound including identification of areas for the storage of plant and materials, loading / unloading and turning areas for delivery vehicles.
  - e) 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.

- f) A programme of works including phasing.
- g) Construction staff parking arrangements.
- h) Adequate provision for addressing any abnormal wear and tear to the highway.

The approved Construction Environmental Management Plan shall be complied with throughout the construction period for the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety and to comply with Policies CS2 and CS19 Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

12. During the construction period no works and no deliveries or removal of materials shall take place outside the hours of 0800 to 1800 Monday to Friday (excluding Public Holidays), 0800 to 1300 Saturday and not at all on Sundays and Public Holidays except with the prior written permission of the Local Planning Authority.

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

13. Prior to the commencement of development, a scheme for the provision and implementation of a surface water sustainable drainage scheme to manage the risk of flooding from both overland flow and from the sewer network, has been submitted to and agreed in writing, by the Local Planning Authority, for the whole site including the outline planning application areas. The agreed scheme shall be implemented in full, or to an agreed specification, to the first occupation of the development. For the avoidance of doubt, the surface water drainage scheme must be in accordance with the Non - Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and the surface water discharge rate must be restricted to the discharge rate specified in the Flood Risk Assessment & Drainage Strategy (3156 rev 1 dated April 2017), which is 45.0l/s.

Reason: To prevent increased risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to comply with policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy (January 2016).

14. Prior to the first occupation of the development, a Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development through an appropriate legally binding agreement shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by an agreed management company.
  - A schedule for on - going inspections relating to performance and condition.
  - Details for planned maintenance and a mechanism for remedial and urgent repair works
  - Means of access for inspection and maintenance purposes.

The plan shall be implemented in accordance with the timeframes contained within it.

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

## 15. Contaminated Land

### A. Risk Assessment

No development 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. This assessment must 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 (where relevant):

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - 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. 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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

16. No part of the development on any phase / parcel of land hereby permitted shall commence until a scheme detailing the specific noise mitigation measures, for that particular phase/parcel, has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the findings of the noise assessment by Sandy Brown: Beacon 62, Cronton Road: Reference: 17174-R01-F, dated 25 April 2018.

All works which form part of the scheme shall be completed before any of the relevant buildings are first used and retained at all times thereafter.

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

17. The following opening, delivery and waste collection times shall apply to the following proposed developments, unless otherwise agreed in writing with the Local Planning Authority:-
  - B1 (c) / B2 Use units: 7am to 8pm (deliveries and waste collections within these times);
  - Food Store: 8am to 10pm (deliveries and waste collections between 6am and 11pm);
  - Family Public House: 8am - Midnight (deliveries from 6am, waste collections from 7am);
  - Petrol Station: 6am - Midnight (deliveries between these times, waste collections from 7am).

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

18. Prior to the first occupation of any building forming part of any phase of development a lighting scheme which includes the steps necessary to minimise light intrusion to local dwellings shall be submitted for the written approval of the local planning authority for that phase. The scheme shall include an isolux plot to demonstrate that

the obtrusive light limitations suggested in the relevant guidance are met. If no lighting scheme is proposed for a phase then confirmation of such is required prior to the first occupation of any building on the phase.

All works which form part of the scheme shall be completed in accordance with the agreed scheme and retained as such at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

19. Prior to the first occupation of any phase of the development, Electric Vehicle Charging Points shall have been provided for that phase in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The charging points shall be implemented and made available for use in accordance with the approved details prior to first occupation of the relevant phase of the development and thereafter retained in accordance with the approved details.

Reason: In the interests of air quality, promoting sustainable travel opportunities and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

20. Notwithstanding any submitted details prior to the development hereby permitted commencing the Coppice Lane / Cronton Road / Wilson Road traffic signalled junction scheme must be revised such that the pedestrian crossing of Cronton Road is widened to 3m to allow cyclists from the south side of Cronton Road to access Huyton Business Park (Wilson Road) with the cycle route signed accordingly and the revised scheme submitted to and approved in writing by the Local Planning Authority. The junction shall be completed in accordance with the agreed scheme prior to the first use of the food store or units hereby granted full planning permission whichever is the earlier.

Reason: To ensure that adequate provision is made for parking cycles on the site and to comply with Policy CS7 of the Knowsley Local Plan Core Strategy, adopted January 2016.

21. Notwithstanding submitted details prior to the first use of the food store a taxi drop off / pick up area shall have been laid out in accordance to a scheme previously submitted to and agreed in writing by the Local Planning Authority. The scheme shall remain as agreed on site at all times the food store is in use.

Reason: To ensure that there is a satisfactory area for taxi's to drop off and pick up passengers whilst maintain car park operations and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy, adopted January 2016.

22. Prior to the first occupation of either the food store or the units within phase 1, whichever is the earlier, a scheme for refuse storage and collection for both the food store and the units shall be submitted to and agreed in writing by the Local Planning Authority. The relevant scheme for that use shall be implemented prior to that use commencing and shall be retained at all times the building is on site.

Reason: In the interests of visual amenity and to comply with Policy CS2, CS19 and CS26 of the Knowsley Local Plan Core Strategy, adopted January 2016.

23. No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority

Reason: In the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core strategy adopted January 2018.

24. The external appearance reserved matters of the pub / restaurant shall include details of the kitchen smoke and odour control; the information submitted must include:

- a) Details / specification of the equipment that will be installed to control odour and smoke, and
- b) The siting of any external ventilation stack;

The approved scheme shall be fully installed and operating prior to the pub / restaurant first coming into use. It shall thereafter be retained and operated to the manufacturer's specification whenever the permitted use is in operation unless otherwise agreed in writing by the Local Planning Authority.

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

25. Prior to the commencement of development a scheme for pedestrian refuge on Coppice Lane for pedestrians crossing the road wishing to access the food store, together with a pedestrian crossing point scheme to allow safe road crossing shall be submitted to and agreed in writing by the Local Planning Authority. The agreed schemes shall both be implemented prior to the food store hereby approved first coming into use and shall be retained for such purpose at all times.

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

26. Notwithstanding any submitted document no later than 3 months after the first use of the units and the first use of the food store a Travel Plan for both the units and the food store shall be submitted to and approved in writing by the Council as Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to:

- a) Involvement of employees;
- b) Information on existing transport policies, services and facilities, travel behaviours and attitudes;
- c) Access for all modes of transport;
- d) Targets for mode share;
- e) Resource allocation including Travel Plan Co-ordinator and budget;
- f) A parking and management strategy;
- g) A marketing and communications strategy;
- h) Appropriate measures and actions to reduce car dependence and encourage sustainable travel;
- i) An action plan, including a timetable for the implementation of each of the above; and
- j) Mechanisms for monitoring, reviewing and implementing the Travel Plan.

The approved Travel Plans shall be implemented in accordance with the timetables contained therein and shall continue to be implemented as long as that part of the development is occupied and in use.

Such a Travel Plan requirement shall be submitted to and approved by the Local Planning Authority for each phase of the development.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of each phase and element of the development requiring a Travel Plan 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 and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy, adopted January 2016.

27. Notwithstanding submitted details prior to any above ground works commencing a scheme of parking for Units 1-5 (as identified on Dwg No PL03 Rev P2) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in its entirety before any unit is first occupied and shall be retained for parking and manoueuving purposes at all time the buildings are on site; for the avoidance of doubt the scheme shall be based on B1 use of the units.

Reason: To ensure that there is adequate parking for the units in the interests of highway safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

28. Prior to the first use of the food store and the units a scheme for the provision of cycle and motor cycling parking spaces for visitors and staff for both the food store and the units shall be submitted to and agreed in writing by the Local Planning Authority, for staff the parking should be covered and secure, for visitors the parking should be secure. The agreed scheme shall be implemented as approved for each of the relevant part of the development before that part of the development comes into first use, and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority. Each phase of the development will subsequently require a scheme of cycle parking to be submitted to and approved by the Local Planning Authority and implemented prior to first use.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy, adopted January 2016.

29. Notwithstanding submitted details prior to the development hereby permitted commencing a scheme for the installation of a bund with boundary treatment above shall be submitted to and approved in writing, the scheme shall include a landscaping scheme for the bund. The agreed scheme shall be implemented in full prior to the first occupation of the foodstore or Units 1-5 (as shown on Dwg No PL03 Rev P2) whichever is the earlier unless otherwise agreed in writing.

