



Knowsley Council

REGENERATION AND ECONOMIC DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 21/00509/KMBC1

Name and address of applicant

Knowsley Metropolitan Borough Council
Municipal Buildings
Huyton
Knowsley
L36 9UX

Name and address of agent

WSP
8 First Street
Manchester
Manchester
M15 4RP

Date of Receipt: 16 June 2021

Date Valid: 3 August 2021

Address/Location Of Development:

Car Park At Windy Arbour Playing Fields, Windy Arbour Road, Whiston, Knowsley, L35 3PW

Description of Development:

REDEVELOPMENT OF EXISTING CAR PARK COMPRISING OF THE CONSTRUCTION AND RESURFACING OF HARDSTANDING TO FORM 40 NO. VEHICULAR PARKING SPACES TOGETHER WITH THE INSTALLATION OF 4 NO. CYCLE STANDS, WIDENING OF EXISTING ACCESS TO PROVIDE SEPARATE VEHICULAR AND PEDESTRIAN ACCESS GATES, BOUNDARY TREATMENTS INCLUDING INSTALLATION OF PEDESTRIAN ACCESS GATE TO LICKERS LANE, LANDSCAPING AND OTHER ASSOCIATED WORKS

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

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

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

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

Reason: For the avoidance of doubt.

3. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul and Surface Water Drainage Design Drawing 70063452-WSP-XX-XX-M2-DR-0003 Rev P01.13 dated July 21, which was prepared by WSP. For the avoidance of doubt and unless otherwise approved in writing by the Local Planning Authority, no surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.

Prior to the resurfacing work being undertaken, a drainage scheme based on the principles set out in the submitted Drainage Strategy referenced 70063452-R01 and dated October 2021 and Foul & Surface Water Drainage Design Drawing 70063452-WSP-XX-XX-M2-DR-0003, Rev P01.13 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development hereby permitted is brought into use.

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

4. The mitigation measures outlined in the Phase 1 Geo-Environmental Assessment and Coal Mining Risk Assessment (October 2021, prepared by WSP) and the WSP Technical Note dated 27 June 2022, shall be carried out prior to the new car park surface being brought into use.

Reason: To ensure that adequate remedial and mitigation measures are provided pertaining to ground conditions and coal mining legacy to ensure that a safe and stable development is provided in accordance with paragraphs 183 and 184 of the NPPF and policy CS2 of the Knowsley Local Plan Core Strategy (January 2016).

5. The reconstructed wall shall be built using stone reclaimed from the existing wall together with supplementary natural sandstone in the manner detailed in the approved document Landscape Specification C04 dated 14-12-2022 and shall match the existing wall in materials, colour, coursing and finish. Samples of the supplementary sandstone material to be used in this construction shall be submitted to and approved in writing by the local planning authority. All new copings shall be St Bees with a width, height, profile and finish to match the existing copings. The rebuilding of this section of wall shall then be carried out in accordance with the approved details.

The mortar mix of all rebuilt and new elements of the wall shall consist of be a lime/sharp sand mix with no cement added, in a natural colour and shall be of a

strength compatible with the sandstone wall construction. Pointing shall have a flush or very slightly recessed finish.

The curved wall sections including the piers of the development hereby permitted shall be faced in St Bees red sandstone, in coursed ashlar blocks, with its appearance to match the corresponding feature at the Main Drive entrance. All new copings shall be St Bees with their width, height, profile and finish to match the existing copings. The development shall be in accordance with the approved drawing references 70057126_WSP_XX_XX_DR_LA_0005 C03 'Boundary Elevations'. For the avoidance of doubt, the piers shall be capped as illustrated on the Wall Construction Details plan hereby permitted (reference 70057126_WSP_XX_XX_DR_LA_0010 C03) .

