

MADDOX PLANNING

PLANNING STATEMENT

LONDON & MANCHESTER
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Academy Business Park, Knowsley
Units 6B(1) and 6B(2)
August 2022

Description of development

Erection of 1no. retail / food unit (Class E(a)/E(b)/Sui Generis (Hot Food Take-Away)) and 1no. drive thru unit (Class E(a)/E(b)/Sui Generis (Hot Food Take-Away)) together with car parking, landscaping and associated works.

Type of application

Full planning application

Applicant

ORBIT INVESTMENTS (PROPERTIES) LIMITED

List of supporting documents

1. Cover letter
 2. Drawing pack from Orbit developments comprising
 - Site location plan ref: 1373-PL-2001 (at 1:1,250 scale)
 - Site location plan ref: 1373-PL-2002 (at 1:500 scale)
 - Proposed site plan ref: 1373-PL-2003 (at 1:1,250 scale)
 - Proposed site plan ref: 1373-PL-2004 (at 1:500 scale)
 - Proposed site plan ref: 1373-PL-2005 (at 1:200 scale)
 - Proposed hard landscaping plan ref: 1373-PL-2006 (at 1:200 scale)
 - Proposed unit plan ref: 1373-PL-2007 (at 1:50 scale)
 - Proposed roof plan ref: 1373-PL-2008 (at 1:50 scale)
 - Proposed elevations ref: 1373-SCH-2009 (at 1:50 scale)
 3. Design and Access statement
 4. Landscape proposals
 5. Planning statement
 6. Transport Statement
 7. Phase II ground conditions report (Review 1)
 8. Phase II ground conditions report (Review 2)
 9. Noise impact assessment
 10. Surface water drainage strategy
 11. Construction management plan
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Development plan

The adopted development plan comprises:

1. Knowsley Local Plan Core Strategy, adopted 2016
2. Knowsley Replacement Unitary Development Plan (saved policies), adopted 2006

3. Merseyside and Halton Joint Waste Local Plan, adopted July 2003
4. Adopted proposals map, incorporating amendments made following the adoption of the Waste Local Plan in July 2013 and the Local Plan Core Strategy in 2016

The emerging development plan comprises:

1. None being prepared

Policies map

The following designations on the policies map are particularly relevant:

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

Planning policies

The following adopted planning policies are particularly relevant:

Document	Policy number	Policy title	Referred to in paragraph number of this statement
LPCS	SD1	Sustainable Development	3.45, 4.2, 4.4
LPCS	CS1	Spatial Strategy for Knowsley	-
LPCS	CS2	Development Principles	3.2, 3.5
LPCS	CS4	Economy and Employment	3.12, 3.13, 3.39, 3.45
LPCS	CS6	Town Centres and Retail Strategy	3.12, 3.39
LPCS	CS11	Principal Regeneration Centre: Knowsley Industrial and Business Parks	3.45
LPCS	CS19	Design Quality and Accessibility in New Development	2.8, 3.50
LPCS	CS22	Sustainable and Low Carbon Development	3.45, 4.2, 4.4
UDP	CP1	Regeneration and Development Priority Areas	3.12, 4.2
UDP	CP3	Development Quality	2.8, 3.50
UDP	EC2	Sites Allocated for Employment Development	1.2, 1.3, 1.5, 3.45, 4.2
UDP	EC3	Primarily Industrial Areas	1.2, 1.3, 1.5, 3.45, 4.2
UDP	S1	Retail and Town Centre Development Strategy	3.2-3.39, 4.2
UDP	S8	Location of Development for Town Centre Uses	3.2-3.39, 4.2
UDP	T8	Transport Assessments	2.13, 3.40-3.42, 4.2
UDP	T9	Travel Plans	-

UDP	T10	Access for the Less Mobile	2.13, 3.40-3.42, 4.2
UDP	DD1	Design Quality in New Development	2.8, 3.50
UDP	DD2	Security in the Built Environment	2.8, 3.50
UDP	DD3	Gateway Sites and Corridors	3.12, 4.2