Reason: In the interests of noise mitigation and residential amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

## SCHEDULE 1

| Date Received | Reference No. on Plan/Report | Version No. |
|---------------|------------------------------|-------------|
| 2 May 2017    | PL01                         | -           |
| 4 May 2018    | PL03                         | P2          |
| 2 May 2017    | PL04                         | -           |
| 4 May 2018    | PL07                         | P2          |
| 20 June 2018  | PL08                         | -           |
| 2 May 2017    | PL09                         | -           |
| 20 June 2018  | 3156-SHD-SK-001              | P1          |
| 24 May 2017   | SP2022244                    | 4.0         |
| 24 May 2017   | SP4000545                    | 3.0         |
| 5 June 2018   | 102                          | -           |
| 20 June 2018  | PL11                         | -           |
| 20 June 2018  | PL11                         | P1          |
| 20 June 2018  | PL13                         | -           |

### **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 in the Knowsley Replacement Unitary Development Plan (adopted June 2006) 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
- CS7 - Transport Networks
- CS8 - Green Infrastructure
- CS19 - Design Quality and Accessibility in New Development
- CS20 - Managing the Borough's Historic Environment
- CS21 - Greenspaces and Trees
- CS24 - Managing Flood Risk
- CS26 - Waste Management

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

- EC1 - Strategy for Provision of Employment Land
- EC2 - Sites Allocated for Employment Development
- EC3 - Primarily Industrial Areas
- S8 - Location of Development for Town Centre Uses
- S9 - Shop Fronts and Security Shutters
- ENV2 - Noise and Vibration
- ENV3 - Light Pollution
- ENV5 - Contaminated Land
- DQ4 - Trees and 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 (Lee Osborne on 0151 443 2395)

#### **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.

**NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments:**

1. Highways

It is an offence to carry out any works within the public highway without the permission of the Highway Authority. This grant of planning permission does not negate the need for the submission and approval of highway engineering details for inclusion in an agreement under s38 and s278 of the Highways Act 1980 (for roads proposed for adoption and off site highway works respectively). The applicant is advised to contact Austin Mc Gowan, tel: 0151 443 2234, email: [austin.mcgowan@knowsley.gov.uk](mailto:austin.mcgowan@knowsley.gov.uk) to discuss the matter further.

The applicant is reminded that surface water runoff is not allowed to drain onto the public highway.

A Commuted Sum will be required to cover the cost for future maintenance of all Street Lighting to be adopted by the Authority.

The extents of the proposed adopted highway are unknown. The extents need to be shown so that access/egress for vehicles can be assessed. Upon completion of the full scheme a turning head is required at the end of the main site road limit of adoption. This turning head will form part of the Section 38 Agreement.

Pedestrian Guard Railing with visibility gaps is required around the Traffic Signal Controlled Junction for safety reasons to ensure pedestrians use the correct crossing facilities. The extents will be agreed with the Local Authority Highways Department.

2. The Town and Country Planning (Development Affecting Trunk Roads) Direction 2018

3. LLFA comments –

The Lead Local Flood Authority will require the following information to be submitted to be able to fully assess the impact of the development on the site:-

- 1) A comprehensive and detailed surface water drainage scheme to be submitted , to include details of inlets, outlets and flow controls. The drainage plan should be annotated with the pipe numbers from the calculations and show any attenuation, restricted discharge, exceedance storage and overland flow routes.

- 2) Evidence of any necessary third party agreement(s) for discharge to their system/watercourse (in principle / consent to discharge)
- 3) Pre - development and post- development SuDS flow calculations for: a) 1 in 1 year; b) 1 in 2 year c) 1 in 30 year, and; 1 in 100 year + applicable climate change allowance d) The proposed drainage system is to be designed using Micro Drainage or similar approved; simulated for all storm durations from 15mins through to 10080mins, and the critical storm summary sheet for each design storm event to be provided. A disc containing the input data and the output must be submitted with each surface water drainage scheme for the approval of the LLFA.
- 4) Details of any pollution prevention measures or water quality treatments, where applicable
- 5) Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development to include:
  - a) The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by a residents management company.
  - b) A schedule for on -going inspections relating to performance and condition.
  - c) Details for planned maintenance and a mechanism for remedial and urgent repair works.
  - d) Means of access for inspection and maintenance purposes, including easements if required.

The plan shall be implemented in accordance with the time frames contained within it.

This information is contained within Knowsley Councils LLFA 'Sustainable Drainage & Surface Water Management - Technical Guidance document'

4. United Utilities comments
5. Coal Authority comments
6. Merseyside Fire Authority comments
7. Section 14(2) of the Wildlife and Countryside Act 1981 states that "if any person plants or otherwise causes to grow in the wild any plant which is included in Part 2 of Schedule 9, he shall be guilty of an offence". Japanese knotweed and cotoneaster are present within the site boundary and are Schedule 9 plants. A suitable method of preventing the plant species spreading further should be used, and eradication of the plant species from the site should be carried out by an appropriate method, and monitoring of the situation undertaken.
8. Breeding birds are protected under the general provision of Section 1 of the Wildlife and Countryside Act 1981 as amended. Whilst the nest is being built or is in use, the eggs, young and nest are protected against intentional and reckless taking, damage and destruction. No tree, scrub or hedgerow felling, management and/or cutting operations should take place during the period 1 March to 31 August inclusive to protect breeding birds or a suitably qualified ecologist should be present if such works at that time are unavoidable.
9. The applicant, their advisers and contractors should be aware that if any European Protected Species are found, then as a legal requirement, work must cease and advice must be sought from an ecologist .
12. MEAS comments

**Executive Director (Place)**  
**Date: 30 January 2019**

### **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. 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.
4. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to condition, he may appeal to the Secretary of State for the Environment in accordance with section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. (Appeals must be made on a form, which is obtainable from the Planning Inspectorate). See address below. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning/authority was based on a direction given by him.
5. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the secretary of state for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and country Planning Act 1990.

Appeal forms and guidance can be downloaded from the web site [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)  
Alternatively they can be obtained from the following address:-

The Planning Inspectorate  
Customer Support Unit  
Temple Quay House  
2 The Square  
Temple Quay  
BRISTOL  
BS1 6PN

Telephone: 0117 372 6372

**APPLICATION NO:** 17/00301/HYB **APPLICANT:** Henry Boot Barnfield Ltd

**WARD AFFECTED:** St Gabriels

**DEVELOPMENT:** HYBRID APPLICATION COMPRISING A FULL PLANNING APPLICATION FOR: 1800 SQ.M GROSS EXTERNAL AREA FOOD STORE (USE CLASS A1), 1161 SQ.M GROSS EXTERNAL AREA B1/B2 USE (BUSINESS USE / GENERAL INDUSTRIAL USE) WITH ASSOCIATED CAR PARKING, LANDSCAPING, HIGHWAY WORKS, PUMPING STATION, SUBSTATION AND ASSOCIATED WORKS INCLUDING BUND AND NOISE ATTENUATION BOUNDARY TREATMENT TO TOP OF BUND; AND OUTLINE PLANNING APPLICATION FOR UP TO 7,500 SQ.M USE CLASS B1 AND B2 FLOOR SPACE, PETROL FILLING STATION (SUI GENERIS USE) WITH UP TO 400 SQ.M FLOOR SPACE ASSOCIATED USE CLASS A1 UNIT, UP TO 1000 SQ.M USE CLASS A3 AND A4 FLOOR SPACE (PUB/RESTAURANT), WITH ASSOCIATED CAR PARKING, SERVICING AREAS, HIGHWAY WORKS, AND OTHER ASSOCIATED WORKS, WITH ALL MATTERS RESERVED FOR FUTURE APPROVAL.

**LOCATION OF SITE:**

Land between Cronton Road and M62 Motorway Sliproad (Junction 6), Tarbock.

**DEVELOPMENT PLAN ALLOCATION:**

Land for Employment Development.

**REPRESENTATIONS:**

Objections have been received from seven persons; thirty five persons have supported the proposal in writing and three representations have been received.