Notwithstanding the submitted hard landscaping details, prior to the laying of new surfacing materials, samples of the flush kerbs/edging, tobermore fusion kerbs/edging and the granite setts shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to protect and preserve the non-designated heritage asset and to comply with Saved Policy H8 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006, Policies CS19 and CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

6. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To protect biodiversity in accordance with policies CS2, CS8 and CS21 of the Knowsley Local Plan Core Strategy (January 2016) and the NPPF.

7. Prior to the erection of any lighting, a scheme for provision of lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the approved scheme. For the avoidance of doubt, such a scheme shall be accompanied by a maintenance strategy to ensure its future operation and the lighting shall then be maintained in accordance with the approved details.

Reason: In the interests of visual and residential amenity and to protect biodiversity. This condition has been imposed having regard to policies CS2, CS8, CS19 and CS21 of the Knowsley Local Plan Core Strategy 2016 and the NPPF.

NOTE: The applicant is advised to have regard to the Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

8. 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 being brought into use.

Reason: To ensure contamination is appropriately identified and a strategy is in place before works commence on the site, to prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and the general public and to comply with the National Planning Policy Framework (2021), Policies CS2 and SUE2 of the Knowsley Local Plan: Core Strategy 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

9. 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 and a verification report shall be submitted to and agreed in writing with the local planning authority before the first use of the development.

Reason: To ensure contamination is appropriately identified and a strategy is in place before works commence on the site, to prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and the general public and to comply with the National Planning Policy Framework (2021), Policies CS2 and SUE2 of the Knowsley Local Plan: Core Strategy 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

10. 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 - only suitable soils shall be imported onto the site. A 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 contamination is appropriately identified and a strategy is in place before works commence on the site, to prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and the general public and to comply with the National Planning Policy Framework (2021), Policies CS2 and SUE2 of the Knowsley Local Plan: Core Strategy 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

11. Works shall be undertaken in accordance with the Arboricultural Impact Assessment and the Arboricultural Method Statement both dated May 2021 and undertaken by We Know Services. Tree protection fencing shall be erected prior to commencement of development and retained throughout the course of the construction process.

Reason: In the interests of biodiversity and to protect existing habitats. This condition is imposed having regard to policies CS2 and CS21 of the Knowsley Local Plan: Core Strategy 2016.

12. Five days notice shall be provided prior to the erection of any tree protection fencing.

Reason: For the avoidance of doubt. This condition has been imposed having regard to policies CS2 and CS21 of the Knowsley Local Plan: Core Strategy 2016.

13. Unless otherwise submitted to and approved in writing by the Local Planning Authority, the soft landscaping (including the tree replacements) shall be in accordance with the Planting Plan drawing number 70057126_WSP_XX_XX_DR_LA_0003 Rev C02. For the avoidance of doubt, the girth of the replacement trees shall be 20-25cm. The root barrier shall be installed in accordance with approved plan reference 70057126_WSP_XX_XX_DR_LA_0010 C03. The soft landscaping shall be carried out in the first available planting season after the development hereby permitted has been brought into use.

Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage. The development shall be fully constructed in accordance with the approved scheme in accordance with timescales contained therein.

Reason: To promote biodiversity, protect the estate wall and promote tree planting in accordance with policies CS2, CS20 and CS21 of the Knowsley Local Plan: Core Strategy January 2016.

14. All landscaping and construction works carried out within 2m of the retained wall shall be in accordance with the submitted details contained on plans 70057126_WSP_XX_XX_DR_LA_0010 Rev C03 (wall construction specification/section detail) and the landscape plan 70057126_WSP_XX_DR_LA_0003 Rev C02 and the following methodology:

- A condition survey of the wall shall be undertaken prior and post completion of the construction and landscaping works and shall be made available to the local planning authority on request;
- Excavation works shall be undertaken in sections of no more than 5m at a time;
- Each section shall be backfilled prior to commencing the next section;
- No sections shall be left open overnight; and
- Only plant which limits vibrations on the wall shall be used.

Reason: To protect and preserve the estate wall heritage asset in accordance with policies CS2 and CS20 of the Local Plan Core Strategy.

