



Knowsley Council

PLACE DIRECTORATE

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 21/00289/FUL

Name and address of applicant

Nuvu Developments Ltd
602 Aston Avenue
Birchwood
Warrington
WA3 6ZN

Name and address of agent

Barton Willmore
Tower 12
Bridge Street
Manchester
M3 3BZ

Date of Receipt: 31 March 2021

Date Valid: 28 May 2021

Address/Location Of Development:

Former Saunders Nursery
Windy Arbor Road
Whiston
Knowsley
L35 3SE

Description of Development:

DEMOLITION OF REDUNDANT SINGLE STOREY BRICK BUILDING (FORMER DWELLING) AND HORTICULTURAL SHED

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 the Demolition Specification Referenced 08-03-21 received 8 March 2021, no development shall take place before a Demolition Management and Method

Statement for the development hereby approved has been submitted to and agreed in writing by the Local Planning Authority.

Details submitted in respect of the management and method statement, and where applicable, incorporated on a plan, shall include, but shall not be limited to the following:

- a) Demolition methods;
- b) Methods for the mitigation of noise and vibration from demolition works including the operation of any temporary power generation or pumping plant that would operate overnight;
- c) Control of transfer of mud out of the site - details of jet wash/wheel washing facilities including location and type and use of road sweeper;
- d) Method of control and suppression of dust and asbestos borne fibres (information on asbestos survey if required);
- e) Details for the method of pest control;
- f) A programme of works including phasing if applicable;
- g) Location of any site compound(s) including identification of areas for welfare facilities, the storage of plant and materials, methods of loading/unloading of plant and materials, turning areas for vehicles and site operatives parking arrangements;
- h) A waste audit/demolition method statement for recycling/disposal of waste resulting from demolition;
- i) Adequate provision for addressing any abnormal wear and tear to the highway;
- j) Proposed 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;
- k) Management of vehicle movements including prevention of waiting/layover of 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 demolition. Note reversing on the highway is not permitted without a Banksman;
- l) Identification of permanent on-site contact and/or traffic manager as main point of enquiries or issues arising from demolition activities;
- m) The details of the design, siting and maintenance of any security hoardings;
- n) Details of any lighting;
- o) Pre-commencement survey check of building 1 (former dwelling), building 2 (horticultural shed) and tree numbers 1-4 and G1 (Tree Solutions Ltd, June 2020) for signs of bats and breeding birds OR tree removal and demolition of the buildings during winter months (October to February) avoiding the bat activity and breeding bird season;

- p) Protection measures for adjacent retained trees - include trees with suitability for roosting bats;
- q) Small mammals Reasonable Avoidance Measures (RAMs);
- r) There shall be no burning of materials on-site during demolition work without the prior written approval of the Local Planning Authority;
- s) Details of how the site will be restored following demolition.

All site works shall then proceed only in accordance with the approved details and the scheme details shall be made accessible to site managers, all contractors and sub-contractors working on the site during throughout the development.

Reason: To ensure the satisfactory development of the site and that appropriate measures are put in place in the interests of the amenity of neighbouring occupiers/uses; in the interests of highway safety and ecology/biodiversity and to comply with the National Planning Policy Framework(201), Policies CS2, CS8, CS19, SUE2 and SUE2c of the Knowsley Local Plan Core Strategy, adopted January 2016, Saved Policies ENV2 and ENV3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, Policy WM8 of the Merseyside and Halton Joint Waste Local Plan, adopted 2013 and the Halsnead Garden Village Masterplan SPD, adopted June 2017.

4. The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement received 28 May 2021 undertaken by Amenity Tree Care Ltd. Tree protection fencing shall be erected prior to commencement of development and retained throughout the course of the construction process.

Reason: For the avoidance of doubt; to ensure that the development is carried out as approved and to ensure the amenity value of existing trees is safeguarded and in the interests of biodiversity and protection of habitats and to comply with the National Planning Policy Framework (2019); Policies CS2, CS8, CS19, CS21 and SUE2 of the Knowsley Local Plan: Core Strategy, adopted January 2016, Saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and the Halsnead Garden Village Masterplan SPD, adopted June 2017.

5. Prior to commencement of any part of the development hereby granted at least five working days written notice shall be given to the Local Planning Authority of the intention to commence development.

