

MADDOX PLANNING PLANNING STATEMENT

**Units 1A to 1C and 1D to 1E
Academy Business Park, Knowsley
October 2023**

Descriptions of development

- 1) *Units 1A to 1C Certificate of lawfulness of proposed use as Class B8 trade counters*
 - 2) *Units 1D to 1E Certificate of lawfulness of proposed use as Class B8 trade counters*
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Types of application

Lawful use certificates – Certificates of Lawfulness for a Proposed Use or Development (CLOPUD)

Applicant

ORBIT INVESTMENTS (PROPERTIES) LIMITED

List of supporting documents

1. Cover letter
 2. Drawing from Orbit developments for units 1A to 1C comprising
 - Site location plan ref: 1375-PL-2003 (at 1:1,250 scale)
 3. Drawing from Orbit developments for units 1D to 1E comprising
 - Site location plan ref: 1376-PL-2001 (at 1:1,250 scale)
 4. Planning statement (this document)
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Development plan

The adopted development plan comprises:

1. Knowsley Local Plan Core Strategy, adopted 2016
2. Knowsley Replacement Unitary Development Plan (saved policies), adopted 2006
3. Merseyside and Halton Joint Waste Local Plan, adopted July 2003
4. Adopted proposals map, incorporating amendments made following the adoption of the Waste Local Plan in July 2013 and the Local Plan Core Strategy in 2016

The emerging development plan comprises:

1. None being prepared
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Policies map

The following designations on the policies map are particularly relevant:

1. *LPCS CS4 Economy and Employment*
 2. *UDP EC2 Sites Allocated for Employment Development*
 3. *UDP EC3 Primarily Industrial Area*
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Planning policies

The following adopted and emerging planning policies are relevant to the development:

Document	Policy number	Policy title
LPCS	SD1	Sustainable Development
LPCS	CS1	Spatial Strategy for Knowsley
LPCS	CS2	Development Principles
LPCS	CS4	Economy and Employment
LPCS	CS6	Town Centres and Retail Strategy
LPCS	CS11	Principal Regeneration Centre: Knowsley Industrial and Business Parks
LPCS	CS19	Design Quality and Accessibility in New Development
LPCS	CS22	Sustainable and Low Carbon Development
UDP	CP1	Regeneration and Development Priority Areas
UDP	CP3	Development Quality
UDP	EC2	Sites Allocated for Employment Development
UDP	EC3	Primarily Industrial Areas
UDP	S1	Retail and Town Centre Development Strategy
UDP	S8	Location of Development for Town Centre Uses
UDP	T8	Transport Assessments
UDP	T9	Travel Plans
UDP	T10	Access for the Less Mobile
UDP	DD1	Design Quality in New Development
UDP	DD2	Security in the Built Environment
UDP	DD3	Gateway Sites and Corridors

Other material considerations

Other material considerations (such as national planning policy and supplementary planning documents, area action plans and design briefs) include:

1. Delivering a New Future for Knowsley Industrial Park – Strategic Framework, August 2010
2. National Planning Policy Framework, September 2023
3. National Planning Policy Guidance, various dates

Relevant planning decisions

	Units 1A to 1C
	Units 1D to 1E
Bold	Planning applications to which the LDC submissions relate

Reference	Description	Status/decision date	Referred to in paragraph numbers
19/00337/OUT	Outline planning application for the demolition of weighing station and the erection of 5 industrial units (use class B1(c)/ B2/B8); 7 trade counter units (B8 use); 1 self-storage facility (B8 use); 1 retail/food unit (use class A1/A3/A5) and 1 drive-thru unit (use class A1/A3/A5) together with car parking and associated works	Approved subject to conditions and legal agreement 26/02/20	1.5, 1.6, 2.3, 2.4, 2.6, 3.16
20/00146/REM	Application for approval of reserved matters pursuant to outline planning permission 19/00337/OUT - for the demolition of weighing station and the erection of 5 industrial units (use class B1(c)/B2/B8); 7 trade counter units (B8 use); 1 self-storage facility (B8 use); 1 retail/food unit (use class A1/A3/A5) and 1 drive-thru unit (use class A1/A3/A5) together with car parking and associated works - - approval sought for landscaping	Approved subject to conditions 12/06/2020	-
19/00337/NMA	Application for a non-material amendment following grant of planning permission 19/00337/OUT outline planning application for the demolition of weighing station and the erection of 5 industrial units (use class B1(c)/B2/B8); 7 trade counter units (B8 use); 1 self-storage facility (B8 use); 1 retail/food unit (use	Approved subject to conditions 07/10/2020	1.5, 1.6, 2.3, 2.4, 2.6, 3.16

	class A1/A3/A5) and 1 drive-thru unit (use class A1/A3/A5) together with car parking and associated works. (approval sought to amend the pitch roof and to include roof lights to units 1d and 1e)		
19/00337/NMA1	Application for a non-material amendment following grant of planning permission 19/00337/OUT (outline planning application for the demolition of weighing station and the erection of 5 industrial units (use class B1(c)/B2/B8); 7 trade counter units (B8 use); 1 self-storage facility (B8 use); 1 retail/food unit (use class A1/A3/A5) and 1 drive-thru unit (use class A1/A3/A5) together with car parking and associated works) to allow for amendment to approved plans relating to the re-siting of units 1f - 1h and alterations to the car parking layout)	Approved subject to conditions 06/01/2022	1.5, 1.6, 2.3, 2.4, 2.6, 3.16
20/00467/FUL	Erection of 6 no. industrial units (use class B1(c)/B2/B8) and 5 no. trade counter units (use class B8) together with car parking, landscaping and associated works	Approved subject to conditions and legal agreement 30/07/2021	1.5, 1.6, 2.1, 2.5, 2.7, 3.2, 3.11
22/00505/FUL	Removal of condition 16 from planning permission 19/00337/OUT Planning permission 19/00337/OUT: Outline planning application for the demolition of weighing station and the erection of 5 industrial units (use class B1(c)/ B2/B8); 7 trade counter units (B8 use); 1 self-storage facility (B8 use); 1 retail/food unit (use class A1/A3/A5) and 1 drive- thru unit (use class A1/A3/A5) together with car parking and associated works	Approved subject to conditions 30/11/2022	1.5, 1.6, 2.4, 2.6, 2.7, 3.2, 3.16

Contents of this statement

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Appendices

1. Planning permission ref: 20/00467/FUL – units 1A to 1C
2. Planning permission ref: 19/00337/FUL – units 1A to 1E (superseded)
3. Planning permission ref: 22/00505/FUL – units 1A to 1E
4. Appeal decision ref: APP/X3540/W/21/3273329

1.0 Site and area description

1.1 The site addresses are:

- 1) Units 1A to 1C, Academy Business Park, Lees Road, Knowsley, L33 7BY
- 2) Units 1D to 1E, Academy Business Park, Lees Road, Knowsley, L33 7BY

1.2 Both sites are part of the wider Academy Business Park, and both banks of units are under construction.

1.3 Academy Business Park is part of a broader employment area, Knowsley Industrial Park. It is located some 1.3km to the east of Kirkby and 1.0km to the west of Knowsley. M57 J4 and the A580 are 1.5km to the south, providing access to the motorway and trunk road network.

1.4 Academy Business Park is being developed as a modern commercial and employment area. It is previously developed land, and new floorspace is being built on what was formerly hardstanding and in-part grassland. The applicant is constructing the new single-storey units on a speculative basis.