15. Four cycle stands shall be provided in accordance with the layout plan reference 70057126_WSP_XX_XX_DR_CE_0101 P03 prior to the car park being brought back into use after all resurfacing work hereby permitted has been undertaken.

Reason: To promote sustainable modes of transport in accordance with policy CS2 and CS7 of the Knowsley Local Plan Core Strategy January 2016.

16. Details of new pedestrian and entrance gates shall be submitted to and approved in writing by the local planning authority prior to each gate being erected. The gates shall then be erected in accordance with the approved details.

The entrance gate shall be kept open at all times during the operational use of the car park and shall only be closed at night when the car park is not in use or when operational use of the car park ceases.

Reason: In the interests of visual amenity and highway safety having regard to policies CS2, CS7, CS19 and CS20 of the Knowsley Local Plan Core Strategy January 2016.

17. No construction / demolition work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.

Reason: To protect residential amenity in accordance with policies CS2 and CS19 of the Knowsley Local Plan Core Strategy January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
12/12/2022	70057126_WSP_ XX_XX_DR_LA_ 0002	C05	LANDSCAPE GENERAL ARRANGEMENT
12/12/2022	70057126_WSP_ XX_XX_DR_LA_ 0008	C04	SITE CLEARENCE
12/12/2022	70057126-WSP- XX-DR-CE-0101	P04	GENERAL ARRANGEMENT
12/12/2022	70057126_WSP_ XX_XX_DR_CE_ 0102	P04	PROPOSED LEVELS AND CONTOURS
12/12/2022	70057126_WSP_ XX_XX_DR_CE_ 0103	P04	KERBING AND SURFACE FINISHES
12/12/2022	70057126_WSP_ XX_XX_DR_CE_ 0104	P02	SWEPT PATH ANALYSIS
12/12/2022	70063452_WSP_ XX_XX_M2_DR_ 0003	P01.15	PLAYING FIELDS CAR PARK DRAINAGE LAYOUT
12/12/2022	70057126_WSP_ XX_XX_DR_LA_ 0003	C03	PLANTING PLAN
	70057126_WSP_ XX_XX_DR_LA_ 0003	-	LOCATION PLAN

	0001_P01		
	70057126_WSP_ XX_XX_DR_LA_ 0005	C03	ELEVATION PLAN
	LANDSCAPE SPECIFICATION	C04	LANDSCAPE SPECIFICATION
	70057126_WSP_ XX_XX_DR_LA_ 0010	C03	WALL CONSTRUCTION DETAILS/SECTION DETAIL
	70057126_WSP_ XX_XX_DR_CE_ 0105	P01	CONSTRUCTION DETAILS - SURFACING
	-	-	WSP TECHNICAL NOTE - COAL MINING RISK ASSESSMENT P01
	-	-	TECHNCIAL NOTE WSP - APPENDIX A

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: -

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

DQ2 - Security in the Built Environment
 ENV2 - Noise and Vibration
 T10 - Access for the Less Mobile
 DQ4 - Trees and Development
 ENV2 - Noise and Vibration
 ENV3 – Light Pollution
 ENV5 - Contaminated Land

KNOWSLEY LOCAL PLAN: CORE STRATEGY (ADOPTED 2016)

CS1 - Spatial Strategy for Knowsley
 CS2 - Development Principles
 CS19 - Design Quality and Accessibility in New Development
 CS20 – Managing the Borough’s Historic Environment
 CS21 - Greenspace and Trees
 CS24 - Managing Flood Risk
 CS26 - Waste Management
 SUE1 - Sustainable Urban Extensions and Safeguarded Land
 SUE2 - Sustainable Urban Extensions Development Principles

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 (Clare Appleyard on 0151 443 2848)

ARTICLE 35 STATEMENT

NOTE FOR APPLICANT:

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

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

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

- 1 NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments; Cadent Gas, United Utilities.
- 2 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions
Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- 3 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.

- 4 The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.

Head of Planning Services

Date: 16 December 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. 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.
- As this is a decision for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.