**RECOMMENDATION:**

**It is recommended that subject to the receipt of no additional representations raising fresh considerations which are material to the decision by the 4<sup>th</sup> August 2018 Members grant authority to the Head of Planning Services to grant planning permission under delegated powers subject to:**

**(i) the conditions set out in the attached schedule or such additional or amended conditions that the Head of Planning Services (in conjunction with the Chair of Planning Committee) considers appropriate;**

**(ii) the applicant entering in to a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 securing the obligations set out in this report.**

**CASE OFFICER**

Lee Osborne: 0151 443 2395

---

## **1. SITE AND SURROUNDINGS**

- 1.1 The application site comprises approximately 5.67ha of vacant rough grassland located between Cronton Road and the M62 Junction 6 slip road, with the Tarbock Interchange roundabout at the eastern end of the site. Existing buildings to the central portion of the site, including a depot for Highways England create an irregular shaped site divided into parcels either side of the existing buildings (and their related compounds).
- 1.2 The site is at a lower level than Cronton Road by between 1 – 1.5m to the west of the Highways England site and up to approximately 2m to the east of the Highways England site up to the roundabout. There is considerable difference in levels between the site and the slip road of the M63, with the slip road rising towards the east and the roundabout. Consequently, the levels increase to approximately 3m between the eastern end of the site and the slip road. There is some mounding within the site of up to 1.4m high.
- 1.3 To the north of the site, on the opposite side of Cronton Road, is Huyton Business Park. Coppice Farm is adjacent the south west corner and there is vacant land west of the site extending to an Esso petrol filling station located on the south side of Cronton Road. Housing is present to the south (rear) and west of the petrol filling station (Sevenoak Grove).

## **2. PROPOSAL**

- 2.1 The application is a hybrid application partly comprising a full application and partly an outline application.
- 2.2 The detail of the full part of the application is as follows:-
  - i) A Supermarket totaling 1800 sq.m gross external area including sales area, storage, office and staff facilities;
  - ii) Customer car parking to serve the above and store servicing area;
  - iii) A building to accommodate five light and general industrial uses, totaling 1161 sq.m together with parking and servicing area;
  - iv) Electricity sub-station(s) and pumping station;
  - v) Highway junction works, including traffic light signals, on Cronton Road and Wilson Road;
  - vi) An access road from Cronton Road into the site to serve the supermarket parking and servicing, and the parking and servicing area of the B1 / B2 units together with the pumping station and sub-stations;
  - vii) Installation of a bund along the western boundary with noise attenuation boundary treatment on top; and
  - viii) Landscaping.
- 2.5 The outline application details are as follows:-

- i) Light and general industrial buildings totaling up to 7,500 sq.m, with associated parking and servicing areas;
- ii) A Petrol filling station with an associated retail unit of up to 400 sq.m and associated car parking and service area;
- iii) A Pub / restaurant of up to 1000 sq.m floor area and associated car parking area;
- iv) Access road to serve the above development; and
- v) Landscaping and associated works.

Whilst all matters with regard the outline part of the planning application have been reserved for future approval, indicative drawings have been submitted.

### **3.0 RELEVANT HISTORY**

- 3.1** 09/00360/OUT – Outline planning application for mixed use development comprising employment uses (Classes B1 and B2), Hotel (Class C1), Retail / Food and Drink Uses (Classes A1, A3, A4 and A5) and Salting Depot, together with construction of vehicular access and car parking, landscaping, internal roads and supporting infrastructure (partial access to be considered at this stage). Granted – June 2011.

### **4. ARTICLE 31 STATEMENT**

- 4.1** Officers have worked with the applicant and their agents in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with this planning application and have implemented the requirement in National Planning Policy Framework (NPPF) paragraph 187.

### **5 EQUALITIES ACT 2010**

- 5.1** In determining this application the Council has considered the requirements under S149 of the Equalities Act 2010. It is considered that the application raises no significant equality issues.

### **6. REPRESENTATIONS**

- 6.1** The application has been advertised by letters sent to 158 properties in the locality. It has also been advertised by a press and site notice. A second round of consultation was undertaken following the receipt of an amended Site Layout plan. As a result 45 representations have been received, comprising:
- seven objections;
  - three representations; and,
  - thirty five of broad support.

- 6.2** The objections can be summarised as follows:-

Highway safety:

- The development is close to a very busy and stretched capacity road plus a major roundabout and motorway system.
- the proposal would cause more traffic congestion.
- Since the existing petrol filling station incorporated the Tesco Express there has been a significant rise in traffic plus cars parking in neighbouring streets when the store is busy.
- The junction of Sevenoak Grove and the main road is constantly blocked from traffic buildup from the Whitefield Drive traffic lights causing problems for residents – what are the plans for the massively increased traffic numbers and congestion the proposal would cause, both from construction and once operational?
- What measures is there that access to and from the objector's property is not made worse? Will there be an improvement to compensate the impact of the proposal?
- Impact on highways would be dangerous even with traffic lights.

#### Wildlife:

- The area is frequented by wildlife – what ecology studies have taken place?
- The development would cause issues under the flight path of aircraft i.e. birds attracted to turned over groundworks. Low flying aircraft could strike birds near the objector's house.

#### Visual Amenity:

- What plans are in place to blend the development into the surrounding area?
- What screening will be in place?
- Loss of outlook is a grave concern as is loss of privacy and greater sense of enclosure.

#### Drainage:

- What are the implications of drainage for houses?

#### Underground workings:

- What are the implications for houses from old mining infrastructure and works?
- Full site investigation and geo-technical assessment is required as the site is located in an area of 18th and 19th century coal mining and evidence of historic coal pits and mining techniques may be revealed.

#### Need:

- There are similar developments within a quarter of a mile – what is the justification when all services are already in place nearby?
- The proposal is not required for the area.
- Proposed development is reserved for employment development but by mirroring businesses nearby the existing companies would suffer deficit and potential closure causing job losses.
- What would happen to the existing petrol station on Cronton Road, would it become a derelict forecourt site? Why do you need two petrol filling stations close to each other?
- The location of the supermarket would be better in the underground car park in Huyton town centre which would slow down the destruction of Huyton town centre as a socio-economic hub.
- Support Aldi but strongly object to more industrial units in the area.

Archaeology:

- The site lies in a wider area where there have been substantial Roman British and prehistoric finds.

Human Rights:

- Article 8 of the Human Rights Act gives a right to private and family life. How will plans affect objector's privacy, and potential overshadowing of the property?

Environmental Impacts:

- Noise during building works and subsequently from 24/7 use of buildings; the mound will not alleviate this.
- What protective measures for air quality, hazardous substances and environmental impacts including light nuisance would there be? What stipulation would be on occupiers of the buildings?

Trees:

- Trees should be preserved and occupiers of the development should not have the right to request pruning or removal of trees.
- What plans are there for the row of mature trees? Trees should be protected. Trees on the objector's property could be damaged by construction works.

Principle:

- Expansion into arable farmland and Green Belt.

6.3 The representations of support may be summarised as follows:-

- Great proposal as local jobs would be created for people and it would be easier for some to get to shops.
- Proposal would be used by people working on the business estate.
- The site is currently an eyesore and its development is welcomed.
- Good use of the land.
- Easy access to development but should have traffic lights.
- There is plenty of room for increase in traffic.
- There would be more choice in supermarkets for locals.
- It would be beneficial to have a supermarket within walking distance.
- An improvement to the junction of Cronton Road with Wilson Road is long overdue.

6.4 The additional representations received may be summarised as follows:-

- Support the proposal so long as traffic arrangements are sufficient.
- Support but traffic flow should be monitored.
- This will uplift the area in terms of appearance but consideration needs to be given to traffic implications as the roads are getting increasingly busy.

## 7. CONSULTATIONS

Local Highway Authority (Knowsley MBC) – No objections in principle subject to conditions.

Head of Environmental Health and Consumer Protection – Object on grounds of impact on air quality; request conditions if planning permission is granted.

Lead Local Flood Authority – No objections in principle subject to conditions.

Arboriculture and Ecology - No objections subject to conditions.

Merseyside Environmental Advisory Service – No objections in principle subject to conditions.

The Environment Agency - No objections in principle.

Highways England – No objections.

Merseyside Fire Service – No objections in principle.