1.5 Units 1A to 1E adjoin Lees Road and comprise two terraces of units: 1A to 1C¹ with a total GIA of 1,718 sq. m and units 1D to 1E² with a total GIA of 1,138 sq. m. All units are orientated east-west.

Unit	Floorspace (GIA) sq. m	Unit	Floorspace (GIA) sq. m
Unit 1A	289	Unit 1D	569
Unit 1A(1)	285	Unit 1E	569
Unit 1B	285		
Unit 1B(1)	285		
Unit 1C	285		
Unit 1C(1)	289		
Total	1,718		1,138

1.6 Also constructed on a speculative basis are eight single storey employment units. These adjoin Lees Road and comprise two terraces of units: 1F to 1H³ with a total GIA of 1,025 sq. m and units 6C to 6G⁴ with a total GIA of 1,860 sq. m. Units 1F to 1H are orientated north-south and units 6C-6G to the south of these face southwest-northeast. Rexel, Liverprint and Screwfix occupy units 6E, 6F and 6G. Units 1F-1H and 6C-6D are let to endotoxin detection company Acciusa, with fit out works due to start shortly. Construction work on units 1A-1E and a commercial unit, unit 6A, which is let to a drive-thru restaurant operator, started in August. Construction work on a new petrol station on the wider part of the site has also begun.

1.7 The immediate area is primarily commercial, with a mix of employment and residential areas beyond. To the south of the site is County Road (A5208) and to the north-west is an adjoining Costa drive-thru. To the north are other areas of the business park, and beyond this Arbour Lane. To the south of County Road and west of Arbour Lane is primarily residential. To the north of the site are further areas of the business park adjoining Arbour Lane and Lees Road. Further east beyond Lees Road is the wider Knowsley Industrial Park.

1.8 Access and egress are from the roundabout at the western end of County Road. Parking is provided on the south, east and west sides of the units.

¹ Planning permission 19/00337/OUT / 22/00505/FUL

² Planning permission 20/00467/FUL

³ Planning permission 19/00337/OUT / 22/00505/FUL

⁴ Planning permission 20/00467/FUL

- 1.9 The site is entirely within flood zone 1 (the least probability of flooding). There are no buildings on site or nearby that are statutorily listed as heritage assets. The site is not in a conservation area, and there is no conservation area nearby. The site and its immediate surroundings are not identified on Natural England maps of being of any specific value. There are no public rights of way affecting the site. The site is not located within an air quality management area. Boundaries are defined by palisade fencing.

2.0 Proposed development

- 2.1 The description of development (ref: 20/00467/FUL) for units 1A to 1C is:
- 2.2 *Erection of 6 no. industrial units (use class B1(c)/B2/B8) and 5 no. trade counter units (use class B8) together with car parking, landscaping and associated works*
- 2.3 The description of development on the now superseded planning permission (ref: 19/00337/OUT) for units 1D to 1E is:
- Outline planning application for the demolition of weighing station and the erection of 5 industrial units (use class B1(c)/B2/B8); 7 trade counter units (B8 use); 1 self-storage facility (B8 use); 1 retail/food unit (use class A1/A3/A5) and 1 drive-thru unit (use class A1/A3/A5) together with car parking and associated works*
- 2.4 The description of development on the Section 73 planning permission (ref: 22/00505/FUL) for units 1D to 1E is:
- Removal of condition no. 16 attached to planning permission 19/00337/OUT (outline planning application for the demolition of weighing station and the erection of 5 industrial units (use class B1(c)/B2/B8); 7 trade counter units (B8 use); 1 self-storage facility (B8 use); 1 retail/food unit (use class A1/A3/A5) and 1 drive-thru unit (use class A1/A3/A5) together with car parking and associated works) to allow for units 6A and 6B to operate prior to the construction of units 1A-1E*
- 2.5 Units 1A to 1C are those referred to in the description of development (ref: 20/00467/FUL) as *6 no. industrial units (use class B1(c)/B2/B8)*.
- 2.6 Units 1D to 1E are two of the five units referred to in the description of development (ref: 22/00505/FUL) having superseded 19/00337/OUT as *5 industrial units (use class B1(c)/B2/B8)*.
- 2.7 A certificate of lawfulness is sought in each instance, in respect of planning permissions 20/00467/FUL and 22/00505/FUL, for the proposed use of units 1A to 1C and units 1D to 1E as Class B8 trade counters.

3.0 Considerations

3.1 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Given that these applications concern the lawfulness use within developments already granted planning permission, having been determined in accordance with the development plan. this section assesses the lawfulness of the proposed use having regard to the Town and Country Planning Uses Classes Order, 1987 (as amended) and material considerations including case law.

3.2 The planning considerations are:

a) whether a trade counter is a Class B8 use; and

b) whether either planning permission (ref: 20/00467/FUL and 22/00505/FUL) has any conditions attached that limit the use of units 1A to 1C and units 1D to 1E within Class B8.

3.3 There are no other considerations.

Trade counters within Class B8

3.4 Trade counters fall within Class B8 of the Town and Country Planning Use Classes Order, 1987 (as amended).

3.5 The appeal decision⁵ attached at **Appendix 4** is from January 2022 and provides useful clarification of this.

3.6 The description of development refers to Class B8 use, but does not reference trade counters specifically.

Demolition of ancillary buildings and plant and the change of use and subdivision of main building from B1(c) business use to mixed business uses, including B1(a) office, B1(c) light industrial, B8 storage and ancillary A3 café. Creation of new vehicular access onto Carr Road, new car parking and alterations to elevations to existing building to create new openings.

3.7 At Paragraph 8, the Inspector refers to how the appellant describes what business activities would be undertaken at the site:

*The appellant explains that **the B8 element accounts for 28% of the total floorspace and the units would be used as trade counters, where the primary use is storage with an ancillary trade counter element.** While there are no specified operators for the units, trade counter warehouses are generally stocked with materials, tools or similar supplies and service local trades which typically have accounts and order online and collect. Stock is replenished mostly in vans and occasionally by lorry. Based on the amount of floorspace and by comparison with similar operations elsewhere, it is estimated that typically one to three HGV movements each week might be expected. (our emphasis)*

3.8 The appeal was allowed.

3.9 Condition 16 attached to the planning permission restrict Class B8 use to units 7 and 8, but there are no restrictions on the use of these units within Class B8. The units may be put to Class B8 use, including as trade counters, without restriction.

⁵ Appeal ref: APP/X3540/W?21/3273329 Former Itron Factory, Carr Road, Felixstowe IP11 2ER

- 3.10 This demonstrates that a description of development does not need to include explicit reference to *trade counters* for trade counters to be a lawful use within a Class B8 development. Provided that there is a planning permission for Class B8 use, then the lawful use of that floorspace extends to its use as a trade counter.

Restrictive conditions

- 3.11 There are 16 conditions attached to the implemented planning permission ref: 20/00467/FUL (planning permission for units 1A to 1C).

- 3.12 Condition 13 states that:

*Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (and any Order or Regulations revoking and re-enacting the Order or Regulations), Units 1A - 1C(1) to which this permission relates shall be used for light industrial (Use Class E (g) iii), general industrial (Use Class B2) **or Storage and Distribution (Use Class B8)** and for no other purpose, including any other use falling within Use Class E of those Regulations or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting those Regulations, except with the prior grant of a further planning permission. (our emphasis)*

- 3.13 Condition 13 confirms that the uses permitted of units 1A to 1C includes Class B8, and that accordingly the lawful use of the floorspace extends to use as a trade counter.
- 3.14 Condition 14 seeks to restrict the way in which units 6C to 6G might be used, but does not exercise any control over units 1A to 1C.
- 3.15 There are no other conditions attached to the planning permission that seek to restrict the way in which units 1A to 1C might be used.
- 3.16 There were 18 conditions attached to the now superseded planning permission for units 1D to 1E (19/00337/FUL). There are 16 conditions attached to the implemented Section 73 planning permission ref: 22/00505/FUL (planning permission for units 1D to 1E).
- 3.17 There are no conditions attached to the planning permission that seek to restrict the way in which units 1D to 1E might be used.