Other material considerations

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

1. Delivering a New Future for Knowsley Industrial Park – Strategic Framework, August 2010
2. National Planning Policy Framework, July 2021 – particularly paragraphs 7-11, 38, 81, 83, 86-91
3. National Planning Policy Guidance – particularly paragraphs reference ID: 2b-009/011/012/014/015-20190722 (22/07/2019)

Relevant planning decisions

Reference	Description	Status/decision date	Referred to in paragraph number of this statement
19/00337/OUT	Outline planning application for the demolition of weighing station and the erection of 5 industrial units (use class B1(c)/ B2/B8); 7 trade counter units (B8 use); 1 self-storage facility (B8 use); 1 retail/food unit (use class A1/A3/A5) and 1 drive-thru unit (use class A1/A3/A5) together with car parking and associated works	Approved subject to conditions and legal agreement 26/02/20	2.1, 2.3, 2.5, 2.7, 2.10, 2.16, 3.18, 3.27, 3.30, 3.31, 3.34, 3.37, 3.42, 3.51, 3.52, 3.53 Appendix 1
20/00146/REM	Application for approval of reserved matters pursuant to outline planning permission outline planning permission 19/00337/OUT - for the demolition of weighing station and the erection of 5 industrial units (use class B1(c)/B2/B8); 7 trade counter units (B8 use); 1 self-storage facility (B8 use); 1 retail/food unit (use class A1/A3/A5) and 1 drive-thru unit (use class A1/A3/A5) together with car parking and associated works - - approval sought for landscaping	Approved subject to conditions 12/06/2020	2.10, 2.16
19/00337/NMA	Application for a non-material amendment following grant of planning permission 19/00337/OUT outline planning application for the demolition of weighing station and the erection of 5 industrial units (use class B1(c)/B2/B8); 7 trade counter units (B8	Approved subject to conditions 07/10/2020	2.5 Appendix 2

	use); 1 self-storage facility (B8 use); 1 retail/food unit (use class A1/A3/A5) and 1 drive-thru unit (use class A1/A3/A5) together with car parking and associated works. (approval sought to amend the pitch roof and to include roof lights to units 1d and 1e)		
19/00337/NMA1	Application for a non-material amendment following grant of planning permission 19/00337/OUT (outline planning application for the demolition of weighing station and the erection of 5 industrial units (use class B1(c)/B2/B8); 7 trade counter units (B8 use); 1 self-storage facility (B8 use); 1 retail/food unit (use class A1/A3/A5) and 1 drive-thru unit (use class A1/A3/A5) together with car parking and associated works) to allow for amendment to approved plans relating to the re-siting of units 1f - 1h and alterations to the car parking layout)	Approved subject to conditions 06/01/2022	2.5 Appendix 3
20/00467/FUL	Erection of 6 no. industrial units (use class B1(c)/B2/B8) and 5 no. trade counter units (use class B8) together with car parking, landscaping and associated works	Approved subject to conditions and legal agreement 30/07/2021	2.1, 2.5, 2.10, 2.16 Appendix 4
22/00302/FUL	Use of 3 no. units for flexible use of class E(g) use or class B2 use or class B8 use or class B8 use with trade counters.	Validated 29/06/2022	2.5
tbc	Removal of condition 16 from planning permission 19/00337/OUT <i>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</i>	Pending validation 23/08/2022	2.6, 2.10

Contents of this statement

1. Site and area description
2. Proposed development
3. Considerations
4. Conclusions

Appendices

1. Planning permission ref: 19/00337/OUT – decision notice
2. NMA ref: 19/00337/NMA – decision notice
3. NMA ref: 19/00337/NMA1 – decision notice
4. Planning permission ref: 20/00467/FUL – decision notice

