



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 23/02716/FUL

Name and address of applicant

James Whitaker & Sons (Nurserymen)
Ltd
Manchester Road
Prescot
L34 5UD

Name and address of agent

Life Architecture Ltd
4 Grafton Walk
West Kirby
Wirral
CH48 7EJ

Date of Receipt: 13 October 2023

Date Valid: 14 January 2024

Address/Location Of Development:

Whitakers Garden Centre
Manchester Road
Prescot
Knowsley

Description of Development:

**ERECTION OF STORAGE AREA TOGETHER WITH THE ERECTION OF CANOPY
TO EXTERNAL PLANT SALES AREA, ERECTION OF EXTENSION TO
EXTERNAL SEATING AREA AND ERECTION OF COVERED LINK BETWEEN
EXTERNAL PLANT SALES AREA AND COVERED PLANT SALES AREA**

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. Prior to the works being undertaken an implementation plan shall be submitted to and approved in writing by the Local Planning Authority (LPA), setting out details in respect to the following matters:
- Gas/vapour protection membrane. The measures to be installed must comply with the British Standard BS 8485:2015 +A1:2019:
 - I. What specific gas/vapour membrane will be used? The membrane specification must be at least equal to that already installed under the property.
 - II. How will it be installed and specifically how will the new membrane be integrated with the existing gas protection measures, including ventilation arrangements.
 - III. The name of the competent persons / company installing the membrane?
 - IV. How the installation of the membrane will be validated?
The agreed implementation plan must be carried out by a competent person.

Upon completion of the works, a validation statement must be submitted to the LPA. The statement shall demonstrate that works have been carried out in accordance with the agreed methodology detailed in Point 1 above.

Water suppression shall be used, as required, to ensure there are no dust emissions from the excavated materials whilst being moved or being stored on site.

Reason: In the interests of safety, to prevent pollution of the water environment and to comply with Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

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

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies S2 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
14/11/2023	PD/295/2019	REV A	LOCATION PLAN
13/10/2023	PL01	REV -	SITE PLAN AS EXISTING
13/10/2023	PL02	REV -	ELEVATIONS AS EXISTING
04/04/2024	PL03	REV B	SITE PLAN AS PROPOSED
04/04/2024	PL04	REV B	ELEVATIONS AS PROPOSED
04/04/2024	PL05	REV B	COVERED SEATING AREA PLAN AS PROPOSED
04/04/2024	PL06	REV B	COVERD SEATING AREA AND CANOPY ELEVATIONS AS PROPOSED
04/04/2024	PL07	REV A	PROPOSED CANOPY TO EXTERNAL PLAN SALES AREA
11/04/2024	PL08	REV B	CHARGING AND COMPACTOR PLANS AND ELEVATIONS

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:-

CS13 - Principal Regeneration Area - South Prescott
CS19 - Design Quality and Accessibility in New Development
ENV5 - Contaminated Land
SD1 - Sustainable Development
CS1 - Spatial Strategy for Knowsley
CS2 - Development Principles
CS4 - Economy and Employment

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 (Jo Sheridan on 0151 443 2376)

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.

Informative

1. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024

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. Please refer to Merseyside Fire & Rescue Service dated 26/01/2024 (attached)

Executive Director - Regeneration and Economic Development

Date: 15 April 2024

IMPORTANT NOTES FOR YOUR ATTENTION:

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

Appeals to the Secretary of State

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

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

Merseyside Fire & Rescue Authority
Community Fire Protection
Fire Engineering Team
Service Headquarters
Bridle Road
Bootle
Merseyside
L30 4YD

Email: dcconsultations@knowsley.gov.uk

Telephone: 0151 296 6590 (Calls may be recorded)
Inspecting Officer: Alison Harrison
Email: fireengineeringteam@merseyfire.gov.uk
web Site: www.merseyfire.gov.uk

Your ref: 23/02716/FUL

Our ref:00891126/1125469/AH/LC

Date: 26th January 2024

Dear Sir/Madam,

THE TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION NUMBER REF: 23/02716/FUL
PROPOSAL: ERECTION OF STORAGE AREA TOGETHER WITH THE ERECTION OF
CANOPY TO EXTERNAL PLANT SALES AREA ERECTION OF CANOPY TO
EXTERNAL SEATING AREA AND ERECTION OF COVERED LINK BETWEEN
EXTERNAL PLANT SALES AREA AND COVERED PLANT SALES AREA
ADDRESS: Whitakers Garden Centre Manchester Road Prescott Knowsley L34 5UD

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 Section B5, Schedule 1 of the Building Regulations. Provisions for access will depend on the size and use of the building. The design of the access route, for example minimum road widths and maximum reversing distances, should also be considered (Appendix A, attached).
- * In accordance with Section 55 of the County of Merseyside Act 1980, the position of the premises should not compromise or impede existing means of fire service access to a neighbouring building.
- * Water supplies for firefighting purposes (Appendix B) 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.

*** 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.

Further information regarding access requirements can be found in the current version of Approved Document B, which is available for free download via:
<https://www.gov.uk/government/publications/fire-safety-approved-document-b>

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

Yours faithfully

Alison Harrison

Authorised Fire Safety Inspecting Officer
And on behalf of Merseyside Fire and Rescue Authority

Appendix A - Access and Facilities for the Fire Service as given in Section B5 of Approved Document B

Domestic Dwellings

For dwelling houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling house.

For flats, either: access for a pumping appliance should be provided to within 45m of all points inside each flat of a block, measured along the route of the hose; or fire mains should be provided.

Commercial Buildings

Small buildings (up to 2000m², with a top occupied storey a maximum of 11m above ground level), require access for a pump appliance to 15% of the perimeter, or within 45m of every point of the footprint of the building, whichever is the less onerous.

Larger buildings will require access to a percentage of the perimeter that increases incrementally with size of the total floor area and height of building – please see details in Approved Document B Volume 2 Section 15.

Elevations to which vehicle access is provided will require a door, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (ie a 150m elevation would need a minimum of two doors).

All Buildings

Access routes and hardstanding should comply with Table 13.1 ADB Volume 1 / Table 15.2 ADB Volume 2. Please note: MFRS appliances are 17 tonnes (pump) and 26 tonnes (high reach).

Dead-end access routes longer than 20m require turning facilities (eg a turning circle or hammer head, or other turning point).

Where fire mains are fitted, access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building and visible from the parking position of the appliance. The run of horizontal internal connecting pipe should be a maximum of 18m in length.

Buildings with a storey more than 18m above the fire service vehicle access level, or a basement more than 10m below, should have one or more firefighting shafts containing fire-fighting lifts and fire mains (a minimum of two fire-fighting shafts will be required for buildings with a floor area of 900 m² or more).

Buildings in the 'shop and commercial', 'assembly and recreation' or 'industrial' purpose groups (Groups 4, 5, or 6), with a storey area of 900m² or more and a storey height of 7.5m or more above fire service vehicle access level will require at least two firefighting shafts (firefighting lifts may not be needed).

Entry to a firefighting shaft at fire service access level should be available either directly from the open air or by way of a protected corridor not exceeding 18m in length. The corridor is deemed to be part of the firefighting shaft, and any access to it from the accommodation should be by way of protected lobbies.

Hydrants

Where a building has a compartment with an area of more than 280m² and is being erected more than 100m from an existing fire hydrant, additional hydrants are required as follows:

Buildings with fire main – hydrant within 90m of dry fire main inlet;

Buildings without fire main – hydrant within 90m of an entrance to the building; and a maximum of 90m apart.

Appendix B - 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.