Summary

- 3.18 The operative planning permissions for units 1A to 1C and units 1D to 1E allow for Class B8 use. Class B8 includes trade counters, meaning that units 1A to 1C and units 1D to 1E may be used as trade counters. There are no conditions attached to either operative planning permission that restricts the way in which those units might be used within Class B8.

4.0 Conclusions

- 4.1 This planning statement demonstrates that the use of units 1A to 1C and 1D to 1E as trade counters is lawful, having regard to the operative planning permissions and the fact that a trade counter is a Class B8 use. Planning conditions attached to the operative planning conditions do not impose any restriction on the use of the units within Class B8.
- 4.2 Lawful use certificates should be issued without delay to enable use of the units as trade counters once construction is completed.

Benefits of the proposal

- 4.3 The principal benefits of the wider development, which would be supported by confirmation of the lawfulness of trade counter use, are:
- Development in a sustainable location, offering the potential for a high proportion of linked trips for existing car-borne journeys but also proximate to local residents, existing employment areas and public transport routes;
 - Brownfield regeneration;
 - Active commercial use of a site thereby enhancing its function whilst also offering the opportunity to increase its contribution to local character and appearance;
 - Enhancing the role of the site in making a positive visual contribution to the local urban environment;
 - Economic investment and economic stimulus;
 - Job creation;
 - Adding to the range of commercial business trading from the site with direct economic benefits and the potential for spin-off benefits for existing local businesses during both construction and operational phases;
 - A development that is entirely appropriate to its location, in an area which is characterised by a mix of retail, leisure and other commercial uses; and
 - Potentially increasing choice and competition locally.
- 4.4 With high inflation and rising interest rates, economic conditions remain fragile. Every opportunity should be taken to encourage economic activity and job creation. The development of trade counters has the potential to support both existing businesses, directly and indirectly, and encourage investment into Knowsley.

Appendix 1



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: 20/00467/FUL

Name and address of applicant

Orbit Investments (Properties) Limited
Emerson House
Heyes Lane
Alderley Edge
SK9 7LF

Name and address of agent

The Emerson Group
Emerson House
Heyes Lane
Alderley Edge
SK9 7LF

Date of Receipt: 14 August 2020

Date Valid: 18 August 2020

Address/Location Of Development:

Academy Business Park
Lees Road
Knowsley Industrial Park
Kirkby
Knowsley
L33 7SA

Description of Development:

**ERECTION OF 6 NO. INDUSTRIAL UNITS (USE CLASS B1(C)/B2/B8) AND 5 NO.
TRADE COUNTER UNITS (USE CLASS B8) TOGETHER WITH CAR PARKING,
LANDSCAPING AND 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. The construction of the development hereby permitted shall only be carried out in accordance with the submitted Construction Management Plan by Jones Contracts dated July 2021.

Reason: In the interests of 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.

4. 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.

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

5. 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.

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.

6. 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 by soil importation 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.

7. Fixed plant and machinery associated with the development should 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 BS4142:2014, 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: 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.

8. The highway improvement works shown on the approved plans shall be implemented prior to the first occupation of any unit hereby permitted.

Reason: To ensure the provision of safe and adequate means of access to the development in the interests of highway safety and amenity and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

9. The development shall not be brought into use until the areas indicated on the submitted plans for parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown on the Proposed Site Plan drawing number 389-PL-2104-E. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

10. Notwithstanding any submitted details on approved drawings no unit shall be first occupied until a scheme for the provision of cycle and 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 with regard the appropriate unit as approved before that particular unit is first brought into use and shall be retained as such thereafter. 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 and motorcycles on the site and to comply with Policies CS2 and CS7 of Knowsley Local Plan Core Strategy, adopted January 2016.

11. Notwithstanding any submitted details within 6 months of the development being first brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel - 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:

- Involvement of employees.
- Information on existing transport policies, services and facilities, travel behaviours and attitudes.
- Access for all modes of transport.
- Targets for mode share.
- Resource allocation including Travel Plan Co-ordinator and budget.
- A parking and management strategy.

- A marketing and communications strategy.
- Appropriate measures and actions to reduce car dependence and encourage sustainable travel.
- An action plan, including a timetable for the implementation of each of the above.
- Mechanisms for monitoring, reviewing and implementing the Travel Plan.

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

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development 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, 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.

12. The Sustainable Drainage System shall be installed and implemented prior to the first occupation of any unit hereby permitted and shall be managed and maintained in accordance with the approved details following implementation and at all times thereafter that any of the units hereby approved are on site.

Reason: To ensure that effective drainage is in place prior to the units commencing use and to ensure the effectiveness of the flood risk measures during the lifetime of the development and to comply with Policies CS2 and CS24 of the Knowsley Local Plan Core Strategy adopted January 2016.

13. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (and any Order or Regulations revoking and re-enacting the Order or Regulations), Units 1A - 1C(1) to which this permission relates shall be used for light industrial (Use Class E (g) iii), general industrial (Use Class B2) or Storage and Distribution (Use Class B8) and for no other purpose, including any other use falling within Use Class E of those Regulations or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting those Regulations, 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 CS4, CS6 and CS11 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policies EC2 and EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

14. The B8 Use units as shown on the approved Proposed Site Plan as Units 6C-6G shall not be used for any other purpose other than Use Class B8 of the Town and Country Planning Use Classes Order 1987 as amended, or alternatively Use Class B2 within that Order. Any B8 Use of those units shall have a trade counter element within the unit of no more than 15% of floor area of that individual unit for any ancillary retail sales.

Reason: For the avoidance of doubt and to ensure that the retail use remains ancillary to the main B8 use of units, thus limiting the loss of B8 floorspace and to comply with Policies CS4 and CS11 of the Knowsley Local Plan Core Strategy

adopted January 2016 and saved Policies EC2 and EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

15. No unit shall be occupied until an outdoor, weatherproof electric vehicle charging point readily accessible from a dedicated parking space has been provided within the site to serve the unit. (The total development must have a minimum of 11 electric vehicle charging points).

All charge points shall be:

- a) A minimum of 7KW, and
- b) at least Mode 3 or equivalent, and
- c) untethered, and
- d) located in order to comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M.

All EV charging points shall be clearly marked as such and their purpose explained to new occupants within any travel planning advice.

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 and NPPF Para 110.

16. The landscaping scheme hereby approved shall be implemented in accordance with a timetable to be agreed in writing with the local planning authority before the occupation of any unit. The scheme shall be maintained in accordance with details previously agreed in writing with the Local Planning Authority prior to implementation of the approved landscaping scheme.

Any trees, hedgerows or shrubs planted or retained in accordance with the landscape scheme 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, hedging or shrubs of similar size and species to those originally required to be planted.