## **8. POLICY CONTEXT**

- 8.1 Paragraph 12 of the National Planning Policy Framework (NPPF) states that, *“Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”*
- 8.2 In this regard the Knowsley Local Plan: Core Strategy was adopted in January 2016 although certain saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of paragraph 215 of the NPPF.
- 8.3 The site is allocated as Land for Employment Development on the Local Plan Policies Map adopted in January 2016. The relevant adopted policies for the assessment of the application are listed below:

### Knowsley Local Plan: Core Strategy Policies (2016)

CS1 – Spatial Strategy for Knowsley  
CS2 – Development Principles  
CS7 – Transport Networks  
CS8 – Green Infrastructure  
CS19 – Design Quality and Accessibility in New Development  
CS21- Greenspace and Trees  
CS20 – Managing the Borough's Historic Environment  
CS24 – Managing Flood Risk  
CS26 – Waste Management

### Knowsley Replacement Unitary Development Plan: Saved Policies (2009)

EC1 – Strategy for Provision of Employment Land  
EC2 – Sites Allocated for Employment Development

EC3 – Primarily Industrial Areas  
S8 – Location of Development for Town Centre Uses  
S9 – Shop fronts and Security Shutters  
ENV2 - Noise and Vibration  
ENV3 – Light Pollution  
ENV5 - Contaminated Land  
DQ4 - Trees and Development

## **9. ISSUES AND ASSESSMENT**

### Principle of the Development

- 9.1 The site is allocated as Land for Employment Development on the Local Plan Policies Map. Consistent with this allocation the proposal is for employment development although it also includes a foodstore, petrol filling station and a pub / restaurant, which are not in accordance with the site's Local Plan allocation. The proposal is therefore contrary to the Local Plan allocation (because of the additional uses proposed), although as explained below, the applicant has submitted evidence to justify their inclusion because they will ensure that the development overall is viable and therefore deliverable.
- 9.2 The proposal, if approved, would result in some of the site not being developed for employment purposes. However, in terms of any impact on the available supply of employment land across the borough, current evidence is that there is a sufficient amount to meet the needs identified in the Local Plan. Consequently, the loss of some of the site to non-employment uses is not considered to significantly harm the supply of employment land available borough wide. Furthermore, the non-employment development will ensure that the some employment development can be delivered because it will mean that the development overall is viable.
- 9.3 The proposed foodstore and pub / restaurant uses are, in planning terms "Main Town Centre uses", in accordance with Local Plan policy CS6 'Town Centre and Retail Strategy'. As a result and regardless of the benefits which such uses contribute to the development in terms of making it viable, the applicant was required to demonstrate that there are no (sequentially preferable) sites within, or at the edge of existing local and town centres which in planning terms would be preferable. .
- 9.4 The work undertaken on the applicant's behalf (through the preparation and submission of a Sequential Assessment) has been rigorously appraised. Its conclusion, that there are no alternative sites that are currently suitable or available, is agreed with. The applicant has also highlighted that the uses proposed would provide employment in the retail and hospitality sectors.
- 9.5 The applicant has submitted a report, which examines the development's viability and the Council has had this reviewed by independent consultants who are experts in this area of work. The Council's consultants considered three options with regard to the site's development:-

1. Development of the site with a mix of uses comprising pre-let foodstore, employment development (including speculative development within Phase 1), petrol filling station and pub / restaurant;
2. Development of the site comprising pre-let foodstore and employment use development (including speculative development); and
3. Development of the site solely with employment development uses (including speculative units).

9.6 Their conclusion was that:

- Option 1 is a commercially viable proposition as it would potentially generate a profit for the developer, although this would be at the lower end (16%) of market levels.
- Option 2 would provide a significantly lower indicative profit on cost of 7.3%. This would be significantly lower than market levels and there would be greater risk (for the developer) with this option, such that a developer would be highly unlikely to proceed with a development on this basis.
- Option 3 would provide a loss of nearly 6% rather than a profit, meaning that a developer would not proceed with a development on this basis.

9.7 The applicant has also provided evidence that the site has been substantially marketed over several years for employment purposes but without a potential purchaser / developer coming forward.

9.8 Given the above factors, the principle of development and incorporating the range of uses proposed, is considered acceptable.

9.9 However it is considered critical that the delivery of the employment units is robustly linked to the development and occupation of the food store unit to ensure that they are delivered in a timely manner. In this respect the applicant has provided a proposed phasing plan and it is recommended that the delivery of the employment element of the proposal is secured by condition 27.

#### Design and Visual Amenity Considerations

9.9 The main design consideration is that the development particularly the food store presents itself in attractive way along the main road frontages. The Aldi food store would have external elevations of silver and anthracite cladding on a brick plinth; a significant length of the north east elevation would consist of glazing with silver cladding above which would turn the corner and form the entrance on the north western elevation. The remainder of the north western elevation would be of contrasting cladding with a row of ribbon glazing the length of the elevation. Over the entrance and stretching along the elevation over the cycle parking would be a canopy. It is considered that the food store would be of an acceptable external appearance when viewed from both principle vistas towards the store. Its proposed location would allow an ease of access for customers visiting the store. Whilst the proposed car park would be between the store and Cronton Road, the landscaping along the boundary of the site with Cronton Road and the lower ground level of the site would alleviate the impact of the car park. The view of the site with the lower level car park area, tree lined boundary and the elevational detail of the food store would provide an acceptable and satisfactory appearance of the site when travelling along Cronton Road, or approaching Cronton Road from Wilson Road. The rear elevation of the food store is also considered acceptable in the context of the site, and would be of alternate bands of

anthracite and silver cladding with plant enclosure area. The turning area for service vehicles would be adjacent Cronton Road, albeit at a lower level. However this would be used only for vehicle turning, with the service area set further away from the highway. It is proposed that this area is screened by landscaping.

- 9.10 The light and general industrial building would have a contemporary design with various cladding to the external walls, the cladding mainly being of anthracite grey and Sirius grey with beige grey detail and yellow roller shutter doors. The entrances and service area would face away from Cronton Road with the rear of the building facing Cronton Road, albeit at approximately 60m distance at the closest point. The elevation facing the Cronton Road would have clean line with a large central Sirius grey cladding panels with anthracite grey cladding to the top and sides. The units would have a mono-pitched roof, sloping down from the front to the rear (finished in goosewing grey) with each unit having a rooflight.
- 9.11 The proposed substation would be located at the end of the first access road proposed as the first phase of development and adjacent the Highways England depot. The proposed siting would allow all future development to be served as well as the initial first phase of development. The substation would have external walls of brick, with a camber roof.
- 9.12 Along the boundary of the site and to that of the foodstore, hedging is proposed together with trees in order to soften and to improve the development's visual appearance. The hedging and trees would extend along the access road up to the entrance to the food store car park. Hedgerow planting is also proposed to the south east boundary of the food store, behind the existing fencing. Within the car park there would be areas of planting including trees to break up the expanse of tarmac. The proposed landscaping of the remainder of the first phase has not been submitted and this could be secured by condition should planning permission be granted.
- 9.13 The proposed units would be in excess of 150m from homes in Sevenoak Grove and from Coppice Farmhouse. Taking into consideration that the units would be low level and that a bund is proposed along the boundary with planting on it, it is considered that the proposal would be acceptable in terms of visual amenity impacts and that the occupants of those dwellings would not have significant detrimental impacts on visual amenity.
- 9.14 It is considered that the first phase of development (comprising the detailed element of the application) would have a satisfactory and acceptable appearance as viewed along Cronton Road. The views into the site from Wilson Road and along the access road have also been considered and they would be satisfactory. As such it is considered that the application complies with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy and EC3 of the Knowsley Replacement Unitary Development Plan.

#### Highways Considerations

- 9.15 The site would be served by a new staggered junction with Cronton Road and Wilson Road. This is proposed as there are a number of services under the existing Coppice Lane including water mains, BT plant, Highways England sewer and gas mains which would be impacted upon if Coppice Lane was realigned to produce a crossroads

junction with Wilson Road and Cronton Road. Such impacts would have significant financial implications for the development of the site.

