

**Planning Obligation by Deed under Section 106 of the Town and Country Planning Act 1990**

relating to the application for the of erection of 4 no. industrial buildings (Blocks B, C and D) comprising of 9 no. units (Use Class E(g) (ii) and (iii)) and 1 no. unit (Block E) (Use Class B2) together with other associated works

on land on the north east side of Fallows Way Whiston Enterprise Park Whiston L35 1RZ  
(Ellison Travel Services)

Planning Application 22/00537/FUL

Dated.....22<sup>nd</sup> April 2025.....

- (1) Knowsley Metropolitan Borough Council
- (2) Allied Properties Limited
- (3) Goldentree Financial Services PLC

DATE

22<sup>nd</sup> April 2025

## PARTIES

- (1) **KNOWSLEY METROPOLITAN BOROUGH COUNCIL** of Municipal Buildings Archway Road Huyton Knowsley Merseyside L36 9YU ("**Council**")
- (2) **ALLIED PROPERTIES LIMITED** (incorporated in the Isle of Man) of Third Floor Quay House South Quay Douglas Isle of Man IM1 5AR ("**Owner**")
- (3) **GOLDENTREE FINANCIAL SERVICES PLC** (Co. Reg. No. 4179323) whose registered office is at The Spectrum 56-58 Benson Road, Birchwood Warrington WA3 7PQ ("**Mortgagee**")

## INTRODUCTION

- 1 The Council is the local planning authority for the purposes of the Act for the area in which the Site is situated.
- 2 The Owner is the owner of the freehold Site.
- 3 The Mortgagee is the mortgagee of the Site under a Legal Charge dated 23 June 2021.
- 4 The Owner has submitted the Application to the Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed.
- 5 The Council is minded to grant planning permission subject to the prior completion of this Deed.
- 6 In accordance with the Council's Supplementary Planning Documents on Planning Contributions and Social Value the Owner covenants to perform the obligations set out in this Deed

**NOW THIS DEED WITNESSES** as follows:

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## OPERATIVE PART

### 1 DEFINITIONS

For the purposes of this Deed unless the context otherwise requires the following expressions shall have the following meanings:

- 1.1 "**Act**" means the Town and Country Planning Act 1990
- 1.2 "**Application**" means the application for planning permission submitted to the Council for the Development and allocated reference number 22/00537/FUL
- 1.3 "**Commencement of Development**" means the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, ecology survey or works, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection

of any temporary means of enclosure, the temporary display of site notices or advertisements and **"Commence Development"** shall be construed accordingly

- 1.4 **"Committed"** means any amount which the Council has allocated for expenditure relevant to the purpose for which the sum was paid and such amount has been authorised by the relevant committee, or Council member or Council officer or has contracted to expend where such contract provides for payment contingent on the provision of works and/or services and/or supplies
- 1.5 **"Development"** means erection of erection of 4 no. industrial buildings (Blocks B, C and D) comprising of 9 no. units (Use Class E(g)(ii) and (iii)) and 1 no. unit (Block E) (Use Class B2) together with other associated works
- 1.6 **"Index"** means All Items Index of Retail Prices issued by the Office for National Statistics
- 1.7 **"Indexation Date"** means the date immediately preceding the date hereof when the last firm figure was published for the Index unless expressly stated otherwise in this Deed
- 1.8 **"Index Linked"** means the contribution is to be adjusted by reference to the amount of any increase in the Index over the period from the Indexation Date to the last, firm figure published for the Index for the date immediately prior to payment of the relevant contribution to the Council (or where the Owner is required by this Deed to apply a specified sum or make a specified sum available for a specified purpose the date of application of such sum for the specified purpose) and **"Indexation"** shall be construed accordingly
- 1.9 **"Plan"** means plan numbered 0924-EA-A-PL03-B at Annex 2 to this Deed
- 1.10 **"Planning Permission"** means the planning permission for the Development subject to the Application a draft of which is at Annex 1 to this Deed
- 1.11 **"Site"** means the property (including land and any buildings) against which this Deed may be enforced as shown edged red on the Plan and more particularly described in the First Schedule
- 1.12 **"Working Day"** means a day other than a Saturday or Sunday or public holiday in England or the period between 24 December and 2 January inclusive.

## **2 INTERPRETATION**

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders,

plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.

- 2.6 References to any party to this Deed shall include the successors in title to that party and to any person deriving through or under that party any title interest or estate in any part of the Site and in the case of the Council the successors to its relevant statutory functions.
- 2.7 The headings and contents list are for reference only and shall not affect construction.

### **3 LEGAL BASIS**

- 3.1 This Deed is made pursuant to Section 106 of the Act and Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 and all other enabling powers.
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner.
- 3.3 The obligations in clause 4 and 5 of this Deed are conditional on the grant of Planning Permission and the Commencement of Development

### **4 OWNER'S COVENANTS**

The Owner covenants with the Council as set out in the Second Schedule.

### **5 THE COUNCIL'S COVENANTS**

The Council covenants with the Owner as set out in the Third Schedule.