1.0 Site and area description

- 1.1 The site address is Unit 6B(1) and 6B(2), Academy Business Park, Lees Road, Knowsley, L33 7BY. The 0.28ha site is part of Academy Business Park.
- 1.2 Academy Business Park is part of a broader employment area, Knowsley Industrial Park. It is located some 1.3km to the east of Kirkby and 1.0km to the west of Knowsley. M57 J4 and the A580 are 1.5km to the south, providing access to the motorway and trunk road network.
- 1.3 Academy Business Park is being developed as a modern commercial and employment area. It is previously developed land, and new floorspace is being built on what was formerly hardstanding and in-part grassland. The applicant has constructed eight single storey employment units on a speculative basis, intended for Class B8 use. These adjoin Lees Road and comprise two terraces of units: 1F to 1H¹ with a total GIA of 1,025 sq. m and units 6C to 6G² with a total GIA of 1,860 sq. m. Units 1F to 1H are orientated north-south and units 6C-6G to the south of these face southwest-northeast.
- 1.4 Screwfix has occupied unit 6G and other prospective tenants have entered into agreements for units 6E and 6F. The remaining units are currently being marketed.
- 1.5 The immediate area is primarily commercial, with a mix of employment and residential areas beyond. To the south of the site are County Road (A5208) and an adjoining Costa drive-thru. To the west are other areas of the business park, and beyond this Arbour Lane. To the south of County Road and west of Arbour Lane is primarily residential. To the north of the site are further areas of the business park. Beyond this, and to the east beyond Lees Road is the wider Knowsley Industrial Park. Boundaries are defined by palisade fencing.
- 1.6 Access and egress are from the roundabout at the western end of County Road. Parking would be provided to the north of the proposed units.
- 1.7 The site is entirely within flood zone 1 (the least probability of flooding). There are no buildings on site or nearby that are statutorily listed as heritage assets. The site is not in a conservation area, and there is no conservation area nearby. The site and its immediate surroundings are not identified on Natural England maps of being of any specific value. There are no public rights of way affecting the site. The site is not located within an air quality management area.

¹ Planning permission 19/00337/OUT

² Planning permission 20/00467/FUL

2.0 Proposed development

- 2.1 A planning application is submitted for development of two commercial units for Class E(a)/Class E(b)/Sui Generis (Hot Food Take-Away) use, one of which would be a drive thru. The two commercial units are a substitute for a single larger Class E unit which is shown on the approved drawings that are referenced in the conditions attached planning permissions 19/00337/OUT (as amended) and 20/00467/FUL. The existing unit is also shown on the drawings submitted with a planning application made under S73 of the Town and Country planning Act 1990 which is seeking to remove condition 16 from planning permission 19/0337/FUL.
- 2.2 The description of development is:
- Erection of 1no. retail / food unit (Class E(a)/E(b)/Sui Generis (Hot Food Take-Away)) and 1no. drive thru unit (Class E(a)/E(b)/Sui Generis (Hot Food Take-Away)) together with car parking, landscaping and associated works.*
- 2.3 The floorspace of approved unit 6B is 186.0 sq. m GIA. The combined floorspace of proposed unit 6B(1) 92.9 sq. m GIA and unit 6B(2) 130.1 sq. m GIA totals 223.0 sq. m GIA. This is 37 sq. m greater than the approved development, which is of no material significance in the context of unit 6B and de minimis in the context of the overall Academy Business Park site. 37 sq. m GIA is only 0.4% of the floorspace approved under planning permission 19/00337/OUT.
- 2.4 The applicant has received a number of inquiries for occupation of units 6A and 6B and there is potential to satisfy the requirements of three potential occupiers through a reconfiguration of approved unit 6B into two units 6B(1) and 6B(2).
- 2.5 There is no proposed change to the development granted under planning permission ref: 19/00337/OUT save for: the changes to units 1A to 1C and 6C to 6G secured through the grant of planning permission ref: 20/00467/FUL; reflecting non-material amendments to ref: 19/00337/OUT (ref: 19/00337/NMA and ref: 19/00337/NMA1); and having regard to planning application ref: 22/00302/FUL which seeks to change the use of units 1F – 1H from Class B8 to Class E(g) / B2 / B8 use.
- 2.6 The proposed development is also consistent with reserved matters approval ref: 20/00146/REM, and conditions already discharged. Any new planning permission granted will also have wider consistency with any planning permission granted pursuant to a S73 planning application which is pending validation.