- 9.16 The staggered junction would be controlled by traffic signals for all legs of the junction and include traffic islands and flow lanes where appropriate.
- 9.17 Due to the location of the site and the complexity of the proposed signal controlled junction, the proposed solution has been reviewed by an independent transport consultant and it is considered acceptable by the Head of Highways and Transportation. In conclusion, the introduction of signal controls at the Cronton Road/ Coppice Lane/ Wilson Road is considered not to have a negative impact on the operation of the M62/ M57/ Cronton Road Junction'. The additional traffic will not exceed the maximum flows for which the roads are designed to accommodate and it is considered that the proposed arrangement will improve highway safety.
- 9.18 Highways England was consulted with regard the application and have no objections to the planning application.
- 9.19 The development provides adequate parking for the food store and parking for cycles and motorcycles can be secured by a planning condition. A passenger drop off and pick-up point is also proposed to be secured by a planning condition. Parking requirements for the light and general industrial units forming part of the full planning application can be finalised by condition should planning permission be granted. Currently, there is a small shortfall in the number of parking spaces for these shown on the submitted illustrative layout plan. The parking for the remainder of the light and general industrial units, the pub / restaurant and the Petrol Filling Station, which form the outline part of the planning application, would be submitted with any subsequent reserved matters submission.
- 9.20 The application will also improve the pedestrian and cycle facilities to the frontage of the development along Cronton Road. These will not reduce the capacity of Cronton Road itself.
- 9.21 To improve the safety of the junction in visibility terms, trees within Wilson Road - between the Chapel Brook car park and the new junction – are proposed to be removed. This is in order to reduce the risk of foliage obscuring the signals from oncoming traffic. The loss of the trees is proposed to be mitigated by a financial contribution for replacement tree planting within Wilson Road or the wider area, together with their establishment and maintenance costs, secured through a S106 legal agreement.
- 9.22 The adjacent land to the immediate west is also allocated for employment uses on the Local Plan Proposal Map. The applicant has submitted a drawing to demonstrate that the current proposal will not prejudice the achievement of an access to the adjoining land should its development be proposed in the future.
- 9.23 It is proposed that the existing access road to Coppice Farmhouse, off Cronton Road, would link in with the access road for the proposed development. The Highway Authority has no objection to this proposed arrangement.

- 9.24 In conclusion, the traffic generation arising from the development can be managed through the installation of a staggered traffic signalled junction and CCTV traffic monitoring. It is considered that the proposed scheme should not cause significant negative impacts and could reduce traffic accident incidents. It is considered that the current submitted layout and junction arrangement can be supported subject to conditions and appropriate financial contributions. Furthermore, the amount and configuration of parking proposed is acceptable or it can be secured by imposing a planning condition.

#### Environmental Health Considerations

##### *Air Quality*

- 9.25 The Environmental Health and Consumer Protection Service have objected to the application because of concerns that it will worsen air pollution (from vehicle exhausts) in a location which already has poor air quality. The Environmental Health and Consumer Protection Service notes that poor air quality can have significant and severe impacts on health.

Air quality monitoring, undertaken since May 2016, has indicated that air quality in the area is poor and that there is a likelihood that the Council will, in accordance with national regulatory requirements, need to designate an Air Quality Management Area (AQMA). In the event that the area is designated, the Council would then be required to develop an Action Plan within 12 months detailing the remedial measures needed to tackle the problem.

Initial evidence gathered suggest that an Air Quality Management Area is likely to be declared in and around the junction of Cronton Road and Whitefield Lane, although the extent of the area to be designated will be made clearer when data over a longer period is available. Nevertheless, the Environmental Health and Consumer Protection Service consider that the current levels of pollution are only marginally below the statutory limits for an Air Quality Management Area and that the addition of new development, which will generate additional vehicle movements (and its associated pollution), may generate the necessity to declare an Air Quality Management Area. Nevertheless, the Environmental Health and Consumer Protection Service also concede that an Air Quality Management Area may need to be declared regardless of the impacts arising from the proposed development.

- 9.26 The applicant has submitted an Air Quality Assessment report with their application and a further Technical Note about air quality. The applicant has proposed measures to mitigate against the proposed development's potential to worsen air pollution. This includes:
- a commitment to produce and implement a travel plan; and
  - fleet operations details of Aldi (e.g. vehicles meet stringent specified emissions specifications, Adblue fuel system use etc.).

The Environmental Health and Consumer Protection Service has also requested that should planning permission be granted a condition is attached requiring the installation of charging points for electric vehicles within the scheme, which would assist air quality mitigation.

- 9.27 In considering the objection on air pollution grounds, it needs to be considered "in the round" having regard to all of the issues relevant to the planning application's consideration overall and the weight that it is considered should be given to each issue having regard to the particular circumstances and the mitigation measures possible to ameliorate the implications of any negative impacts.

Whilst the development will impact on air quality, it is an area already of concern where an Air Quality Management Area may be declared regardless of the proposed development, because of the existing high number of vehicle movements. Furthermore, the number of homes where poorer air quality is likely to be experienced is limited to those around the Whitefield Drive / Cronton Road junction.

- 9.28 Any development of the site would bring similar concerns as the air quality impacts relate on the whole from traffic, and stopped traffic at the proposed junction, rather than necessarily site use.

- 9.29 Balanced against these environmental health air quality concerns is that:

- the development would bring forward for active uses a vacant and unused site;
- the site has been identified for many years in local planning policy order to meet employment development needs and most recently it is shown as such on the Local Plans Policies Map approved in January 2016. There would be significant economic benefits arising from the site's development in terms of employment opportunities generated, both in the retail and hospitality sector as well as the jobs created in the light and general industrial uses, and in the Business Rates generated; and
- the primary impact on air quality in the area arises from existing vehicle movements and it is not considered that the proposed development will contribute significantly to increasing vehicle movements. It *will* increase vehicle movements, but in the context of the high number of vehicle movements already taking place this is not considered to be a significant increase.

- 9.30 On balance it is considered that the benefits of development outweigh the air quality concerns and whilst there will be some harmful impacts (on air quality) on balance the proposal is supported subject to mitigation measures, secured by planning conditions, in order to ameliorate the impacts..

#### *Noise Issues*

- 9.31 The applicant has submitted a noise assessment report to consider the potential noise created by the proposed uses, for example from service vehicles and general vehicle movements. As a consequence a 2m high bund (topped by a 2.2m high fence), in order to lessen the impacts of noise, is proposed along part of the site's western boundary. The bund would extend across approximately two-thirds of this boundary and would be 132m in length. Landscaping would be installed to the bund to provide screening to the fence, and in order to improve visual amenity.

- 9.32 The Environmental Health and Consumer Protection Service are satisfied with the findings and the bund generally, but request that a noise mitigation scheme be submitted and approved should planning permission be granted. Other conditions

linked to noise mitigation measures requested include hours of use and deliveries, and that the bund extends the length of the western boundary not just the length of bund submitted.

- 9.33 It is considered that the Petrol Filling Station and pub / restaurant would be of a sufficient distance from existing homes such that there would be little impact from noise or from odours generated by the restaurant kitchen.
- 9.34 The temporary impact of noise during the construction period can be managed through a planning condition requiring the agreement of a Construction Environmental Management Plan. In addition a condition limiting the hours of development works and deliveries can also mitigate the impact of construction works.

#### *Lighting*

- 9.35 No lighting scheme has been submitted although it is envisaged that lighting would be a requirement for site operations. If planning permission is granted a condition is proposed requiring lighting details to be agreed prior to installation. In this way the lighting could be controlled such that it would not impact adversely on neighbouring properties, or the highway.

#### Flood Risk Considerations

- 9.36 The applicant has submitted a Flood Risk Assessment which highlights that the development is situated in an area of low risk from flooding and that a scheme can be appropriately designed to ensure that the scheme is adequately drained including during storms and taking into account climate change.
- 9.37 The Lead Local Flood Authority (LLFA) agrees in principle with the applicant's surface water drainage proposal but has requested further details in order to be fully satisfied. In the event that planning permission is granted a condition is recommended requiring the submission and approval of additional details about how the site will be drained. The LLFA notes that they have no records of flooding in the locality.

#### Ecology

- 9.38 The development site includes a Local Wildlife Site (Coppice Lane Council Depot) and as a result the applicant has submitted an Ecology Survey report. The survey report concludes that in its current condition (September 2016) and following clearance of the land, the site no longer represents the description within the Local Wildlife Site citation and would no longer meet designation guidelines.. As a result based on current site conditions no specific mitigation or compensation measures have been put forward by the applicant.

The Council's environmental consultants (MEAS) agree that the site no longer meets designation guidelines in its current form but they state that mitigation / compensation for its loss should be required. However, it is the case that the site has undergone a number of (legal) clearances where no permissions are required and because of this its potential ecological value has been diminished. As a consequence it is not considered to be reasonable or justifiable to require any mitigation or a financial contribution from the applicant.