### **6 MISCELLANEOUS**

- 6.1 The Owner shall pay to the Council on or before completion of this Deed
- 6.1.1. the sum of £850 in respect of the Council's legal costs incurred in the negotiation, preparation and execution of this Deed; and
- 6.1.2 the sum of £315 in respect of the Council's administrative costs for registering the obligations contained in this Deed;
- 6.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 6.3 This Deed shall be registrable as a local land charge by the Council and the Council shall record that the requirements of this Deed have been satisfied by the Owner and the Council shall as soon as reasonably practicable upon the written request of the Owner effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed once the planning obligations in this Deed have been satisfied or if this Deed has been determined pursuant to clause 6.7.
- 6.4 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 6.5 No person shall be liable for any breach of any planning obligations or other provisions of this Deed after parting with its entire interest in the Site or its interest in that part of the Site on

which the breach occurs, but without prejudice to liability for any subsisting breach arising before parting with that interest

- 6.6 The obligations in this Deed will not be enforceable against any party acquiring an interest in the Site solely by way of registered legal charge or mortgage, unless that party takes possession of the Site, in which case they will be bound by obligations of this Deed as an owner, in relation to any parts of the Site over which it has a legal charge but not further or otherwise and provided that, at all times the rights and obligations in this clause shall not require any mortgagee or chargee to act contrary to its duties under the charge or mortgage and the Council must give full consideration to protecting the interests of the mortgagee or chargee in respect of monies outstanding under the charge or mortgage.
- 6.7 No party will be bound by this Deed if the Planning Permission expires before the Commencement of Development of is at any time modified (without the Consent of the Owner), quashed or revoked this Deed shall determine and cease to have effect.
- 6.8 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.
- 6.9 Nothing contained or implied in this Deed grants planning permission or other consent or shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions as a Local Authority and its rights powers duties and obligations under any statute byelaw or regulation may be as fully and effectually exercised as if the Council were not a party to this Deed.
- 6.10 Nothing contained or implied in this Deed shall prejudice or affect the rights discretions powers duties and obligations of the Council under all statutes by-laws statutory instruments orders and regulations in the exercise of their functions as a local authority.
- 6.11 Any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party or by email (if requested) as detailed in this Deed or such other address notified in writing to the other party from time to time. Provided however that
- 6.11.1 any notices to be served upon the Owner shall be sent by email to [gbell@groupeleven.im](mailto:gbell@groupeleven.im) and [tkeating@groupeleven.im](mailto:tkeating@groupeleven.im) ; and
- 6.11.2 any notices to be served upon the Mortgagee shall be sent by email to [kate.clough@goldentreefs.co.uk](mailto:kate.clough@goldentreefs.co.uk) and
- 6.11.3 any notices to be served upon the Council shall be marked for the attention of the Council's Head of Planning
- 6.12 If the Council agrees pursuant to application under section 73 of the Act to any variation or release of any condition contained in the Planning Permission or if any condition is varied or released following an appeal under section 78 of the Act the covenants or provisions of this Deed shall be deemed to bind the varied permission and to apply in equal terms to the new planning permission save where the Council in their determination of such an application for the new planning permission all the Secretary of State or inspector in their determination of such appeal indicate that consequential amendments are required to this Deed to reflect the impact of the section 73 application and in such circumstances a separate deed pursuant to section 106 of the Act will be required to secure relevant planning obligations relating to the new planning permission.

**7 DISPUTES**

If any dispute arises out of this Deed the dispute shall be referred to an arbitrator appointed jointly by the parties. If the parties cannot agree on the arbitrator's identity the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Institution of Chartered Surveyors. The arbitrator shall act in accordance with the Arbitration Act 1996 and the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction then equally)

**8 MORTGAGEE'S CONSENT**

The Mortgagee acknowledges and declares that this Deed has been entered into by the Owner with its consent and that the Site shall be bound by the obligations contained in this Deed and that the security of the mortgage over the Site shall take effect subject to this Deed PROVIDED THAT the Mortgagee shall otherwise have no liability to discharge the obligations contained in this Deed unless it takes possession of the Site in which case it too will be bound by the obligations as if it were a person deriving title from the Owner.

**9 WAIVER**

No waiver (whether expressed or implied) by the Council or Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or Owner from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

**10 CHANGE IN OWNERSHIP**

The Owner agrees with the Council to give 14 days' written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased or transferred by reference to a plan.

**11 INDEXATION**

Any sum referred to in the Schedules shall be Index Linked and where the Owner is required by this Deed to apply a specified sum or make a specified sum available for a specified purpose such sum shall also be Index Linked

**12 INTEREST**

If any payment due under this Deed is paid late, Interest will be payable from the date payment is due to the date of payment at 4% (four per cent) above the base lending rate of Barclays Bank plc from time to time.

**13 VAT**

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable subject always to the Owner being provided with a valid VAT invoice addressed to it.

**14 JURISDICTION**

This Deed is governed by and interpreted in accordance with the law of England and the parties submit to the exclusive jurisdiction of the courts of England and Wales.