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

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
15/06/2021	CBO-0281-008	-	EXISTING ROAD MARKINGS: PROPOSALS TO REFRESH & REMOVE
15/06/2021	CBO-0281-009	-	PROPOSED BOLLARD AND NO ENTRY MARKINGS: LEES ROAD / CHARLEY WOOD ROAD
15/06/2021	CBO-0281-010	B	PROPOSED LANE MARKING & SIGNAGE MODIFICATION: LEES ROAD SITE ACCESSES & GORES ROAD
24/03/2021	389-PL-2303-C	-	SITE LOCATION PLAN: PROPOSED UNITS 1A-C + 6C-G

05/07/2021	-	-	CONSTRUCTION MANAGEMENT PLAN (JONES CONTRACT - JULY 2021)
29/06/2021	-	-	RSA STAGE 1/2 REPORT (NETWORK ROAD SAFETY - 31 MARCH 2020)
29/06/2021	-	-	CBO TRANSPORT, DESIGNER'S RESPONSE / EXCEPTION REPORT: STAGE ONE / TWO SAFETY AUDIT (24 APRIL 2020)
01/12/2020	-	-	TECHNICAL NOTE: DRAINAGE (WML CONSULTING)
24/04/2021	PL-2304-E	-	PROPOSED SITE PLAN: UNITS 1A-1C AND 6C-6G
27/11/2020	PL-2308-B	-	PROPOSED FLOOR PLAN: UNITS 6C-6G
27/11/2020	PL-2309-B	-	PROPOSED ROOF PLAN: UNITS 6C-6G
09/04/2021	2271_06	D	LANDSCAPE PROPOSALS: SHEET 1 OF 4
14/08/2020	PL-2305	-	PROPOSED FLOOR PLAN: UNITS 1A-1C
14/08/2020	PL-2307	-	PROPOSED ELEVATIONS: UNITS 1A-1C
14/08/2020	PL-2306	-	PROPOSED ROOF PLAN: UNITS 1A-1C
09/04/2021	2271_07	D	LANDSCAPE PROPOSALS: SHEET 2 OF 4
09/04/2021	2271_08	D	LANDSCAPE PROPOSALS: SHEET 3 OF 4
09/04/2021	2271_09	D	LANDSCAPE PROPOSALS: SHEET 4 OF 4
09/04/2021	2271_10	D	PROPOSED LANDSCAPING SCHEME: ALL SITE
14/08/2020	P183-445-F	-	PROPOSED EXTERNAL LIGHTING
14/08/2020	6757124-03	-	NOISE IMPACT ASSESSMENT (BUREAU VERITAS: 6757124-03 - JULY 2020)
14/08/2020	1-CP108866P1R2	-	PHASE II SITE INVESTIGATION REPORT (ENSAFE: 1-CP108866P1R2 JULY 2020)

01/12/2020	9256/DS/01	-	SURFACE WATER DRAINAGE STRATEGY (WML CONSULTING: 9256/DS/01 JULY 2020)
18/12/2020	PL-2310-B	-	PROPOSED ELEVATIONS UNITS 6C - 6G

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

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

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS4 - Economy and Employment
CS7 - Transport Networks
CS11 - Principal Regeneration Area - Knowsley Industrial and Business Parks
CS19 - Design Quality and Accessibility in New Development
CS24 - Managing Flood Risk

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
ENV2 - Noise and Vibration
ENV5 - Contaminated Land

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)

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.

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

- 1. It is an offence to carry out any works within the public highway without the permission of the Highway Authority. The developer will be required to enter into an agreement with the Council to enable the works to be carried out. The applicant is advised to contact Mason Steele, t: 0151 443 2329, email: mason.steele@knowsley.gov.uk to discuss the matter further.
- 2. See attached letter from Merseyside Fire Authority
- 3. See attached letter from United Utilities



Executive Director - Regeneration and Economic Development

Date: 30 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.
- 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.

Directorate of Regeneration and
Neighbourhoods
Housing, Planning and Building Control
PO Box 26
Archway Road
Huyton,
Knowsley
Merseyside
L69 9BF

**Merseyside Fire & Rescue Authority
Community Fire Protection**

Planning & Building Regulations Team
Service Headquarters
Bridle Road
Bootle
Merseyside
L30 4YD

Telephone: 0151 296 4000 (Calls may be recorded)

Inspecting Officer: Peter Armstrong

Email: planningandbuildingregulationsteam@merseyfire.gov.uk

Fax: 0151 296 4594 Office Hours

Web Site: www.merseyfire.gov.uk

Your ref: 20/00467/FUL Our ref: CFP/42/02372/PA/RC Date: 23rd September 2020

Dear Sir,

THE TOWN AND COUNTRY PLANNING ACT 1990

PLANNING APPLICATION NO: 20/00467/FUL

**PROPOSAL: ERECTION OF 6 INDUSTRIAL UNITS AND 5 TRADE COUNTER UNITS,
TOGETHER WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS.**

ADDRESS: ACADEMY BUSINESS PARK, LEES ROAD, KNOWSLEY INDUSTRIAL PARK.

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 fire-fighting 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 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



Mr. Armstrong
Authorised Fire Safety Inspecting Officer
And on behalf of Merseyside Fire & 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.



**United Utilities Water Limited
Planning, Landscape and Ecology**
2nd Floor, Grasmere House
Lingley Mere Business Park
Lingley Green Avenue
Warrington
WA5 3LP

Planning.liaison@uuplc.co.uk

Knowsley MBC
PO Box 26, Yorkon Buildings
Archway Road
Huyton
Knowsley
L36 9FB

Your ref: 20/00467/FUL
Our ref: DC/20/3345
Date: 02-OCT-20

Dear Sir/Madam,

Location: Academy Business Park, Lees Road, Knowsley Industrial Park, Kirkby, Knowsley, L33 7SA
Proposal: Erection Of 6 No. Industrial Units.

With regards to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments.

United Utilities has reviewed the submitted documents and notes that the application does not make reference to the existing infrastructure that lies within the site. There are several water mains and sewers that fall within the site boundary, for which consideration must be given as they may impact on the layout designs.

The applicant should contact Developer Services at their earliest convenience to discuss this in more detail. It is recommended that this be undertaken prior to determination of this application to ensure any scheme granted consent can actually be delivered.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

Further information can also be found within the section '*United Utilities' Property, Assets and Infrastructure*' below.

Should the Council deem it appropriate to grant planning permission irrespective of our comments, we request the following conditions must be attached to any Decision Notice granted:

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

Condition 1 – Surface water

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

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. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 15 l/s.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

The applicant can discuss any of the above with Developer Engineer, **Graham Perry**, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are 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 the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers 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.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the 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 Supply

We can readily supply water for domestic purposes, but for larger quantities for example, commercial/industrial we will need further information. For properties three or more storeys high the developer may need to install some internal storage and internal booster pumps to ensure a constant supply to the upper storeys.

Should this application be approved the applicant must contact our water fittings section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 1DS. If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If

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

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' Property, Assets and Infrastructure

Water mains cross the site. As we need unrestricted access for operating and maintaining them, we will not permit development over or in close proximity to the mains. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

The applicant must comply with our 'Standard Conditions' document. This should be taken into account in the final site layout, or a diversion may be necessary. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion required as a result of any development will be at the applicant's expense. If considering a water mains diversion, the applicant should contact United Utilities at their earliest opportunity as they may find that the cost of mains diversion is prohibitive in the context of their development scheme.

The Water Industry Act 1991 affords United Utilities specific rights in relation to the maintenance, repair, access and protection of our water infrastructure;

- Sections 158 & 159, outlines the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them.
- Under Section 174 of the Act it is an offence to intentionally or negligently interfere with any resource main or water main that causes damage to or has an effect on its use or operation. It is in accordance with this statutory provision that we provide standard conditions to assist developers when working in close proximity to our water mains.