Layout, scale and massing

- 2.7 The layout, scale and massing will be a variation on that shown on the drawings that planning permission ref: 19/00337/OUT references. Units 6B(1) and 6B(2) sit squarely on the site, in contrast with the rectangular form of unit 6B. The drive-thru lane serving unit 6B(1) is routed from the north-east corner of the site, around the southern elevation of the proposed building and exists the onto the wider Academy Business Park internal road network in the south-west corner of the current proposal, between the 6B units and already approved unit 6A. The main customer entrances are in the west elevation of the building, which is consistent with the approved unit 6B. The pedestrian access from Country Road is maintained. The car park is reorganised, and a drive-thru land is introduced. The service lay-by remains in the same location.
- 2.8 The proposed new build floorspace is designed so as to perform efficiently and effectively the intended function of mixed commercial uses. The design is purposely efficient in the interests of facilitating the

appropriate future use of previously developed land, such that the site can be returned to active use after having fallen vacant.

- 2.9 The scale and massing of the proposed new build floorspace is entirely in keeping with its surroundings, the existing building on the Wynsors site and the part-implemented planning permissions on the main site.

External appearance

- 2.10 The external appearance will as appropriate be consistent with extant planning permissions ref: 19/00337/OUT and ref: 20/00467/FUL, with reserved matters approval ref: 20/00146/REM, with conditions already discharged and with any planning permission granted pursuant to a S73 planning application that is currently pending validation.

Landscaping

- 2.11 Proportionate hard and soft landscaping is proposed consistent with the character of the area and the mixed commercial development for which planning permission is sought.

Access and parking

- 2.12 Vehicle ingress/egress is from the Academy Business Park internal road network, connecting with the highway at Lees Road and the County Road roundabout. Pedestrian access is also from County Road and the wider Academy Business Park site. Parking for both units is in the shared parking area between the units and the trade counters to the north, and to the north of unit 6A adjacent the internal access road. This represents an appropriate level of provision to serve the proposed development and includes two accessible spaces. Three cycle stands are provided in two locations to the north-west (customers) and north east of the proposed units (employees). This provides a total of six cycle parking spaces across the proposed development.
- 2.13 The submitted transport statement concludes that the proposed development is entirely acceptable on highways grounds.

Accessibility

- 2.14 The proposed development will incorporate level access and two accessible parking spaces are provided.

Refuse and servicing

- 2.15 The proposed development can be effectively service by delivery vehicles and refuse vehicles, from the internal access roads of the wider business park and utilising the dedicated service layby.

Other matters

- 2.16 Other matters will be consistent with planning permissions 19/00337/OUT and ref: 20/00467/FUL, with reserved matters approval ref: 20/00146/REM, with conditions already discharged and with any planning permission granted pursuant to a S73 planning application that is currently pending validation.

3.0 Considerations

- 3.1 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. This section therefore assesses the proposal against the development plan policies outlined above and examines relevant material considerations where appropriate. The assessment draws upon the suite of application documents listed at Section 1 of this statement.
- 3.2 The main planning considerations are: a) the principle established by existing planning permission and part-implemented developments; b) the sequential test for main town centre uses; c) parking; and d) a pro-active approach to planning.
- 3.3 The retail impact test does not apply. CS paragraph 5.56 sets out that an impact assessment is required ‘...if the development exceeds 2,500 sq. m’. The proposed development is for 223 sq. m and only 37 sq. m more than that permitted already on this part of the Academy Business Park site.
- 3.4 It is questionable whether it is appropriate to subject the proposed development given the context of the site and the minimal proposed uplift in floorspace from that granted already. The direction of the Planning Practice Guidance on application of the sequential test being proportionate and appropriate for the given proposal is detailed below. A sequential test is completed for completeness.

Principle of development

- 3.5 There can be no doubt that the principle of retail development is established, through a combination of part-implemented planning permissions and site history.