**15 DELIVERY**

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

**IN WITNESS** whereof the parties hereto have executed this Deed on the day and year first before written.

## FIRST SCHEDULE

### The Site

The freehold land shown edged with red on the Plan being land on the north east side of Fallows Way Whiston Enterprise Park Whiston L35 1RZ registered at HM Land Registry under title number MS382564 and MS658955

## SECOND SCHEDULE

### Owner's Covenants to the Council

#### Interpretation

1. In this Part 1 the following words and phrases shall have the meanings:
  - 1.1 **"Monitoring Contribution"** means the sum of £1,000 (one thousand pounds) towards the additional resource costs arising from the monitoring of the Development and the obligations arising under this Deed.
  - 1.2 **"Social Value Strategy"** means a strategy for providing training programmes and delivering social value during construction and end use phases of the Development as required and described in the SPD and which has been
    - a) submitted by the Owner in support of the Application;
    - b) approved by the Council as part of the Planning Permission; and
    - c) a copy of which is at Annex 3 to this Deed
  - 1.3 **"Social Value Contribution"** means the sum of £5,692 (five thousand six hundred and ninety-two pounds) to be used by the by the Council's approved partner organisation to support and monitor the provision of social value activity relevant to the Development in accordance with the approved Social Value Strategy. Social Value activity may include but shall not be limited to the provision of apprenticeships, local employment and trainee placements.
  - 1.4 **"SPD"** means the Council's adopted SPD "Adding Social Value to Development: Employment and Skills" September 2018
2. The Owner covenants to pay the Social Value Contribution and the Monitoring Contribution to the Council prior to Commencement of Development.
3. The Owner covenants not to Commence Development until the Social Value Contribution and the Monitoring Contribution have been paid to the Council.

### **THIRD SCHEDULE**

#### **Council's Covenants to the Owner**

The Council hereby covenants with the Owner:

- 1 To issue the Planning Permission promptly following completion of this Deed
- 2 To use all sums received from the Owner under the terms of this Deed for the purposes specified in this Deed for which they are to be paid or for such per other purposes for the benefit of the Development as the Owner and Council shall agree
- 3 To pay to the Owner such amount of any payment made by the Owner to the Council under this Deed which has not been expended in accordance with the provisions of this Deed (and money shall be deemed to be expended if such sum has been Committed to be spent by the Council) within 10 (ten) years of the date of receipt by the Council of the payment such payments to be paid together with interest at Barclay's Bank PLC base rate from time to time for the period from the date of payment to the date of refund
- 4 To provide to the Owner such evidence as the Owner shall reasonably require in order to confirm the proper expenditure by the Council of the sums paid by the Owner under this Deed in accordance with the terms of this Deed.
- 5 That if the Planning Permission is quashed or revoked or otherwise withdrawn or ceases to have effect by operation of law or expires before the Development has commenced then the Council shall return to the Owner any payments made under the terms of this Deed within 20 Working Days of receipt of a written request from the Owner.

EXECUTION

THE COMMON SEAL of  
**KNOWSLEY METROPOLITAN BOROUGH**  
**COUNCIL** was

  
Authorised Signatory  
Seal No. 31  
Authority: 2



N  
SOLICITOR

Executed as a Deed by **ALLIED PROPERTIES LIMITED** acting by two directors;

(Signature)

Director: Name of director

(Signature)

MICHAEL

Director: Name of director

Signed as a deed by 

on behalf of **GOLDENTREE FINANCIAL SERVICES PLC**

in the presence of:

SIGNATURE OF WITNESS

NAME OF WITNESS

ADDRESS OF WITNESS

OCCUPATION OF WITNESS

SOLICITOR

ONE  
MURST ROAD,  
IB

## **ANNEX 1 The Draft Planning Permission**



**Knowsley Council**

**REGENERATION AND ECONOMIC DEVELOPMENT  
DEPARTMENT**

**TOWN AND COUNTRY PLANNING ACT 1990**

**This application is subject to a Section 106 Agreement and needs to be read in conjunction with that Agreement.**

**PLANNING PERMISSION**

**Application No: 22/00537/FUL**

**Name and address of applicant**

Allied Properties Ltd  
3rd Floor West, Quay House  
South Quay  
Douglas  
Isle Of Man  
IM1 5AR

**Name and address of agent**

Alistair Flatman Planning  
24 West End Grove  
Horsforth  
Leeds  
West Yorkshire  
LS18 5JJ

**Date of Receipt:** 30 August 2022

**Date Valid:** 27 September 2022

**Address/Location Of Development:**

Ellison Travel Services  
Fallows Way  
Whiston  
L35 1RZ

**Description of Development:**

**ERECTION OF 4 NO. INDUSTRIAL BUILDINGS (BLOCKS B, C AND D)  
COMPRISING OF 9 NO. UNITS (USE CLASS E(G) (II) AND (III) AND 1 NO. UNIT  
(BLOCK E) (USE CLASS B2) TOGETHER WITH OTHER ASSOCIATED WORKS**

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

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

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

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

Reason: For the avoidance of doubt.