Condition 3

No development shall take place until a Construction Risk Assessment Method Statement (RAMS), for the construction phase and also the lifetime of the proposed development, is submitted to and approved in writing by the Local Planning Authority. The statement shall outline the potential impacts/ risks from all construction activities and detail the protection measures for the existing water mains and associated apparatus lying within the site boundary that will be required for (i) the construction phases and (ii) the lifetime of the development, with particular regard to the load bearing impacts of materials/ heavy duty vehicles, changing land levels, vibration, disturbance and health and safety considerations. Protection measures should be in line with the guidance found within United Utilities Standard Conditions for works adjacent to Pipelines (dated July 2015). All mitigation measures must be implemented in accordance with the approved details.

Reason: In order to protect the existing UU infrastructure and public drinking water supplies for the wider area.

Both during and post construction, there should be no additional load bearing capacity on the main without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. All costs associated with sewer diversions must be borne by the applicant.

To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring [0370 751 0101](tel:03707510101) to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

Yours faithfully

Shireen Lawrenson
United Utilities
Planning, Landscape and Ecology

Appendix 2



Knowsley Council

**REGENERATION AND ECONOMIC
DEVELOPMENT DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE PLANNING PERMISSION

Application No: 19/00337/OUT

Name and address of applicant

Orbit Investment (Properties) Ltd
Emerson House
Heyes Lane
Alderley Edge
Cheshire
SK9 7LF

Name and address of agent

The Emerson Group
Planning Dept
Heyes Lane
Alderley Edge
Cheshire
SK9 7LF

Date of Receipt: 20 May 2019

Date Valid: 19 August 2019

Address/Location Of Development

**Academy Business Park
Lees Road
Knowsley Industrial Park
Kirkby
Knowsley
L33 7SA**

Description of Development

OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF WEIGHING STATION AND THE ERECTION OF 5 INDUSTRIAL UNITS (USE CLASS B1(C)/B2/B8); 7 TRADE COUNTER UNITS (B8 USE); 1 SELF-STORAGE FACILITY (B8 USE); 1 RETAIL/FOOD UNIT (USE CLASS A1/A3/A5) AND 1 DRIVE-THRU UNIT (USE CLASS A1/A3/A5) TOGETHER WITH CAR PARKING AND ASSOCIATED WORKS.

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Outline 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. Before any part of the development hereby granted permission is commenced, approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely landscaping.

Reason: The application is in outline form only

2. 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.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

3. 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.

4. Prior to the commencement of development a Construction Environmental Management Plan shall be 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 any 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 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.

5. 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 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.

6. No development shall commence until detailed plans and particulars of the sustainable drainage system, in the form of a 'Confirmed / Final' Sustainable Drainage Strategy, for the management and disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The details of the 'Confirmed / Final' Sustainable Drainage Strategy must be based on the principles of greenfield standard with the surface water run-off not exceeding the pre-development greenfield runoff rate for an existing greenfield site or 5.0 l/s, whichever is greater, be accompanied by a completed Sustainable Drainage Pro-forma and meet all requirements, including submission requirements, of Knowsley Council's 'Sustainable Drainage Technical Guidance.'

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS24 in the Core Strategy Local Plan.

7. Prior to the commencement of development full details of a scheme for a surface water sustainable drainage system to serve the site, and method of implementation shall be submitted in accordance with a 'confirmed / final surface water drainage strategy for consideration by the Local Planning Authority in consultation with Lead Local Flood Authority.

For the avoidance of doubt the scheme shall include the following:-

- I. Information about the lifetime of the development and design of the sustainable drainage system design, including storm periods and intensity (1 in 30 & 1 in 100 year + appropriate allowance for climate change), discharge rates and volumes (both pre and post development), methods employed to delay and control surface water discharged from the site, and appropriate measures taken to prevent flooding;
 - I. Demonstrate that the surface water run-off would not exceed the predevelopment greenfield runoff rate for an existing greenfield site or 5 l/s, whichever is greater;
 - II. Demonstrate that the runoff volume from the development to any drain, sewer or surface water body in the 1 in 100 year (plus climate change), 6 hour rainfall event, does not exceed the greenfield runoff volume for the same event or is as close as is practicable;
 - III. Include details of a site investigation (which should be carried out prior to design) to support infiltration proposals;
 - IV. Topography and finished floor levels. Include details of how any flood water, including depths, will be safely managed in exceedance routes; and
 - V. Secure means of access for maintenance and easements, where applicable
 - VI. A timetable for implementing the scheme.

Reason: To ensure a satisfactory drainage system is provided to serve the site in accordance with the Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems and Policy CS24 in the Core Strategy Local Plan.

8. Contaminated Land

A. Risk Assessment

No development shall take place until an assessment of the risks posed by any contamination within those phases 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 (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 in any phase including phase 1, 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.

9. 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 BS4142:2014, Methods for rating and assessing industrial and commercial sound.

Noise limits for fixed plant are to apply at a position 1m from the closest affected window of the nearest noise sensitive property.

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.

10. Prior to any external lighting being installed a lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:
 - Drawings of the lighting and lighting columns
 - A site layout indicating positions of the lighting columns and fixtures
 - An isolux drawing including luminosity details
 - Manufacturers specifications
 - Maintenance details.
 - Details of support columns.

The scheme shall take into account the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light.

External lighting shall only be installed in accordance with the agreed scheme and shall be maintained thereafter in accordance with that agreed scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

11. Prior to the first use of the drive-thru unit or the A1/A3/A5 kiosk a scheme shall have been previously submitted to and approved in writing by then Local Planning

Authority detailing how the smoke and odour from each of the proposed A3/A5 uses will be controlled.

The information submitted must include;

- a. Details / specification of the equipment that will be installed to control odour and smoke
- b. The siting of any external ventilation stack; and,
- c. Details of any measures which are necessary to attenuate noise from the ventilation stack;

The approved scheme should take into account the requirements of the EMAQ guidance for the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, dated 5 September 2018 and shall be fully installed and operating prior to the unit to which it is applicable first comes into use. It shall thereafter be retained and operated to then manufacturer's specification whenever the permitted use is in operation.

Reason: In the interests of amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

12. The drainage from the kitchen areas serving the A3/A5 uses (drive-thru unit and A1/A3/A5 kiosk) shall incorporate a grease trap of suitable size and design before its connection to any private or public sewer. The trap shall be installed and operating prior to the premises being brought into use. It shall thereafter be retained and operated in accordance with the approved specification at all times that the A3/A5 premises are in operation.

Reason: In the interests of amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

13. No development shall take place until a scheme for the design and layout of highway improvement works has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the works shall include but not be limited to:
 - a) Refreshment of signing and lining opposite the northern access on Lees Road to highlight the one way section of carriageway and the parking restrictions therein;
 - b) Amendment to signing and/or lining between the southern and northern accesses on Lees Road to improve forward visibility at the bend opposite Gores Road and improved decelerating and turning facility for users of the northern access, with further infrastructure amendment to ensure conflict potential is minimised and vehicle tracking is optimised;
 - c) Sustainable access entrance design about County Road and Lees Road which should prevent run-out and deter potential dangerous crossings, possibly requiring guardrail;
 - d) Any additional recommendations forthcoming from a Road Safety Audit of this area, to be undertaken by the developer and the Audit Report submitted to and agreed in writing by the Local Planning Authority.
 - e) The approved scheme shall be implemented prior to occupation of any of the units 1A -1H as per the approved Proposed Site Plan.

Reason: To ensure the provision of safe and adequate means of access to the development in the interests of highway safety and amenity and to comply with Policies CS2, CS7 and CS19 of the Core Strategy, adopted January 2016.