Sequential test for main town centre uses

- 3.6 Paragraph 87 of the Framework deals with the sequential test and states that:
- ‘Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered’.*
- 3.7 Paragraph 91 of the Framework states that:
- ‘Where an application fails to satisfy the sequential test ... it should be refused’.*
- 3.8 The Planning Practice Guidance provides further detail on how the sequential test should be used in decision making:
- ‘It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority is expected to support the applicant in undertaking the sequential test, including sharing any relevant information. **The application of the test will need to be proportionate and appropriate for the given proposal.** Where appropriate, the potential suitability of alternative sites will need to be discussed between the developer and local planning authority at the earliest opportunity’. [our emphasis]*
- 3.9 A checklist sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

- with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.
- is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- if there are no suitable sequentially preferable locations, the sequential test is passed.

3.10 It goes on to say that:

'In line with paragraph 86 [sic³] of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account'.

3.11 Its final clarification is that compliance with the sequential and impact tests does not guarantee that planning permission will be granted; all material considerations will need to be considered in reaching a decision.

Paragraph: 011 Reference ID: 2b-011-20190722 of the Planning Practice Guidance (22 July 2019)

3.12 CS policy CS6 sets out that proposals for retail and other main town centre uses outside the above centres will only be permitted if they would complement regeneration opportunities, avoid significant impact upon the viability and vitality of the town, district and local centres, and comply with the sequential test in CS policy CS4. Policy CS4 states that:

'A sequential approach to site selection shall be applied with locations in existing town, district and local centres of an appropriate scale being considered first, then edge of centre locations and then only if suitable sites are not available should out of centre sites be considered. For edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre'.

3.13 Policy CS4 is broadly consistent with paragraph 87 of the Framework.

Defining a catchment area

3.14 The Planning Practice Guidance is instructive in considering an appropriate catchment area for the proposed development. It states that:

'Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations'.

Paragraph: 011 Reference ID: 2b-012-20190722 of the Planning Practice Guidance (22 July 2019)

3.15 The proposed development is a reconfiguration of a planning permission already granted with marginal uplift in floorspace (of 37 sq. m GIA) and is a direct response to interest in the site from potential occupiers. The proposed development and intended uses would also enhance the attractiveness and offer of the immediate

³ Paragraph 87 in the July 2021 version of the National Planning Policy Framework

area, to the benefit of businesses and employees locally and particularly those working in commercial premises that adjoin the site.

- 3.16 The scale of the development means that it will likely serve primarily pass-by/incidental trade, with visits in the main forming part of existing journeys, rather than the floorspace generating any significant number of visits in its own right. The applicant is seeking a planning permission that responds directly to the potential offered for securing occupiers pursuant to the redevelopment of an important brownfield site that has remained out of use some considerable time. The objective and purpose of the proposed development does not readily translate to any other location and does not translate to a town centre location. A town centre location is not well suited to a development that includes a drive-thru facility. This local planning authority has already agreed with this, in granting planning permission for development at the site.
- 3.17 Despite the nature of the proposed development, limited uplift in floorspace over that granted planning permission already and it being a direct response to operator requirements for this site, it is accepted that the proposal falls within the definition of main town centre uses and the sequential test applies. In the interests of addressing the sequential test requirements of local and national policy, consideration is given to the availability and suitability of sites locally.
- 3.18 The retail assessment submitted with parent planning permission 19/00337/OUT considered the suitability and availability of sites in Kirkby town centre, the South Boundary Road Service Hub, Bewley Drive/Broad Lane local centre and Old Rough Lane local centre. The same are considered here, out of consistency.
- 3.19 Consideration is informed by a site visit to the centres and their surroundings, undertaken in August 2022.
- 3.20 In the context of the Planning Practice Guidance advice on particular market and locational requirements, it is clear that it is not necessary to address alternative locations beyond those considered.
- 3.21 The nature of the uses proposed in serving pass-by trade means that it is not possible to define a customer catchment area for these elements of proposed development as would typically be done for a specific town centre use serving a discrete and definable local catchment area. Rather it is sensible to consider from where else these uses could serve local businesses and those using the local strategic road network.
- 3.22 There is no scope to define a catchment area for the proposed development in a typical sense, given the likely high proportion of incidental linked trips made from diverse start points including journeys by employees of local businesses, delivery drivers, commuters and others. Instead the focus is on whether there is a suitable and available site or premises within defined centres nearby.