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

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

#### 4. Contaminated Land

##### A. Risk Assessment

No development shall take place until an assessment of the risks posed by any contamination has been submitted to, and approved in writing by, the Local Planning Authority.

Prior to any further ground investigations taking place, the scope of works for these investigations must be agreed, in writing, with the local planning authority.

The assessment must also be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include (were relevant):

- i. a survey of the extent, scale and nature of contamination.
- ii. an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and
  - service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments.

##### B. Submission of Remediation Scheme

Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

**C. Implementation of Approved Remediation Scheme**

The approved remediation scheme shall be implemented, and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

**D. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

**E. Materials Management Plan**

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, signed off by a Qualified Person, shall be submitted to and agreed in writing with the local planning authority. The MMP shall demonstrate that any reuse of contaminated materials does not result in increased risk to the environment or human health.

**F. Importation of Soil/Material**

No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

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

5. No development shall take place until a scheme to permanently close off the existing vehicular access on to Fallows Way has been submitted to and agreed in writing by the Council as Local Planning Authority. The scheme shall be implemented as agreed before any part of the development has been brought into use.

Reason: To limit the number of access points to, and maintain proper construction of the highway, in the interests of road safety and to comply with Policy CS19 of the Core Strategy, adopted January 2016

6. The development shall not be brought into use until the areas indicated on Site Plan Drawing PL03 Rev D, be set aside 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. These areas shall be retained as such thereafter.

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

7. The proposed development shall not be brought into use until a precise scheme detailing the proposed cycle storage highlighted on Drawing PL03 Rev D has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed before any part of the development has been brought into use. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles.

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

8. No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan listed within the approved documents pertaining to this application. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

9. Prior to commencement of development a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction effects. This shall include but not be limited to the following:
- a. Layout of the site compound including identification of areas for the storage of plant and materials, loading/unloading and turning areas for delivery vehicles
  - b. Management of deliveries including prevention of waiting/layover of construction related traffic on the highway, measures for the control of traffic to and from the site and consideration of any temporary traffic management arrangements which may be necessary during periods of construction. Note reversing on the highway is not permitted without a trained Banksman (RoSPA or equivalent)
  - c. Construction staff parking arrangements
  - d. Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
  - e. Methods for dust control and suppression.
  - f. Methods for the mitigation of noise and vibration from building works, including any piling works, and from the operation of any temporary power generation or pumping plant which will operate overnight.
  - g. Methods that can be put in place quickly, should odour control be required. (There is potential for odour from the historic use of the site, particularly when ground excavations take place).
  - h. Details of relevant pest control measures that will be put in place during the construction / demolition phase.
  - i. Adequate provision for addressing any abnormal wear and tear to the highway, if applicable.
  - j. Scheme for recycling/disposal of waste resulting from demolition and construction works
  - k. 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. All site works shall then be carried out in accordance with the approved Plan unless otherwise agreed in writing beforehand with the Local Planning Authority

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with saved Policies H5, and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and Policy CS2 of the Core Strategy, adopted January 2016.

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the mitigation works (identified within Section 11 of the Phase 2 Geo-Environmental Report (C3304/23/E/5028, 07/08/23) prepared by Rogers Geotechnical Services Limited) to address the risks posed by past coal mining activity (on-site mine shaft: 346390-016). The remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: These details are needed prior to the commencement of development to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

11. A. Development shall not commence until a detailed SUDS based drainage scheme based on the principles of The SUDS Manual (C753) and the criteria as set out within Knowsley Strategic Flood Risk Assessment (SFRA, Levels 2), has been submitted and approved in writing by the Local Planning Authority (LPA). The applicant should provide suitable drainage drawings, summary calculations and results of all investigations detailing the surface water drainage works as set out below. The maximum rate of discharge, off-site, shall not exceed 7.9l/s for the whole site and be in line with the drainage strategy as set out within the FRA dated August 2019 as well as the points raised as part of this condition unless otherwise agreed in writing with the LPA. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

The surface water and drainage strategy, detailed design drawings, calculations and supporting information shall be expected to consider the following points:

- a. No information of the watercourse configuration and topography was provided and that whether or not there is any connection between the watercourse and the lake in vicinity. What is the function of the watercourse at the north of the site (acting as land drainage ditch or acting as a conveyance channel)? No information as to how the watercourse will drain after development? Is there any chance that the watercourse imposes a flood risk to the site?
- b. No details of groundwater levels and fluctuations have been provided.
- c. Despite the fact the photos of boggy land from site have been provided as an evidence of the site impermeability, evidence must be provided to show that a suitable number of soakaway tests have been completed across the whole site within different geology and to a suitable depth (i.e. a similar depth to the proposed infiltration devices). The tests should be completed according to

the BRE 365 method, and their results should be submitted with the full application.