14. Notwithstanding any submitted details on approved drawings no unit shall be first occupied until a scheme for the provision of cycle and 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 with regard the appropriate unit as approved before that particular unit is first brought into use and shall be retained as such thereafter. 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 and motorcycles on the site and to comply with Policies CS2 and CS7 of the Core Strategy, adopted January 2016.

15. Notwithstanding any submitted details within 3 months of the development being first brought into use a Travel Plan shall be submitted to and approved in writing by the 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:

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

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

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development 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, 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.

16. The development consisting of the five employment use units (B1(c)/B2/B8), in all comprising Units 1A - 1E as shown on the approved Proposed Site Plan drawing, shall be substantially completed prior to the first use of either the drive-thru unit or the food/retail kiosk (Use Class A1/A3/A5). For the avoidance of doubt this shall include as a minimum completion of the external walls and roof of the buildings and surfacing and layout of the approved car parking and servicing areas.

Reason: To ensure that the drive-thru unit and food/retail unit are not developed independently of the industrial unit employment uses and to ensure compliance with Policies CS4 and CS11 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

17. The B8 Use units as shown on the approved Proposed Site Plan as Units 1F-1H and Units 6D-6G shall not be used for any other purpose other than Use Class B8 of the Town and Country Planning Use Classes Order 1987 as amended, or alternatively Use Class B2 within that Order. Any B8 Use of those units shall have a trade counter element within the unit of no more than 15% of floor area of that individual unit for any ancillary retail sales.

Reason: For the avoidance of doubt and to ensure that the retail use remains ancillary to the main B8 use of units, thus limiting the loss of B8 floorspace and to comply with Policies CS4 and CS11 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

18. No unit shall be occupied until an outdoor, weatherproof electric vehicle charging point readily accessible from a dedicated parking space has been provided within the site to serve the unit. (The total development must have a minimum of 15 electric vehicle charging points).

All charge points shall be:

- a) A minimum of 7KW, and
- b) at Least Mode 3 or equivalent, and
- c) untethered, and
- d) located in order to comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M.

All EV charging points shall be clearly marked as such and their purpose explained to new occupants within any travel planning advice.

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 and NPPF Para 110.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
30/01/2020	389-PL-2102 C	-	PROPOSED SITE PLAN 1:1250
30/01/2020	389-PL-2103 C	-	PROPOSED SITE PLAN 1:500
19/12/2019	6757124-02	-	NOISE IMPACT ASSESSMENT
27/11/2019	34244	-	ECONOMIC STATEMENT
25/11/2019	33855	-	PLANNING STATEMENT
19/08/2019	2271	-	TREE SURVEY
01/08/2019	CBO-0281-008	-	UNIT 1E – SITE CIRCULATION AND TRACKING
01/08/2019	CBO-0281-009	-	UNIT 1A-D - TRACKING
01/08/2019	CBO-0281-010	-	UNIT 6C-G SITE CIRCULATION AND TRACKING
01/08/2019	CBO-0281-011	-	UNIT 1F - TRACKING
01/08/2019	CBO-0281-012	-	UNIT 1G - TRACKING
01/08/2019	CBO-0281-013	-	UNIT 1H – TRACKING
01/08/2019	CBO-0281-014	-	UNIT 6G – TRACKING
01/08/2019	CBO-0281-015	-	UNIT 6F – TRACKING
01/08/2019	CBO-0281-016	-	UNIT 6E – TRACKING
01/08/2019	CBO-0281-017	-	UNIT 6D – TRACKING
01/08/2019	CBO-0281-018	-	UNIT 6C – TRACKING
01/08/2019	CBO-0281-019	-	UNIT 6A – TRACKING
01/08/2019	CBO-0281-020	-	UNIT 6B – TRACKING
15/06/2019	389-PL-2110	A	UNIT 1F-H PROPOSED FLOOR PLANS
14/02/2020	389-PL-2113	B	UNIT 6C-G PROPOSED FLOOR PLANS
15/06/2019	389-PL-2115	A	UNIT 6C-G PROPOSED ELEVATIONS
15/06/2019	389-PL-2116	A	UNIT 6A – PROPOSED FLOOR PLAN

15/06/2019	-	-	TRAVEL PLAN
15/06/2019	-	-	SUSTAINABILITY STATEMENT
15/06/2019	-	-	HEALTH IMPACT ASSESSMENT
15/06/2019	-	-	SUDS PROFORMA
17/05/2019	389-PL-2104	-	UNIT 1A-C PROPOSED FLOOR PLANS
17/05/2019	389-PL-2105	-	UNIT 1A-C PROPOSED ROOF PLANS
17/05/2019	389-PL-2106	-	UNIT 1A-C PROPOSED ELEVATIONS
17/05/2019	389-PL-2107	-	UNIT 1D-E PROPOSED FLOOR PLANS
17/05/2019	389-PL-2108	-	UNIT 1D-E PROPOSED ROOF PLANS
17/05/2019	389-PL-2109	-	UNIT 1D-E PROPOSED ELEVATIONS
17/05/2019	389-PL-2111	-	UNIT 1F-H PROPOSED FLOOR PLANS
17/05/2019	Update	-	ECOLOGICAL ASSESSMENT
17/05/2019	1402/07-18/FD/LO	-	ECOLOGICAL ASSESSMENT
17/05/2019	8114G/FRA/01	-	FLOOD RISK ASSESSMENT
17/05/2019	389-PL-2121	-	UNIT 6B PROPOSED ELEVATIONS
17/05/2019	389-PL-2100	-	LOCATION PLAN
17/05/2019	CBO-0281-013	-	TRANSPORT STATEMENT
17/05/2019	389-PL-2122 A	-	PROPOSED SITE SECTIONS
17/05/2019	-	-	DESIGN AND ACCESS STATEMENT
17/05/2019	8114/G/01-B	-	PHASE 1 DESK STUDY
17/05/2019	389-PL-2117	-	UNIT 6A PROPOSED ROOF PLAN
17/05/2019	389-PL-2118	-	UNIT 6A PROPOSED ELEVATIONS
17/05/2019	389-PL-2112	-	UNIT 1F-H PROPOSED ELEVATIONS
17/05/2019	389-PL-2119	-	UNIT 6B PROPOSED FLOOR PLANS
17/05/2019	389-PL-2120	-	UNIT 6B PROPOSED ROOF PLANS

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

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

KNOWSLEY LOCAL PLAN: CORE STRATEGY

SD1 - Sustainable Development
CS1 - Spatial Strategy for Knowsley
CS2 - Development Principles
CS4 - Economy and Employment
CS7 - Transport Networks
CS11 - Principal Regeneration Area - Knowsley Industrial and Business Parks
CS19 - Design Quality and Accessibility in New Development
CS24 - Managing Flood Risk
CS26 - Waste Management
CS22 - Sustainable and Low Carbon Development

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
ENV2 - Noise and Vibration
ENV5 - Contaminated Land

This informative is only intended as a summary of the reason(s) for the granting of Outline planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Lee Osborne on 0151 443 2395)

ARTICLE 35 STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTE FOR APPLICANT:

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

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals

for variation to the approved plans will require the submission of a new planning application.

- 2) This permission is granted subject to conditions and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
 - a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

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



Executive Director - Regeneration and Economic Development

Date: 26 February 2020

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.

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.