Flexibility in format

- 3.23 Case law on disaggregation is clear that there is no requirement to separate out elements of main town centre uses for the purposes of the sequential test. This means that it is reasonable to restrict consideration of alternatives to sites that which could accommodate the new build floorspace as proposed. Any alternative must be suitable for floorspace intended to be used within Class E(a) or Class E(b) or as a Sui Generis (Hot Food Take-away) use, with a drive-thru facility provided for unit 6B(1).
- 3.24 The consideration of alternative sites and premises is undertaken in the context of what would reasonably be considered an appropriate degree of flexibility in format, consistent with national guidance. An accepted approach to flexibility in format is a 10% threshold either side of the combined GIA. In this instance this translates to 10% either side of 223 sq. m and sites capable of accommodating main town centre uses floorspace of between 200 sq. m GIA and 250 sq. m GIA. This approach is justifiable and in accordance with the Framework.

- 3.25 Reference can be made to Secretary of State decisions. In Tollgate, 2017⁴ the SOS agreed with the Inspector who concluded that ‘...whilst a sequentially preferable site need not be capable of accommodating exactly the same as what is proposed, it must be capable of accommodating development which is closely similar to what is proposed’ (paragraph 12.3.20). Similarly in Handforth Dean, 2019⁵ the Inspector references Tollgate and notes at paragraph 9.192 that an alternative site should have an offer that ‘...is reasonably or closely similar’. Again the SOS agreed with this position.
- 3.26 For an alternative to the application site to be considered suitable, it must be able to accommodate commercial floorspace suitable for use within Class E, with a drive-thru facility. Adjacent customer parking must also be available. This is consistent with the closely similar conclusion reached in both the Tollgate and Handforth Dean SOS decisions.

Alternative sites

- 3.27 Five new potential alternative sites were found within Kirkby Town Centre and South Boundary Road Service Hub, beyond those identified in the sequential test that was undertaken to inform determination of parent planning permission 19/00337/OUT. For completeness, a review of the alternative sites discussed in the previous sequential test is also undertaken. These are set out below. No potential alternative sites were found in, or immediately adjacent to, Bewley Drive/Broad Lane local centre or Old Rough Lane local centre.

Kirkby Town Centre

- 3.28 **Barclaycard House, Norwich Way, Kirkby, L32 8UG** – approximately 4,565 sq. m GIA. The site is approximately 1.5 km from the application site. The site is located in Kirkby Town Centre as identified on Knowsley Council interactive policies map. This is a detached six storey office building and adjacent to a 350 space multistorey car park area. The site is available and marketed on Rightmove and Realla. The floorspace of the office building across six floors significantly exceeds the upper threshold of the sequential unit/site search. The property is marketed as leasehold and it is understood that the landlord is not intending to make any significant layout changes on-site (i.e. demolish the building). The site is not suitable as the building could not accommodate the proposed development in that the existing layout is inflexible and would not feasibility fit a drive-thru facility. In addition, the site does not meet the locational factors which underpinned the parent permission (i.e. proximity to the A5207, A5208 and A580). The site is discounted on this basis.
- 3.29 **Site of Former Kirkby Library and Offices Newtown Gardens, Kirkby, L32 2AA** – approximately 0.53 hectares (5,000 sq. m). The site is approximately 1.3 km from the application site. The site is located in Kirkby Town Centre as identified on Knowsley Council interactive policies map. There is an extant planning permission for redevelopment of the site. Planning permission ref: 20/00400/KMBC1 was granted on 11 November 2020 for ‘*erection of a 3 storey building for use as a multi-screen cinema (sui generis use) and 3 no. Food and drink units (for use as cafés or restaurants (use class e) or pubs or drinking establishments (sui generis use), outdoor seating area, service yard, car parking area, revised access to service yard and car parking area, hard and soft landscaping and other associated works*’. The site visit confirmed there are not active works being undertaken on-site. A review of the planning permission planning statement confirms that the units sizes fall outside of the sequential unit/site search. The permitted composition of development is not consistent with the Academy Business Park proposal and would accommodate the proposed development, particularly when considering the drive-thru facility and its additional take up of land.
- Restaurant/food and drink Unit 01 – 314 sq. m
 - Restaurant/food and drink Unit 02 – 344 sq. m
 - Restaurant/food and drink Unit 03 – 599 sq. m
 - Cinema lobby (access to all floors) – 87.5 sq. m