The protective fencing referred in the approved Arboricultural Method Statement Referenced Halsnead - Demolition Arboricultural Method Statement (Amenity Tree Care Ltd) received 28 May 2021 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.

Reason: To ensure that the proper protection of trees has been carried out and to ensure that the tree protection fencing required pursuant to the approved Arboricultural Method Statement is in place prior to works commencing. in the interests of visual amenity and to comply with the National Planning Policy Framework (2019), Policies CS2, CS8, CS19, CS21 and SUE2 of the Knowsley Local Plan: Core Strategy, adopted January 2016, Saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and the Halsnead Garden Village Masterplan SPD adopted June 2017.

6. The development hereby permitted shall not be commenced until details of bat and bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been submitted to and agreed in writing by the Local Planning Authority.
- The bat and bird boxes shall be installed in accordance with the agreed scheme details prior to any part of the development commencing and shall be maintained as such thereafter.

Reason: In the interests of protecting and enhancing ecology/biodiversity in accordance with the National Planning Policy Framework (2019); Policies CS2, CS8, SUE2 and SUE2c of the Knowsley Local Plan: Core Strategy, adopted January 2016 and the Halsnead Garden Village Masterplan SPD, adopted June 2017.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
05/06/2021	DWG02	D	Site Boundary
27/05/2021	DWG02.1	F	Site Boundary [Buildings to be Demolished]
15/06/2021	60634607_ACM_RP_EN_0002_A	June 2020	Coal Mining Risk Assessment
28/05/2021	32322/A3/LS/DM	-	Demolition Cover Letter
28/05/2021	-	-	Halsnead - Demolition Arboricultural Method Statement
27/05/2021	-	20/AIA/KNOWSLEY/21	Tree Survey and Indicative Arboricultural Impact Assessment June 2020
27/05/2021	-	1 -4	Photographs of Buildings to be Demolished
	CES:1349/06-2020/LO	June 2020	Bat and Barn Owl Survey of Buildings and Bat Roost Potential Assessment of Trees
08/03/2021	08.03.21	-	Halsnead Garden Village - Former Garden Centre Demolition Specification 08.03.2021

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance:-

National Planning Policy Framework

KNOWSLEY LOCAL PLAN: CORE STRATEGY

SD1 - Sustainable Development

CS1 - Spatial Strategy for Knowsley

CS2 - Development Principles

CS8 - Green Infrastructure

SUE1 - Sustainable Urban Extensions and Safeguarded Land

SUE2 - Sustainable Urban Extensions - Development Principles

SUE2c - Sustainable Urban Extensions - South of Whiston and Land South of M62 (M270)

CS19 - Design Quality and Accessibility in New Development

CS20 - Managing the Borough's Historic Environment

CS21 - Greenspaces and Trees

CS26 - Waste Management

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

DQ2 - Security in the Built Environment

DQ4 - Trees and Development

ENV2 - Noise and Vibration

ENV5 - Contaminated Land

The Joint Merseyside and Halton Waste Local Plan 2013

WM8 - Waste Prevention and Resource Management

ENV3 - Light Pollution

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 (Maxine Wishart on 0151 443 2381)

ARTICLE 35 STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTE FOR APPLICANT:

**IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY
COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED**

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
- 2) This permission is granted subject to conditions and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
 - a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached then you will be liable to a breach of condition notice.

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

- 1 The applicant, their advisers and contractors should be made aware that if any bat species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
- 2 The Coal Authority: 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



Executive Director - Regeneration and Economic Development

Date: 22 July 2021

IMPORTANT NOTES FOR YOUR ATTENTION:

1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.
2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.
3. You should ensure that you understand the requirements of all planning conditions and that you fully comply with their requirements. If you are in any doubt about what a condition requires of you, please ask us for assistance. Planning conditions may require you to submit further information to us and await our approval before you can start your development. A failure to do so could result in your development being unlawful and necessitate the submission of a further planning application. A failure to comply with the conditions of the permission/consent may result in the taking of enforcement and potentially legal action, against you to remedy the breach of planning control.
4. A fee is normally payable to discharge planning conditions in accordance with government regulations.
5. This permission does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by you, including on party boundaries. You should satisfy yourself that the agreement of any adjoining landowners has been given prior to commencing any building works.
6. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works. Knowsley Council's Building Control team are contactable on (0151)-443 2342 and they would be pleased to assist you.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.