Appendix 3



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 22/00505/FUL

Name and address of applicant

Orbit Investments (Properties) Limited
Emerson House
Heyes Lane
Alderley Edge
SK9 7LF

Name and address of agent

The Emerson Group
Emerson House
Heyes Lane
Alderley Edge
SK9 7LF

Date of Receipt: 16 August 2022

Date Valid: 19 August 2022

Address/Location Of Development:

Academy Business Park
Lees Road
Knowsley Industrial Park
Kirkby
Knowsley
L33 7SA

Description of Development:

REMOVAL OF CONDITION NO. 16 ATTACHED TO PLANNING PERMISSION 19/00337/OUT (OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF WEIGHING STATION AND THE ERECTION OF 5 INDUSTRIAL UNITS (USE CLASS B1(C)/B2/B8); 7 TRADE COUNTER UNITS (B8 USE); 1 SELF-STORAGE FACILITY (B8 USE); 1 RETAIL/FOOD UNIT (USE CLASS A1/A3/A5) AND 1 DRIVE-THRU UNIT (USE CLASS A1/A3/A5) TOGETHER WITH CAR PARKING AND ASSOCIATED WORKS) TO ALLOW FOR UNITS 6A AND 6B TO OPERATE PRIOR TO THE CONSTRUCTION OF UNITS 1A-1E.

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following condition(s):

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

2. Units 6A and 6B, together with Units 1A - 1E, as shown on the approved drawings, shall only be constructed in accordance with the Construction Environmental Management Plan approved pursuant to Condition 4 of outline planning permission 19/00337/OUT.

Reason: For the avoidance of doubt, in the interests of 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.

3. 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.

Reason: In the interests of 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.

4. The drainage strategy for Units 6A and 6b, together with Units 1A - 1E shall accord with the drainage strategy approved pursuant to Condition 6 of outline planning permission 19/00337/OUT.

Reason: For the avoidance of doubt and to ensure satisfactory sustainable drainage facilities are provided to serve the units and site in accordance with the Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, and Policy CS24 of the Knowsley Local Plan Core Strategy adopted January 2016.

5. The drainage for Units 6A and 6B, together with Units 1A - 1E, shall accord with the drainage system approved pursuant to Condition 6 of outline planning permission 19/00337/OUT.

Reason: For the avoidance of doubt and to ensure a satisfactory drainage system is provided to serve the units and site in accordance with the Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems and Policy CS24 in the Knowsley Local Plan Core Strategy adopted January 2016.

6. 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 relevant phase of development being brought into use.

Reason: To ensure that risks from land contamination are dealt with if arising in the interests of safety and the environment 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.

7. 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 contaminated land is not introduced onto the site in the interests of safety and the environment and 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.

8. 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 BS4142:2014, Methods for rating and assessing industrial and commercial sound.

Noise limits for fixed plant are to apply at a position 1m from the closest affected window of the nearest noise sensitive property.

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.

9. All external lighting installed within the site shall only be installed in accordance with the lighting scheme approved pursuant to Condition 10 of outline planning permission 19/00337/OUT.

Reason: For the avoidance of doubt, in the interests of amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

10. Prior to the first use of the drive-thru unit or the E(a)/E(b)/sui generis (hot food takeaway) kiosk, shown as Units 6A and 6B on the approved site layout, a scheme shall have been previously submitted to and approved in writing by the Local Planning Authority detailing how the smoke and odour from each of the proposed E(b)/sui generis (hot food takeaway) uses will be controlled.

The information submitted must include:

- a. Details / specification of the equipment that will be installed to control odour and smoke
- b. The siting of any external ventilation stack; and,
- c. Details of any measures which are necessary to attenuate noise from the ventilation stack;

The approved scheme should take into account the requirements of the EMAQ guidance for the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, dated 5 September 2018 and shall be fully installed and operating prior to the unit to which it is applicable first comes into use. It shall thereafter be retained and operated to then manufacturer's specification whenever the permitted use is in operation.

Reason: In the interests of amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan adopted January 2016 and saved Policy ENV3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

11. The drainage from the kitchen areas serving the E(b)/sui generis (hot food takeaway) uses of the drive-thru unit and E(a)/E(b)/sui generis (hot food takeaway) kiosk shall incorporate a grease trap of suitable size and design before connection to any private or public sewer. The trap shall be installed and operating prior to the premises being brought into use. It shall thereafter be retained and operated in accordance with the approved specification at all times that the E(b)/sui generis (hot food takeaway) premises are in operation.

Reason: In the interests of amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan adopted January 2016 and saved Policy ENV3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

12. All units, prior to first occupation, shall be provided with the requisite cycle and motorcycle parking provision appropriate for the relevant unit and approved pursuant to Condition 14 of outline planning permission 19/00337/OUT.

Reason: For the avoidance of doubt, to ensure that adequate provision is made for parking cycles and motorcycles on the site and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

13. Within 3 months of the first occupation of whichever of Unit 6A or Unit 6B is first occupied, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority for all units built or to be built pursuant to outline planning permission 19/00337/OUT. 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 development approved pursuant to outline planning permission 19/00337/OUT. For the avoidance of doubt, the Travel Plan shall include

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

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

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development 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, 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.

14. No unit shall be occupied until an outdoor, weatherproof electric vehicle charging point readily accessible from a dedicated parking space has been provided within the site to serve the unit. (The total development must have a minimum of 15 electric vehicle charging points).

All charge points shall be:

- a) A minimum of 7KW, and
- b) at least Mode 3 or equivalent, and
- c) untethered, and
- d) located in order to comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M.

All EV charging points shall be clearly marked as such and their purpose explained to new occupiers within any travel planning advice.

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 and NPPF Para 110.

16. All hard and soft landscape works shall be carried out in accordance with the details shown on the drawings approved for reserved matters approval 20/00146/REM. The works shall be carried out within this current planting season (October 2022 - March 2023) and establishment / maintenance works carried out in accordance with the approved details and the works for Units 6a and 6B carried out following substantial completion of works. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / 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 in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
16/08/2022	389-PL-2102-F	-	LOCATION PLAN
16/08/2022	2271_10	E	LANDSCAPE PROPOSALS - ALL SITE
16/08/2022	2271_09	E	LANDSCAPE PROPOSALS - SHEET 4 OF 4
16/08/2022	2271_08	E	LANDSCAPE PROPOSALS - SHEET 3 OF 4
16/08/2022	2271_07	E	LANDSCAPE PROPOSALS - SHEET 2 OF 4
16/08/2022	2271_06	E	LANDSCAPE PROPOSALS - SHEET 1 OF 4
16/08/2022	389-PL-2103-F	-	PROPOSED SITE PLAN
16/08/2022	1370-SCH-1061	-	PROPOSED SITE PLAN INDICATIVE LAYOUT

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

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

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS4 - Economy and Employment

CS11 - Principal Regeneration Area - Knowsley Industrial and Business Parks

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

EC3 - Primarily Industrial Areas

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)

ARTICLE 35 STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTE FOR APPLICANT:

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

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

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

Executive Director - Regeneration and Economic Development

Date: 30 November 2022

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.

Appendix 4

Appeal Decision

Site visit made on 9 December 2021

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2022

Appeal Ref: APP/X3540/W/21/3273329

Former Itron Factory, Carr Road, Felixstowe IP11 2ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Colby (Peter Colby Commercials Group) against the decision of East Suffolk Council.
 - The application Ref DC/20/1666/FUL, dated 4 May 2020, was refused by notice dated 29 October 2020.
 - The development proposed is demolition of ancillary buildings and plant and the change of use and subdivision of main building from B1(c) business use to mixed business uses, including B1(a) office, B1(c) light industrial, B8 storage and ancillary A3 café. Creation of new vehicular access onto Carr Road, new car parking and alterations to elevations to existing building to create new openings.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of ancillary buildings and plant and the change of use and subdivision of main building from B1(c) business use to mixed business uses, including B1(a) office, B1(c) light industrial, B8 storage and ancillary A3 café, and creation of new vehicular access onto Carr Road, new car parking and alterations to elevations to existing building to create new openings at former Itron Factory, Carr Road, Felixstowe IP11 2ER. The permission is granted in accordance with the terms of the application Ref DC/20/1666/FUL, dated 4 May 2020, subject to the conditions included in the Schedule at Annexe A.