⁴ APP/A1530/W/16/3147039

⁵ APP/R0660/W/19/3155191

- Cinema ground floor – 1,459 sq. m
 - Cinema first floor – 1,459 sqm (second storey)
 - Cinema second floor – 300 sq. m (third storey)
 - Total floorspace GIA 3,218 sq. m
- 3.30 In addition, the site does not meet the locational factors which underpinned the parent permission (i.e. proximity to the A5207, A5208 and A580). This justification was accepted as part of the previous assessment undertaken for the parent planning permission 19/00337/OUT. Similarly, this site is not able to meet the market needs and therefore would not be suitable. The site is discounted on this basis.
- 3.31 **Former Chad's Clinic, Kirkby, L32 8RE**– approximately 0.36 hectares (3,600 sq. m). The site is approximately 1.35 km from the application site. The site is located in Kirkby Town Centre as identified on Knowsley Council interactive policies map. The site is marketed on Invest Knowsley as a residential redevelopment opportunity. There is no relevant on-site planning history. The existing building on-site is not appropriate or suitable for the proposed development as the building would not meet the needs of the end users, nor would the existing layout appropriately fit a drive-thru facility. The site does not meet the locational factors which underpinned the parent permission (i.e. proximity to the A5207, A5208 and A580). This justification was accepted as part of the previous assessment undertaken for the parent planning permission 19/00337/OUT. Similarly, this site is not able to meet the market needs and therefore would not be suitable. The site is discounted on this basis.
- 3.32 Other sites/premises in Kirkby Town Centre which are vacant and/or advertised as available on Kirkby Town Centre website but considered not available and/or are suitable due to being of a materially different size and/or a lack of adjacent customer parking are listed below. None of these sites/premises is considered suitable, even with a reasonable degree of flexibility employed, and in some cases they are only available on a short-term basis. Sites/premises are listed for completeness, but none is considered to be a realistic alternative. These are (GIA given as approximates):
- 3 St Chad's Parade – 235 sq. m GIA – (first and second floor only)
 - 6 St Chad's Parade – 138 sq. m GIA
 - 11D St Chad's Parade – 126 sq. m GIA
 - 17 St Chad's Parade – 123 sq. m GIA
 - 18 St Chad's Parade – 245 sq. m GIA (Ground Floor 184 sq. m GIA /First Floor 61 sq. m GIA)
 - 25 St Chad's Parade – 111 sq. m GIA
 - 38 St Chad's Parade – 122 sq. m GIA
 - 40 St Chad's Parade- 120 sq. m GIA
 - St Chad's Parade Unit 72-74 – 225 sq. m GIA
 - Unit 132-132a Cherryfield Drive – 1,517 GIA
 - 9 Market Square – 106 sq. m GIA
 - 11 Market Square – 110 sq. m GIA
 - 18 Newton Gardens – 151 sq. m GIA
 - 20-24 Newton Gardens – 608 sq. m GIA
- 3.33 During on the site visit to Kirkby Town Centre, it was observed that there were a number stalls in the market area that were vacant/closed with shutters down. These have been discounted due to being all of a size that would not meet the site requirements and the location of being within a market stall area. These are materially different to the proposal, and all have insufficient land associated with them to accommodate a drive-thru facility. The market is an important local facility and the applicant is aware that there is no desire to put the site to different use.

3.34 A review has been undertaken of the three identified alternative sites that were included in the sequential test, submitted to inform determination parent planning permission 19/00337/OUT. These were all discounted as not suitable and/or available and this was accepted by the LPA when planning permission was granted.