## Trees

- 9.39 A tree survey report was submitted with the planning application which shows that most trees present are on or close to the site's boundaries. Recurring species located on the site include Poplar, Sycamore, Hawthorn, Horse Chestnut, Alder, and Ash. Out of 50 trees / groups surveyed the tree survey report identified:
- 30 trees as primarily of moderate quality or value capable of making a significant contribution to an area;
  - six trees of high quality and value; and
  - 12 trees as of a low quality with two of poor quality because they are either diseased or dead / dying.
- 9.40 Most trees are proposed to be retained although three groups would be removed on the western boundary, by the proposed access road and close to the Highways England slip road access. Within this latter group an Ash would be removed together with a Hawthorne to the rear of the proposed substation. The Hawthorne running along the site boundary with Cronton Road is also proposed to be removed (replacement hedging is proposed as part of the landscape scheme) together with an Ash adjacent to Cronton Road.
- 9.41 It is considered that the tree loss has been minimised and trees would be planted as part of the landscape scheme for phase 1 which would have a greater positive impact on public views than those to be lost. In the outline planning application part of the site landscaping forms part of the detail required to be submitted for future approval if planning permission is granted. As such it is considered that the trees proposed to be lost are acceptable taking account the proposed landscape planting.

## Contaminated Land

- 9.42 There are no known contaminated land issues. An initial report from the applicant to consider potential underground contamination recommends that site investigations are carried out. The Environmental Health and Consumer Protection Service agree with this conclusion and have requested (in the event that planning permission is granted) the inclusion of a condition requiring the submission and approval of a contaminated land investigation.

## Archaeology

- 9.43 The proposed development site contains the following non- designated heritage assets:
- the site of a mid-19th century building (built 1829 - 1849), and
  - the site of Bottom Row, a mid-19th century row of houses (built 1829- 1849).
- 9.44 There is a potential for the structural remains of the buildings, although truncated, as well as other cut features such as plot boundaries and cess pits, which have the potential to contain assemblages of domestic pottery, glass and other objects to still be encountered by the development.
- 9.45 The Council's Archaeological Consultant have requested a condition requiring the applicant to undertake a programme of archaeological work, in this instance a

methodology known as strip, map & sample, should planning permission be granted and this is included in the recommendation to Planning Committee.

#### Coal Mining Issues

- 9.46 The site falls within a High Risk Area as defined by the Coal Authority because there are known coal mining features and hazards in the area.
- 9.47 As a result of the above the applicant has undertaken investigative work including drilling boreholes and submitted a report, which sets out the details of their intrusive site investigations and their findings. The report recommends that further intrusive investigations are carried out for part of the site
- 9.48 The Coal Authority does not object to the planning application but have requested a condition should planning permission be granted. This would require further investigations to take place prior to development and the undertaking of remedial works if demonstrated as necessary.

#### Other Issues Raised in Representations

- 9.49 One objection raises the issue of compatibility with Article 8 of the Human Rights Act. The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.
- 9.50 A number of objections raise issues relating to why another Petrol Filling Station is required when there is one a short distance from the site, that a pub / restaurant is not required and the units would have a detrimental effect on existing businesses nearby. Competition is not a material planning consideration and as such it cannot be taken into account, rather it is a commercial and business consideration. With regard whether a pub / restaurant is required subject to the planning issues being satisfactory this would be a commercial decision and not a planning matter. .
- 9.51 An objector states that they object due to the potential danger caused by the site being under a flight path and birds on the site and their property is close by and therefore in potential danger. The site is not within close proximity to an airport (Liverpool Airport is in Speke close to the River Mersey) and is not within an airport or Civil Aviation Authority consultation zone. As a consequence this is not considered to be a valid objection.
- 9.52 Objection has been raised with regard to the proposal due to encroachment into arable and agricultural land. The site is allocated for employment use in the 2016 Local Plan and this follows on from the same allocation in the 2006 Unitary Development Plan. The site wraps around the Highways England depot and salt dome, and there are areas of hardstandings. The site is neither arable nor agricultural and has been allocated for employment use for a significant time.

## **10. CONCLUSION**

The development will result in the active use of a vacant and unused parcel of land for a mixture of employment, retail and commercial uses. The site has been allocated for employment development purposes for many years and marketed as such, although development has not come forward. The applicant has provided viability evidence, which has been rigorously scrutinised by the Council, to demonstrate that the site's development purely for employment purposes would be very unlikely to proceed – because it would not provide an adequate return to the developer. The inclusion of the retail and other commercial uses lessens the risks for the applicant because a reasonable return from the development can be achieved meaning that the development would be likely to go ahead.

The development will negatively impact on air quality and an objection to the application (on this ground) has been received from the Environmental Health and Consumer Protection Service. However, for the reasons set-out above, and on balance, this issue alone and the harm arising is not considered to be of sufficient weight to outweigh the development's positive benefits.

The development proposed is considered to be acceptable on all other grounds including its impacts on highway safety, ecology, noise and achieving good design subject to the imposition of conditions (as set out below) and a s106 agreement.

## **11. RECOMMENDATION**

It is recommended that subject to the receipt of no additional representations raising fresh considerations which are material to the decision by the 4<sup>th</sup> August Members grant authority to the Head of Planning Services to grant planning permission under delegated powers subject to:

(i) the conditions set out in the attached schedule, or such additional or amended conditions that the Head of Planning Services considers appropriate; and

(ii) the applicant entering into a Section 106 legal agreement to secure the payment of monies for the maintenance of the traffic signals to be installed at the staggered junction, the payment of monies for the installation and maintenance of traffic monitoring CCTV on Cronton Road and for the payment of monies for a replacement tree mitigation scheme and maintenance for trees lost to ensure visibility within Cronton Road of the junction, the trees to be replaced on a 2:1 basis within the Substantial Residential Area that the trees to be lost are located within.

### **Schedule of Conditions**

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

For the avoidance of doubt, the development hereby granted full planning permission is as follows:

- 1800 sq.m gross external area food store (Use Class A1), both with, highway works, pumping station and associated works
- 1161 sq.m gross external area B1 / B2 Use units
- associated car parking and landscaping
- pumping station
- substation
- associated infrastructure
- traffic signal staggered junction and associated highway works

and for the avoidance of doubt the development granted outline planning permission (all matters reserved for future approval) is as follows:

- up to 6000 sq.m Use Class B1 / B2 floor space units
- Petrol filling station (Sui Generis use) with up to 400 sq.m associated Use Class A1 floor space
- Up to 1000 sq.m Use Class A3 and A4 floor space (pub / restaurant)
- associated car parking and service areas and
- associated infrastructure works.

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 approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 3) Notwithstanding submitted details prior to their implementation, samples and details of the proposed external facing and roofing materials and details of all external doors and windows for all buildings granted outline permission or individual buildings within any phase or sub-phase, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using only the agreed materials.

Reason: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990, and in the interests of visual amenity and to comply

with the National Planning Policy Framework and Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 4) Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 5)
  - a) Notwithstanding the submitted details, no development shall be commenced until a detailed development phasing plan for each phase of development is submitted to and approved in writing by the Local Planning Authority.
  - b) For the avoidance of doubt the phasing plan shall confirm the timescales for the commencement, specification of construction and completion of each development plot. The phasing plan shall also confirm the plots of B use class employment development which shall be constructed prior to the first occupation of the food store
  - c) The approved phasing plan shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure implementation of the employment uses for the avoidance of doubt and to comply with Policies CS1 and CS2 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policies EC1 and EC2 of the Knowsley replacement Unitary Development Plan, adopted June 2006.

- 6) As part of the layout reserved matters for the area identified as Phase 3 on the initial proposed phasing plan referenced Dwg PL07 a scheme for further intrusive site investigations with regard to coal workings shall be submitted to and approved in writing by the Local Planning Authority, and the agreed investigative scheme shall be carried out prior to any development occurring on this phase. A report of the findings of the intrusive site investigations together with a scheme of remedial works as necessary shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to any part of development within that phase being brought into use.

Reason: In the interests of ground stability and safety and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 7) No development within any phase shall be carried out until the agreed tree protection plan for the relevant phase of development has been implemented prior to the commencement of any development or site clearance works within

that phase and shall remain in place until the completion of the development works within the phase. This shall be undertaken at each phase of development unless otherwise agreed in writing with the LPA.