Preliminary Matters

2. Changes to the Use Classes Order since the application was made mean that all the proposed uses now fall within new Class E except for the proposed B8 storage use, which remains unchanged¹.

Main Issue

3. The main issue is the suitability of the location for the proposed B8 storage use, with particular regard to development plan policies concerning such uses; and, related to this, the effect on the living conditions of nearby residents related to heavy goods vehicle (HGV) movements to and from the appeal site.

¹ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amend the Town and Country Planning (Use Classes) Order 1987 and came into force on 1 September 2020.

Reasons

4. The appeal site comprises former factory buildings with a frontage on Carr Road, to the south-west of Felixstowe town centre and close to the Port of Felixstowe to the north. The Suffolk Sand Caravan Park is on the opposite side of Carr Road, with industrial and commercial development immediately east and west of the site. Further to the east Carr Road becomes more residential in character.
5. Policy SCLP12.9 of the Suffolk Coastal Local Plan (2020) concerns future development of the appeal site and indicates that employment opportunities will be encouraged. However, the B8 storage element of the appeal proposal is contrary to criterion d), which states that warehousing or storage activities will be resisted and directed towards land identified under Policy SCLP12.4 or other areas designated for Port and Logistics uses.
6. As the appellant contends, the policy background is somewhat unclear as Policy SCLP12.4 concerns a site designated for residential development with no apparent employment uses. I am not aware that this matter is clarified by the Council in its appeal submissions. However, in the officer's report on the application the reason given for restricting B8 use on the appeal site is due to the level of HGV movements that such a use can attract. In the absence of any other explanation for the restriction, I have taken this to be the principal basis for the Council's concern about the B8 use.
7. This approach would also be consistent with Policy SCLP4.2 concerning new employment development, which states that employment uses within settlement boundaries, including B8, will be supported where these do not have an adverse impact on surrounding land use, living conditions and the local highway network. For these reasons, the principal consideration in this case relates to the second part of the main issue, concerning the effect on the living conditions of nearby residents of HGV movements to and from the appeal site.
8. The appellant explains that the B8 element accounts for 28% of the total floorspace and the units would be used as trade counters, where the primary use is storage with an ancillary trade counter element. While there are no specified operators for the units, trade counter warehouses are generally stocked with materials, tools or similar supplies and service local trades which typically have accounts and order online and collect. Stock is replenished mostly in vans and occasionally by lorry. Based on the amount of floorspace and by comparison with similar operations elsewhere, it is estimated that typically one to three HGV movements each week might be expected.
9. I give some weight to the appellant's contention that there is a history of HGV movements to and from the site due to previous uses. Moreover, subject to appropriate control by conditions, the number of movements associated with the proposed use would be limited. I note in this regard that the Highway Authority has not objected and I consider that the limited number of HGV movements arising from the proposal would not be of sufficient frequency to result in material harm through noise, disturbance or other inconvenience to local residents or other road users, including those related to nearby tourist locations. I note the Council's observation that there are already concerns about HGVs taking incorrect routes through residential areas and, indeed, I

observed some use of Carr Road by HGVs at the time of the inspection. However, any such incorrect use of routes should not count against the proposal where the occurrence of HGV movements arising from it would be limited.

10. Therefore, for these reasons, I conclude that the appeal site would be a suitable location for the proposal as a whole, including the B8 element, particularly as it would not have a harmful effect on the living conditions of nearby residents related to HGV movements to and from the appeal site. Consequently, there is no conflict with Policy SCLP12.9 of the Local Plan as described above, or with Policy SCLP11.2 of the Local Plan, which seeks to safeguard residential amenity.
11. In reaching this conclusion I have had full regard to the representations from Felixstowe Town Council.

Conclusion and Conditions

12. For the reasons given above, the appeal should succeed. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans and other details. Conditions requiring materials and finishes to be retained, and to protect ecological interests of the site are necessary in terms of the building's appearance and the site's ecological qualities.
13. The conditions suggested by the Highway Authority concerning implementation of access and parking arrangements, including managing surface water discharge, bin storage and lighting, are necessary in the interests of highway safety. Cycle storage details should be approved to encourage sustainable travel. I accept also that a condition is necessary requiring a minimum number of parking spaces to be retained on land adjacent to the appeal site within the appellant's control, to ensure sufficient on-site parking and avoid on-street parking.
14. I agree that conditions restricting public opening hours and HGV delivery times and amounts are necessary in the interests of residential amenity. I note that the Council suggests that no more than three such deliveries can take place on one given day. While this may be a greater number than suggested is likely by the appellant, based on the above findings there is no basis to conclude that this level of HGV movements would result in material harm. Finally, I agree that a condition is necessary to restrict the amount of B8 floorspace to ensure that this use is controlled in relation to limiting HGV movements in the interests of protecting residential amenity.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and other details: 6741/1101 site and block plan, 6741/1103 proposed site plan, 6741/1205 proposed ground floor plan, 6741/1302 proposed elevations and IT2128/TS/02 Rev A site access arrangements and visibility splays; Ecology Assessment (letter from Essex Ecology Services Limited received 19.08.2020), Flood Risk Assessment and Flood Evacuation Plan received 4.05.2020.
- 3) The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.
- 4) Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation, and enhancement measures identified within the ecological assessment (EECOS, 24th July 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 5) No removal of hedgerows, trees, shrubs, or other vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 6) The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. IT2128/TS/02 Rev A; and with an entrance width of 9.5 metres and made available for use prior to occupation and use of the development hereby permitted. Thereafter the access shall be retained in the specified form.
- 7) Before construction of the access road and parking area is commenced details shall be submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 8) Prior to occupation and use of the development hereby permitted, details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
- 9) The lux level of the lighting at ground level at the highway boundary shall not exceed 1 lux.

- 10) Before the access is first used visibility splays shall be provided as shown on Drawing No. IT2128/TS/02 Rev A with an X dimension of 2.4m and a Y dimension of 70m and thereafter retained in the specified form. No obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- 11) The use shall not commence until the areas within the site shown on Drawing No.6741/1103 for the purposes of loading and unloading, manoeuvring and parking of vehicles has been provided and thereafter those areas shall be retained and used for no other purposes.
- 12) Prior to occupation and use details of the areas to be provided for secure cycle storage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
- 13) A minimum of 52 existing vehicle parking spaces on land adjacent to the permitted development (shown edged in blue on drawing 6741/1101) shall be retained thereafter for the purpose of vehicle parking for the permitted development and used for no other purpose.
- 14) The premises shall only be open to the public between 06:00 and 21:00 Monday to Friday, and between 06:00 and 18:00 on Saturdays, and the premises shall be closed to the public at all other times including on Sundays and Bank and other Public Holidays.
- 15) Deliveries by HGVs shall only take place Monday to Friday between 08:00 and 18:00 and on Saturdays between 08:00 and 13:00. No more than three HGV movements can occur during these hours on one given day.
- 16) The B8 use hereby permitted shall be restricted to units 7 and 8 only as shown on drawing no.6741/1205.

[End of Schedule]