- d. Should the proposed discharge destination to the public sewer system is retained in the final design, the Untitled Utilities' agreement on the connection point(s) will be required.
- e. No evidence of water quality assessment has been submitted. Water quality should be taken into account as part of the proposed drainage design. It will be required to demonstrate that adequate water quality of the off-site surface water flows (draining into a sewer, watercourse and ground) in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved. From the development description it is not clear that whether or the proposed development include an individual yard or a parking area with heavy vehicles traffics. If this is the case, water quality risk to groundwater should be assessed (screening risk) and mitigation measures to be adopted to ensure that risk to groundwater are effectively managed (see Table 26.1 and Sections 26.7.1 and 26.7.2 of the SUDS Manual).
- f. Exceedance routes of surface water should be provided for the post development situation. It is recommended that based on the exceedance routes and flow depth produced, finished floor levels for proposed building, access roads and car parking to be set. A 1 in 200 years plus 40% event would normally be considered as the exceedance event. It is expected that manholes surcharged during such an event to be identified, and volume and maximum depth of flood water and where the flood water pools or flows to be determined.
- g. Construction details of the proposed drainage features (e.g. attenuation tanks, manholes and oil separator) will be required. A demonstration of construction integrity of the proposed SUDS features (e.g. attenuation tank and oil separator) given heavy vehicles traffics and manoeuvring will also be required.
- h. Foul and surface water shall drain on separate systems

B. Prior to the first occupation of the development, a Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development through an appropriate legally binding agreement shall be submitted to an approved in writing by the Local Planning Authority. The plan will include:

- a. The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by a resident's management company.
  - b. A schedule for ongoing inspections relating to performance and condition.
  - c. Details for planning maintenance and a mechanism for remedial and urgent repair works.
  - d. Means of access for inspection and maintenance purposes
- The plan shall be implemented in accordance with the timeframes contained within it.

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

- 12. Prior to the commencement of development, details of the means of ensuring the wastewater asset that is laid within the site boundary is protected from damage as a

result of the development has been submitted to and approved by the local planning authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the wastewater asset that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full accordance with the approved details.

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

13. Prior to the occupation of any building hereby permitted, the recommendations as per the noise report included with the application 'Apex Acoustics, Proposed Units, Fallows Way, Prescott, Noise Impact Assessment, 10457.2, 17th February 2023 Revision A' shall be implemented. Documentary evidence of the works shall be submitted to and approved in writing by the local planning authority prior to occupation.

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.

14. Fixed plant and machinery associated with the development shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for Rating and Assessing Industrial and Commercial Sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property at 34 Cronton Avenue.

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.

15. Prior to the commencement of construction, a lighting scheme which includes the steps necessary to minimise light intrusion to local dwellings shall be submitted for the written approval of the local planning authority. The scheme shall include an isolux plot to demonstrate that the obtrusive light limitations suggested in the Institution of Lighting Engineers Guidance Notes for Light Pollution are met. All works which form part of the scheme shall be completed prior to operation and shall be maintained thereafter in accordance with the agreed scheme.

Reason: In the interests of the local environment, amenity, security and ecology and to comply with the National Planning Policy Framework; Policies CS2, CS8 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and save Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

16. No development or demolition shall take place until the applicant has secured the implementation and submission of a report on a programme of archaeological works. That programme of archaeological works should be undertaken in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority prior to works taking place. The WSI must include:

- a. A phased programme and methodology of site investigation and recording.

- b. A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest.
- c. Provision for appropriate publication and dissemination of the archaeology and history of the site;
- d. Provision for archive deposition of the report, finds and records of the site investigation; and
- e. Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

Reason: This matter is fundamental to safeguard archaeological features during construction and in the interests of archaeological investigation or recording and to comply with Policy CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

17. All hard and soft landscape works shall be carried out in accordance with the approved details shown on Drawing No. P.1519.21.04 Rev B Sheet 1 and 2 'Planting Plan.' The works shall be carried out before any part of the development is occupied or in accordance with a timetable to be agreed in writing with the Local Planning Authority prior to any development commencing. 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 unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and to comply with, Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and the National Planning Policy Framework.

18. Prior to the commencement of development, full details of the tree protection fencing shall be submitted. Details must include:
  - a. A plan showing the location of protective fencing has been submitted to and agreed in writing by the local planning authority.
  - b. All existing trees/hedges to be retained on site, including the four trees to be retained in G1 in condition 19 will be protected by fencing in accordance with BS5837:2012, of a minimum height of 2.3 metres;
  - c. At least five days written notice has been given to the Local Planning Authority of the intention to commence development. The protective fencing referred to in parts (a) and (b) shall be in place prior to the written notice of the start of development being given to the Local Planning Authority and shall be retained in place until the development is complete.

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

The protective fencing must be implemented in accordance with the approved scheme prior to the commencement any works on site.

Reason: To ensure that the proper protection of trees in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core

Strategy, adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

19. Prior to the commencement of development, in order to retain a maximum number of trees within G1, a scheme shall be submitted to the local planning authority which illustrates how this will be achieved. For the avoidance of doubt, at least 4 trees identified for removal can be retained with a suitable no dig methodology. Suitable methods such as no dig/cell web systems and porous surfacing construction can take place in this area. The submitted methodology should include that the work shall be overseen by the project arboriculturist and in line with BS 5837 recommendations.