Reason: To ensure that the trees to remain are adequately protected in the interest of visual amenity and to comply with Policies CS19 and CS21 of the Knowsley Local Plan Core strategy, adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 8) At least five working days written notice shall be given to the Local Planning Authority of the intention to commence development of each phase. The protective fencing referred to in condition 6 shall be in place prior to the written notice of the start of development being given to the Local Planning Authority and shall be retained in place at all times until the development within the phase is completed.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies CS 21 of the Knowsley Local Plan Core Strategy, adopted January 2016 and Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 9) Notwithstanding the submitted details no hard or soft landscape works within any phase or sub-phase shall commence until a full landscaping scheme, including
- a) the location of all existing trees and other planting to be retained;
  - b) all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities per sq m of all new planting;
  - c) biodiversity enhancements and management plan including the provision of bat and bird boxes or similar;
  - d) all proposed boundary treatments together with any internal enclosure treatments, with supporting elevations and construction details;
  - e) all proposed hard landscape elements, including layout, materials and colours;
  - f) the proposed arrangements and specifications for initial establishment maintenance and longer term maintenance of all planted and / or turfed areas,

has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved landscaping scheme. The landscaping works for the approved phase or sub-phase shall be completed by the end of the first planting and seeding seasons following the first occupation of that phase or sub-phase. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage.

Reason: In the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 10) No development shall take place until a written scheme of investigation for archaeological work has been submitted to and agreed in writing by the Local Planning Authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: To ensure that potential archaeological remains are investigated and recorded and to comply paragraph 141 of the National Planning Policy Framework and Policy CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 11) Notwithstanding the submitted details no development shall take place within a phase or sub-phase of the development hereby permitted, until a Construction Environmental Management Plan for that phase or sub-phase has been submitted to, and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following matters:

- a) Methods for the mitigation of noise and vibration from building works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.
- b) Methods for dust control and suppression.
- c) Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
- d) Layout of site compound including identification of areas for the storage of plant and materials, loading / unloading and turning areas for delivery vehicles.
- e) 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.
- f) A programme of works including phasing.
- g) Construction staff parking arrangements.
- h) Adequate provision for addressing any abnormal wear and tear to the highway.

The approved Construction Environmental Management Plan shall be complied with throughout the construction period for the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety and to comply with Policies CS2 and CS19 Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 12) During the construction period no works and no deliveries or removal of materials shall take place outside the hours of 0800 to 1800 Monday to Friday (excluding Public Holidays), 0800 to 1300 Saturday and not at all on Sundays and Public Holidays except with the prior written permission of the Local Planning Authority.

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 13) Prior to the commencement of development, a scheme for the provision and implementation of a surface water sustainable drainage scheme to manage the risk of flooding from both overland flow and from the sewer network, has been submitted to and agreed in writing, by the Local Planning Authority, for the whole site including the outline planning application areas. The agreed scheme shall be implemented in full, or to an agreed specification, to the first occupation of the development. For the avoidance of doubt, the surface water drainage scheme must be in accordance with the Non - Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and the surface water discharge rate must be restricted to the discharge rate specified in the Flood Risk Assessment & Drainage Strategy (3156 rev 1 dated April 2017), which is 45.0l/s.

Reason: To prevent increased risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to comply with policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy (January 2016).

- 14) Prior to the first occupation of the development, a Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development through an appropriate legally binding agreement shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by an agreed management company.
  - A schedule for on - going inspections relating to performance and condition.
  - Details for planned maintenance and a mechanism for remedial and urgent repair works
  - Means of access for inspection and maintenance purposes.

The plan shall be implemented in accordance with the timeframes contained within it.

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

- 15) Contaminated Land
- A. Risk Assessment

No development 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. This assessment must 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 (where relevant):

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - 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. 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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 16) No part of the development on any phase / parcel of land hereby permitted shall commence until a scheme detailing the specific noise mitigation measures, for that particular phase/parcel, has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the findings of the noise assessment by Sandy Brown: Beacon 62, Cronton Road: Reference: 17174-R01-F, dated 25 April 2018.

All works which form part of the scheme shall be completed before any of the relevant buildings are first used and retained at all times thereafter.

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 17) The following opening, delivery and waste collection times shall apply to the following proposed developments, unless otherwise agreed in writing with the Local Planning Authority:-

- B1 (c) / B2 Use units: 7am to 8pm (deliveries and waste collections within these times);
- Food Store: 8am to 10pm (deliveries and waste collections between 6am and 11pm);
- Family Public House: 8am – Midnight (deliveries from 6am, waste collections from 7am);
- Petrol Station: 6am – Midnight (deliveries between these times, waste collections from 7am).

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 18) Prior to the first occupation of any building forming part of any phase of development a lighting scheme which includes the steps necessary to minimise light intrusion to local dwellings shall be submitted for the written approval of the local planning authority for that phase. The scheme shall include an isolux plot to demonstrate that the obtrusive light limitations suggested in the relevant guidance are met. If no lighting scheme is proposed for a phase then confirmation of such is required prior to the first occupation of any building on the phase.

All works which form part of the scheme shall be completed in accordance with the agreed scheme and retained as such at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 19) Prior to the first occupation of any phase of the development, Electric Vehicle Charging Points shall have been provided for that phase in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The charging points shall be implemented and made available for use in accordance with the approved details prior to first occupation of the relevant phase of the development and thereafter retained in accordance with the approved details.

Reason: In the interests of air quality, promoting sustainable travel opportunities and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 20) Notwithstanding any submitted details prior to the development hereby permitted commencing the Coppice Lane / Cronton Road / Wilson Road traffic signalled junction scheme must be revised such that the pedestrian crossing of Cronton Road is widened to 3m to allow cyclists from the south side of Cronton Road to access Huyton Business Park (Wilson Road) with the cycle route signed accordingly and the revised scheme submitted to and approved in writing by the Local Planning Authority. The junction shall be completed in accordance with the agreed scheme prior to the first use of the food store or units hereby granted full planning permission whichever is the earlier.

Reason: To ensure that adequate provision is made for parking cycles on the site and to comply with Policy CS7 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 21) Notwithstanding submitted details prior to the first use of the food store a taxi drop off / pick up area shall have been laid out in accordance to a scheme previously submitted to and agreed in writing by the Local Planning Authority. The scheme shall remain as agreed on site at all times the food store is in use.

Reason: To ensure that there is a satisfactory area for taxi's to drop off and pick up passengers whilst maintain car park operations and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 22) Prior to the first occupation of either the food store or the units within phase 1, whichever is the earlier, a scheme for refuse storage and collection for both the food store and the units shall be submitted to and agreed in writing by the Local Planning Authority. The relevant scheme for that use shall be implemented prior to that use commencing and shall be retained at all times the building is on site.

Reason: In the interests of visual amenity and to comply with Policy CS2, CS19 and CS26 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 23) No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority

Reason: In the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core strategy adopted January 2018.

- 24) The external appearance reserved matters of the pub / restaurant shall include details of the kitchen smoke and odour control; the information submitted must include:

- a) Details / specification of the equipment that will be installed to control odour and smoke, and
- b) The siting of any external ventilation stack;

The approved scheme shall be fully installed and operating prior to the pub / restaurant first coming into use. It shall thereafter be retained and operated to the manufacturer's specification whenever the permitted use is in operation unless otherwise agreed in writing by the Local Planning Authority.

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

- 25) Prior to the commencement of development a scheme for pedestrian refuge on Coppice Lane for pedestrians crossing the road wishing to access the food store, together with a pedestrian crossing point scheme to allow safe road crossing shall be submitted to and agreed in writing by the Local Planning Authority. The agreed schemes shall both be implemented prior to the food store hereby approved first coming into use and shall be retained for such purpose at all times.

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

- 26) Notwithstanding any submitted document no later than 3 months after the first use of the units and the first use of the food store a Travel Plan for both the

units and the food store shall be submitted to and approved in writing by the Council as Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to:

- a) Involvement of employees;
- b) Information on existing transport policies, services and facilities, travel behaviours and attitudes;
- c) Access for all modes of transport;
- d) Targets for mode share;
- e) Resource allocation including Travel Plan Co-ordinator and budget;
- f) A parking and management strategy;
- g) A marketing and communications strategy;
- h) Appropriate measures and actions to reduce car dependence and encourage sustainable travel;
- i) An action plan, including a timetable for the implementation of each of the above; and
- j) Mechanisms for monitoring, reviewing and implementing the Travel Plan.

The approved Travel Plans shall be implemented in accordance with the timetables contained therein and shall continue to be implemented as long as that part of the development is occupied and in use.

