



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 22/00505/FUL

Name and address of applicant

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

Name and address of agent

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

Date of Receipt: 16 August 2022

Date Valid: 19 August 2022

Address/Location Of Development:

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

Description of Development:

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

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

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

Reason: For the avoidance of doubt.

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

Reason: For the avoidance of doubt, in the interests of amenity and highway safety and to comply with Policies CS2 and CS19 Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

3. During the construction period no works and no deliveries or removal of materials shall take place outside the hours of 0800 to 1800 Monday to Friday (excluding Public Holidays), 0800 to 1300 Saturday and not at all on Sundays and Public Holidays.

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

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

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

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

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

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

Reason: To ensure that risks from land contamination are dealt with if arising in the interests of safety and the environment and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

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

Reason: To ensure that contaminated land is not introduced onto the site in the interests of safety and the environment and in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

8. Fixed plant and machinery associated with the development shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS4142:2014, Methods for rating and assessing industrial and commercial sound.

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

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

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

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

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

The information submitted must include:

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

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

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

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

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

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

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

13. Within 3 months of the first occupation of whichever of Unit 6A or Unit 6B is first occupied, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority for all units built or to be built pursuant to outline planning permission 19/00337/OUT. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car for the development approved pursuant to outline planning permission 19/00337/OUT. For the avoidance of doubt, the Travel Plan shall include

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

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

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The report shall include a review of the Travel Plan measures, monitoring data and updated action plan.

Reason: To maximise opportunities for travel by modes of transport other than the private car, to ensure that the development is sustainable and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

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

All charge points shall be:

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

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

Reason: In the interests of air quality, promoting sustainable travel opportunities and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and NPPF Para 110.

16. All hard and soft landscape works shall be carried out in accordance with the details shown on the drawings approved for reserved matters approval 20/00146/REM. The works shall be carried out within this current planting season (October 2022 - March 2023) and establishment / maintenance works carried out in accordance with the approved details and the works for Units 6a and 6B carried out following substantial completion of works. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

SCHEDULE 1

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

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

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

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS4 - Economy and Employment

CS11 - Principal Regeneration Area - Knowsley Industrial and Business Parks

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

EC3 - Primarily Industrial Areas

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

ARTICLE 35 STATEMENT

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

NOTE FOR APPLICANT:

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

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

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

Executive Director - Regeneration and Economic Development

Date: 30 November 2022

IMPORTANT NOTES FOR YOUR ATTENTION:

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

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.