Reason: To ensure that the proper protection of trees in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

20. Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to the local planning authority. The approved statement shall be adhered to in full for the duration of construction works.

Reason: To ensure that the proper protection of trees in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

21. No part of the proposed development hereby permitted shall be commenced until details of the proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwellings/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with Policy DQ1 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

22. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance 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 buildings, 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: In the interests of biodiversity conservation and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016.

23. Prior to the commencement of any development on site, a survey identifying the roosting potential of bats within the trees to be removed within group G1 shall be submitted to and approved in writing by the local planning authority. Any mitigation proposals advised within the report shall be implemented in full and in accordance with the stated timescales.

Reason: In the interests of biodiversity conservation and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016.

24. No above ground works shall take place prior to details of the number and location of bird nesting boxes and bat boxes/bricks to be incorporated into the scheme being submitted to and approved in writing by the local planning authority. The bird and bat boxes/bricks shall be installed in accordance with the approved details prior to the first occupation of the dwellings and shall be retained at all times thereafter.

Reason: In the interests of biodiversity conservation and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016.

25. Prior to the commencement of development, a scheme detailing the nature and method of the translocation within the site of dune helleborine will be submitted to the local planning authority. The agreed translocation process will be undertaken in accordance with the agreed method to a timescale agreed alongside the methodology.

Reason: In the interests of biodiversity conservation and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016.

26. Prior to the commencement of development, a Construction Environmental Management Plan must be submitted to and approved in writing by the local planning authority. The CEMP must include the following reasonable avoidance measures to ensure that there are no adverse effects on protected species: the following:

a. Measures to protect amphibians and reptiles by:

- i. Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians / reptiles present to move away from the affected areas;
- ii. The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians / reptiles from seeking shelter or protection within them; and
- iii. Any open excavations (e.g. foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar to prevent amphibians / reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians / reptiles.

b. Measures to protect terrestrial mammals by:

- i. A pre-commencement check for hedgehog;
- ii. All trenches and excavations should have a means of escape (e.g. a ramp);
- iii. Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- iv. Appropriate storage of materials to ensure that mammals do not use them.
- v. Provision of hedgehog highways (13cm x 13cm gaps) should be installed into any boundaries on site.

Reason: In the interests of biodiversity conservation and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016.

## **SCHEDULE 1**

| Date Received | Ref. No                                        | Version | Drawing/Document Title                                                         |
|---------------|------------------------------------------------|---------|--------------------------------------------------------------------------------|
|               |                                                |         |                                                                                |
| 30/08/2022    | PL01                                           | Rev A   | SITE LOCATION PLAN                                                             |
| 30/08/2022    | PL02                                           | Rev A   | EXISTING SITE LAYOUT                                                           |
| 18/03/2024    | PL03                                           | Rev D   | PROPOSED SITE LAYOUT                                                           |
| 27/01/2023    | PL07                                           | Rev B   | UNIT B ELEVATIONS & SECTION                                                    |
| 27/01/2023    | PL09                                           | Rev B   | UNIT C ELEVATIONS & SECTION                                                    |
| 27/01/2023    | PL11                                           | Rev B   | UNIT D ELEVATIONS & SECTION                                                    |
| 27/01/2023    | PL13                                           | Rev B   | UNIT E ELEVATIONS                                                              |
| 15/03/2024    | PL06                                           | Rev C   | UNIT B PLANS (FLOOR PLANS)                                                     |
| 15/03/2024    | PL08                                           | Rev C   | UNIT C PLANS (FLOOR PLANS)                                                     |
| 15/03/2024    | PL10                                           | Rev C   | UNIT D PLANS (FLOOR PLANS)                                                     |
| 15/03/2024    | PL12                                           | Rev C   | UNIT E PLANS (FLOOR PLANS)                                                     |
| 18/03/2024    | PL14                                           | Rev C   | PROPOSED BOUNDARY TREATMENT                                                    |
| 18/03/2024    | P1519.21                                       | Rev B   | LANDSCAPE MANAGEMENT PLAN                                                      |
| 18/03/2024    | PL15                                           | Rev B   | PROPOSED RENEWABLES LAYOUT                                                     |
| 30/05/2024    | P.1519.21                                      | Rev C   | Arboricultural Impact Assessment                                               |
| 20/02/2023    | 10457.2                                        | Rev A   | Apex Acoustics, Proposed Units, Fallows Way, Prescott, Noise Impact Assessment |
| 18/03/2024    | P1519.21.04                                    | Rev B   | Planting Plan Sheet (Sheet 1 of 2)                                             |
| 18/03/2024    | P1519.21.04                                    | Rev B   | Planting Plan Sheet (Sheet 2 of 2)                                             |
| 26/03/2024    | XX-HML-XX-ZZ-RP-U-880001                       | P01     | PROTECTED SPECIES REPORT                                                       |
| 30/08/2022    | 0924.HI.08.09.2022<br>Health Impact Assessment | -       | HEALTH IMPACT ASSESSMENT                                                       |
| 30/08/2022    | 0924.ESS1.16.08.2022                           | -       | ECONOMIC STATEMENT                                                             |
| 30/08/2022    | 0924.ESS1.16.08.2022                           | -       | ENERGY & SUSTAINABILITY REPORT                                                 |
| 30/08/2022    | 21686-FRDS-001                                 | -       | FLOOD RISK AND DRAINAGE SUMMARY                                                |
| 30/08/2022    | 0924-AS01                                      | -       | DESIGN AND ACCESS STATEMENT                                                    |
| 30/08/2022    | -                                              | -       | PLANNING STATEMENT                                                             |