Such a Travel Plan requirement shall be submitted to and approved by the Local Planning Authority for each phase of the development.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of each phase and element of the development requiring a Travel Plan 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 and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 27) Notwithstanding submitted details prior to any above ground works commencing a scheme of parking for Units 1-5 (as identified on Dwg No PL03 Rev P2) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in its entirety before any unit is first occupied and shall be retained for parking and manoeuvring purposes at all time the buildings are on site; for the avoidance of doubt the scheme shall be based on B1 use of the units.

Reason: To ensure that there is adequate parking for the units in the interests of highway safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 28) Prior to the first use of the food store and the units a scheme for the provision of cycle and motor cycling parking spaces for visitors and staff for both the food store and the units shall be submitted to and agreed in writing by the Local Planning Authority, for staff the parking should be covered and secure, for visitors the parking should be secure. The agreed scheme shall be implemented as approved for each of the relevant part of the development before that part of the development comes into first use, and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority. Each phase of the development will subsequently require a scheme of cycle parking to be submitted to and approved by the Local Planning Authority and implemented prior to first use.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 29) Notwithstanding submitted details prior to the development hereby permitted commencing a scheme for the installation of a bund with boundary treatment above shall be submitted to and approved in writing, the scheme shall include a landscaping scheme for the bund. The agreed scheme shall be implemented in full prior to the first occupation of the foodstore or Units 1-5 (as shown on Dwg No PL03 Rev P2) whichever is the earlier unless otherwise agreed in writing.

Reason: In the interests of noise mitigation and residential amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.



## Document 4

### Home Bargains Retail Requirements

---

# Retail Requirements

## 2022 - 2023

### 2022 Highlights

- 595+ stores in the UK
- Turnover 2021 £3.34 billion
- Profit 2021 £396 million
- Tangible net worth £1.57 billion
- Maximum credit £24.75m
- D&B Rating 5A1 Minimum risk (13 April 2022)
- No Debt

"Year after year of outperformance"

FINANCIAL TIMES

"It's a fantastic business totally under the radar."

SHORE CAPITAL

"Unusually efficient"

Richard Hyman, RAH Advisory Limited

"Decisive, quick and easy to deal with - 3 expressions not found in property deals these days."

Home Bargains are an excellent anchor in all of the retailing locations we have them and are keen to secure them in many more locations."

Alastair Dickie

ediston

"Home Bargains, one of the biggest things to come out of Liverpool since The Beatles"

the guardian

"We enjoy working with Home Bargains, a great addition to our retail parks."

Ben Grose

British Land

"Great footfall generator on our parks - great institutional covenant - so easy to sign up - such an easy retailer to do business with"

Mark Stirling

LONDONMETRIC

"Home Bargains one of the top 10 retail park tenants and one of the top 5 direct property owners of uk retail warehousing"

Guide to Retail and Leisure Parks 2022

"Kudos has to go to the retailers that are standing by their obligations... Thank you for being decent human beings Home Bargains..."

EC

## Business as Usual

More stores required throughout the UK  
Home Bargains Rollout continues

2021 turnover up to **£3.34 Billion**, 2021 profit **£396m**. The ongoing success of value retailer Home Bargains is built on the offer of top brands at bottom prices and their customers just can't get enough.

### Retail requirements

- Home Bargains have an aggressive expansion strategy and have over 595 outlets trading in the UK.
- Stores have been secured for this year and next, and further sites are required
- Development sites in excess of 2 acres
- Open A1 consent.
- England, Northern Ireland, Scotland and Wales.
- Cities, Towns and Suburbs with catchment no less than 30,000.
- Ground floor slab 25,000 - 40,000 SqFt with direct rear servicing for 16.5m articulated vehicles.
- Demised free car parking
- Freehold, Leasehold and development opportunities. Corporate transactions considered.
- Introductory fees available for non-retained agents.

For more information visit [www.tjmorris.co.uk](http://www.tjmorris.co.uk) or shop online at [www.homebargains.co.uk](http://www.homebargains.co.uk)

#### UK & Corporate



**Nigel Bennett**  
bennett. 51 Rodney Street,  
Liverpool L1 9ER  
t 0151 706 0222  
m 07989 598957  
e nmb@bennettrec.com

#### London & South



**Philip Jemmett**  
Smart\* 36 Lexington Street,  
London W1F 0LJ  
t 020 7569 9901  
m 07802 763937  
e pij@smart-4.co.uk

#### Scotland & Northern Ireland



**Alastair Biggart**  
Biggart & Company,  
m 07711 308 500  
e ajb@biggartandco.co.uk

#### South Wales & West Country



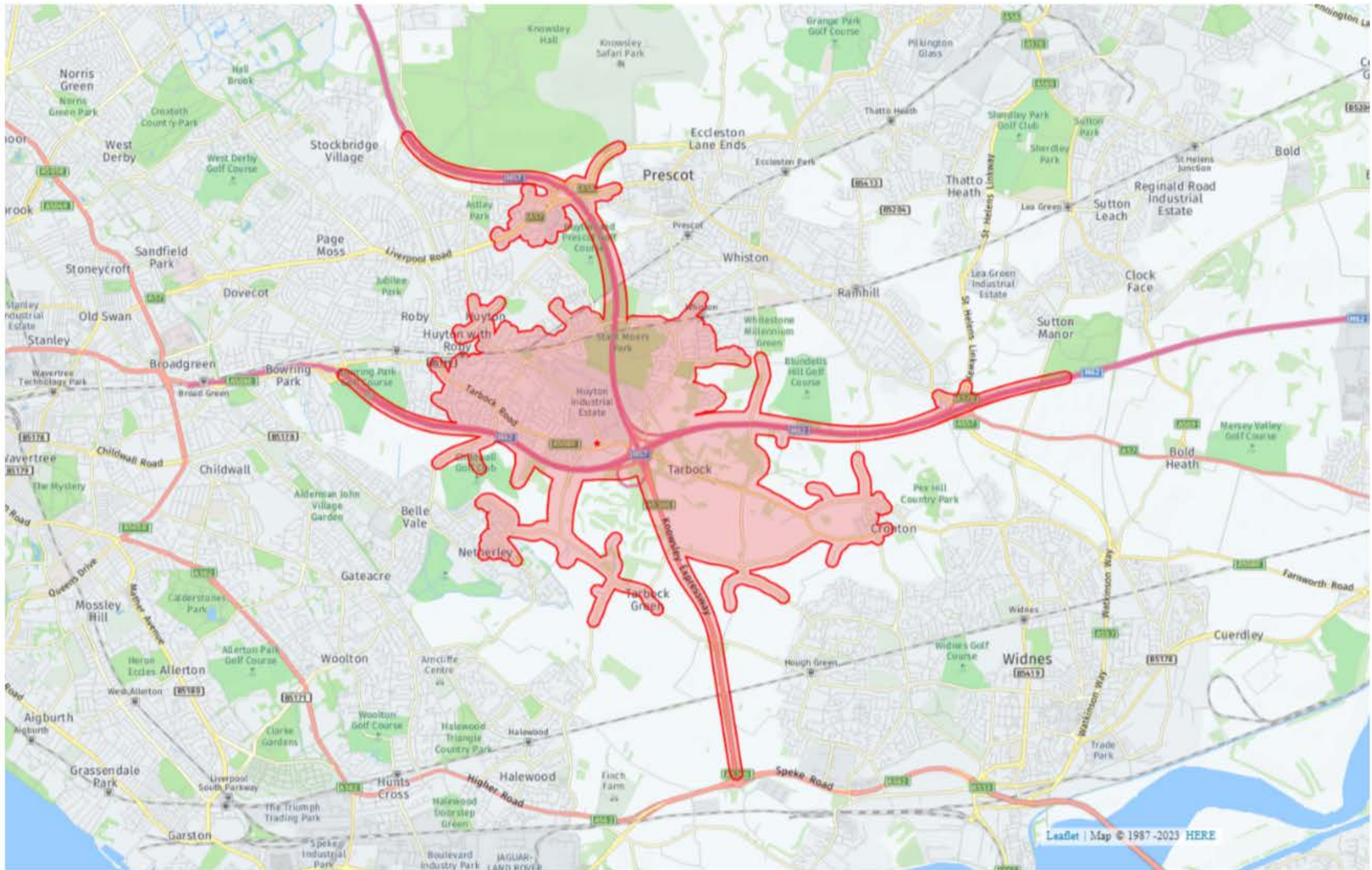
**Dylan Jones**  
Dylan Jones Retail  
m 07713 158322  
e dylan@dylanjonesretail.co.uk



## Document 5

**Plan showing Core Catchment**

---



Legend