#### **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)

EC2 – Site Allocated for Employment Development

EC3 - Primarily Industrial Areas

T5 – Location of Major Traffic Generating New Development

T7 – New Development and Walking & Cycling Routes  
T8 - Transport Assessments  
T9 - Travel Plans  
DQ2 - Security in the Built Environment  
DQ4 - Trees and Development  
ENV2 - Noise and Vibration  
ENV3 – Light and Pollution  
ENV5 - Contaminated Land

Knowsley Local Plan Core Strategy (January 2016)

SD1- Sustainable development  
CS1 – Spatial Strategy for Knowsley  
CS2 - Development Principles  
CS4 – Economy and Employment  
CS7 - Transport Networks  
CS8 – Green Infrastructure  
CS19 - Design Quality and Accessibility in New Development  
CS20 – Managing the Borough's Historical Environment  
CS21 – Greenspace and Trees  
CS22 – Sustainable and Local Carbon Development  
CS24 - Managing Flood Risk  
CS26 – Waste management  
CS27 - Planning and Paying for New Infrastructure

Merseyside Waste Local Plan (2013)

WM8 – Waste Prevention and Resource Management  
WM9 – Sustainable Waste Management Design and Layout for New Development

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

1. It is an offence to carry out any works within the public highway without the permission of the Highway Authority. The grant of planning permission will require the developer to enter into an agreement under s278 of the Highways Act 1980 with the Council. The applicant is advised to contact the Site Development Team at [SiteDevelopment@knowsley.gov.uk](mailto:SiteDevelopment@knowsley.gov.uk) to discuss the matter further.
2. See attached letter from Merseyside Fire & Rescue Service dated 9th February 2023.
3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

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](http://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](http://www.gov.uk/government/organisations/the-coal-authority)

**Executive Director - Regeneration and Economic Development**

**Date: 17 March 2025**

DRAFT

### **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.

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

Email:  
dcconsultations@knowsley.gov.uk

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

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

Your ref: 22/00537/FUL

Our ref: 00507685/984187/AH/LC

Date: 9th February 2023

Dear Sir/Madam,

**THE TOWN AND COUNTRY PLANNING ACT 1990**  
**PLANNING APPLICATION NUMBER REF: 22/00537/FUL**  
**PROPOSAL: ERECTION OF 5 NO. INDUSTRIAL BUILDINGS COMPRISING OF 12 NO.**  
**UNITS (USE CLASS E(g)) AND 1 NO. UNIT (USE CLASS B2) TOGETHER WITH**  
**OTHER ASSOCIATED WORKS**  
**ADDRESS: Ellison Travel Services Fallows Way Whiston L35 1RZ**

**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.

**\* 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.

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 2000m<sup>2</sup>, 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).

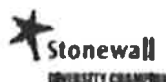
Dead-end access routes longer than 20m require turning facilities (eg a turning circle or hammer head, or other turning point).

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 m<sup>2</sup> 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 900m<sup>2</sup> 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 280m<sup>2</sup> 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.

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## 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.



## **ANNEX 2 The Plan**

## **ANNEX 3**

### **The Approved Social Value Strategy**

# Social Value Through Planning

## Social Value Weeks

Date:

04/10/2022

Planning Reference:

22/00537/FUL

Address:

Ellison Travel Services , Fallows Way, Whiston, L35 1RZ

Development Overview:

ERECTION OF 5 NO. INDUSTRIAL BUILDINGS COMPRISING OF 12 NO. UNITS (USE CLASS E(g)) AND 1 NO. UNIT (USE CLASS B2) TOGETHER WITH OTHER ASSOCIATED WORKS

### Planning / Development information

| Planning Classes        | Development Type    | Area m <sup>2</sup> |
|-------------------------|---------------------|---------------------|
| B2 - General industrial | Industrial building | 5,062               |

### Social Value Contribution

| EET/Social weeks forecast | End use opportunity potential   | Financial Contribution |
|---------------------------|---------------------------------|------------------------|
| 63                        | Medium                          | £6,327                 |
|                           | Social Value Contribution (60%) | £3,796                 |
|                           | Social Value Monitoring (40%)   | £2,531                 |

### Key Contacts

| LA Planning | Developer | Fusion21      |
|-------------|-----------|---------------|
| Mark Cawood | TBC       | Sarah Maguire |

*This forecast has been produced using Fusion21's bespoke target forecasting model. This uses building prices per M<sup>2</sup> by planning class sourced from Spon's Architects and Builders Price Book to forecast the labour requirements of the development. The target number of weeks (termed 'Employment and Skills' or 'Social Value' weeks) is driven by regional historical information, CSN data from CITB and LMI data indicating future skills gaps.*

*All data is updated annually to reflect any fluctuations in building price and industry predictions.*



TUSHINGHAM'S LAKE

LIVERPOOL FWDC

FALLOWS WAY

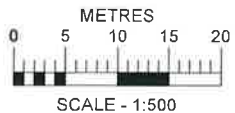
- Proposed Buildings
- Tarmac / HRA
- Tarmac Car / Motorcycle / Bicycles Parking Spaces
- Tarmac footpaths
- Landscaping Areas

Notes | Sketch schemes may be based on plan information of unknown origin and is subject to verification and survey. Contractors must verify all dimensions on site before commencing any work or shop drawings. This drawing is not to be scaled. Use figured dimensions only. Ensure digital versions are plotted at "Actual Size". Building areas are liable to adjustment over the course of the design process due to ongoing construction detailing developments. Subject to statutory approvals and survey. The bar above is to check that the drawing has been printed to scale.

|                                                 |                                        |                                   |
|-------------------------------------------------|----------------------------------------|-----------------------------------|
| SITE AREA                                       |                                        | 3.67 Acres                        |
| Block A                                         | 01- 87.5m <sup>2</sup> (940 sq ft)     |                                   |
|                                                 | 02- 87.5m <sup>2</sup> (940 sq ft)     |                                   |
|                                                 | 03- 87.5m <sup>2</sup> (940 sq ft)     |                                   |
| Total -                                         |                                        | 262.5m <sup>2</sup> (2,820 sq ft) |
| Block B                                         | 04- 81.5m <sup>2</sup> (880 sq ft)     |                                   |
|                                                 | 05- 140m <sup>2</sup> (1,500 sq ft)    |                                   |
|                                                 | 06- 140m <sup>2</sup> (1,500 sq ft)    |                                   |
| Total -                                         |                                        | 361.5m <sup>2</sup> (3,880 sq ft) |
| Block C                                         | 07- 140m <sup>2</sup> (1,500 sq ft)    |                                   |
|                                                 | 08- 140m <sup>2</sup> (1,500 sq ft)    |                                   |
|                                                 | 09- 140m <sup>2</sup> (1,500 sq ft)    |                                   |
|                                                 | 10- 140m <sup>2</sup> (1,500 sq ft)    |                                   |
|                                                 | 11- 140m <sup>2</sup> (1,500 sq ft)    |                                   |
| Total -                                         |                                        | 700m <sup>2</sup> (7,500 sq ft)   |
| Block D                                         | 12- 232m <sup>2</sup> (2,500 sq ft)    |                                   |
| Block E                                         | 13- 3,075m <sup>2</sup> (33,070 sq ft) |                                   |
| Plus 185m <sup>2</sup> (1,991 sq ft) FF Offices |                                        |                                   |
| TOTAL                                           | 4,816m <sup>2</sup> (51,839 sq ft)     |                                   |

|                                                                      |               |
|----------------------------------------------------------------------|---------------|
| PARKING                                                              |               |
| Blocks A-D                                                           | 39 car spaces |
| Blocks E                                                             | 48 car spaces |
| TOTAL                                                                | 87 car spaces |
| Total motorcycle parking spaces = 6 (min 1 per 1,000m <sup>2</sup> ) |               |
| Total cycle spaces = 17 (min 1 per 450m <sup>2</sup> )               |               |

*S. Bickerton*



|                                                       |            |                              |                          |         |
|-------------------------------------------------------|------------|------------------------------|--------------------------|---------|
| A 08.11.2021                                          |            | Scale bar added              | ML                       | ML      |
| Rev                                                   | Date       | Description                  | Drawn                    | Checked |
| Project Falls Way, Prescott                           |            |                              |                          |         |
| Drawing Proposed Site Layout                          |            |                              |                          |         |
| Client Allied Properties                              |            |                              |                          |         |
| BIM Suitability Description: SUITABLE FOR INFORMATION |            |                              | BIM Suitability Code: 52 |         |
| Scale:                                                | Planning   | 2 Riverside Way              | 320 City Road            |         |
| Date:                                                 | 20/08/2021 | Whitehall Waterfront         | Angel                    |         |
| Drawn:                                                | ML         | LEEDS                        | LONDON                   |         |
| Checked:                                              | GE         | 10113 8118 8041              | 10113 8118 8042          |         |
| Scale:                                                | 1:500      | www.edwardarchitecture.co.uk |                          |         |
| Project 0924 - EA - A - PL03 - B                      |            | Original                     | Drawn                    | Rev     |

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