- **Site of Former Municipal Building, Cherryfield Drive (site 1)** – approximately 1.35 hectares. The site is approximately 1.5 km from the application site. The site significantly exceeds the upper threshold of the sequential unit/site search. The site is marketed on Invest Knowsley as a residential opportunity. Whilst it could be argued that part of the site could be used, suitability of the site was discounted for not meeting the market needs due to the locational factors which underpinned the case for the parent planning permission (i.e. proximity to the A5207, A5208 and A580). These principles still apply and therefore the site is discounted on this basis.
- **Land north of Kirkby Shopping Centre (site 2)** – approximately 4.2 hectares. The site is approximately 1.4 km from the application site. Planning permission ref: 20/00723/FUL was granted on 9 April 2021 for the *'Variation of condition no. 2 (approved plans) attached to planning permission 19/00228/FUL to allow for elevational changes to food store and amendment to design and layout of petrol filling station bin store / plant area, and variation of condition 18 to allow for servicing and deliveries to unit 16 to take place between 06:00 and 00:00.'*⁶. The site significantly exceeds the upper threshold. Many of the units have now been built out and are occupied. The vacant units are below:
 - Unit 5 New Development – 955 sq. m GIA
 - Unit 8 New Development – 337 sq. m GIA
 - Unit 9 New Development – 360 sq. m GIA
 - Unit 10 New Development – 78 sq. m GIA
 - Unit 12 New Development – 75 sq. m GIA
 - Unit 13 – New Development – 75 sq. m GIA

None of the vacant buildings fall within the unit size threshold, therefore are not considered suitable. Observed on the site visit, units 2, 3 and 4 which were proposed to be located to the west of the site have not been built out and grassed soft landscaping has taken its place. The land is not actively being marketed and it is understood by a review of subsequent NMA applications, that these permitted units are to be built out as a phase 2 stage later on, although timescales appear to be uncertain. It is concluded that it is not available for development, and would not be suitable under the permitted layout given there is no drive-thru provision included. The site does not meet the locational factors which underpinned the parent permission (i.e. proximity to the A5207, A5208 and A580). This justification was accepted as part of the previous assessment undertaken for the parent planning permission 19/00337/OUT. Similarly, this site is not able to meet the market needs and therefore would not be suitable. The site is discounted on this basis.

As part of planning permission ref: 20/00723/FUL, the first phase of the parking development south of Cherryfield Drive has taken place. Within this area, there is some land which could be developed into commercial premises, although again, this area does not meet the locational factors which underpinned the parent permission (i.e. proximity to the A5207, A5208 and A580) and therefore would not be suitable. There is greenfield land surrounding the parking area. The interactive policies map identifies this land as urban greenspace. There is no relevant planning history and it is not being actively marketed. Therefore, it is not available or suitable and can be discounted.

⁶ Also subject to and as amended by NMAs 19/00228/NMA1 and 19/00228/NMA2. These collectively supersede planning permissions 17/00559/FUL and 19/00228/FUL.

- **Land at Hall Lane adjacent Kirkby C of E Primary School (site 3)** – approximately 0.6 hectares (6,00 sq. m). The site exceeds the upper threshold of the sequential unit/site search. There is no planning history for the site. Whilst it could be argued that part of the site could be used, the status of this site has not changed since the previous assessment as part of the parent planning permission was undertaken. The site is not being marketed and is therefore concluded not to be available. The site does not meet the locational factors which underpinned the parent permission (i.e. proximity to the A5207, A5208 and A580) which was accepted as justification as part of the previous assessment. Therefore, this site is not able to meet the market needs and therefore would not be suitable and is discounted.

3.35 It is concluded there is no suitable and/or available sites in, or immediately adjacent to Kirkby Town Centre.

South Boundary Road Service Hub

3.36 The following potential alternatives are consideration at the South Boundary Road Service Hub:

- **Knowsley Hub, units 1, 4, 5, 6 and 7, South Boundary Road and Admin Road, L33 7TX** – approximately 557 to 752 sq. m. The site is approximately 0.6 km from the application site. Identified to be located in Primarily Industrial Area on Knowsley Council interactive policies map. These industrial units are currently marketed on Realla and Rightmove, and are under construction. The planning permission ref: 20/00379/FUL was granted on 24 March 2021 for industrial units (Use Class B1, B2 and B8). These units significantly exceed the upper threshold of the sequential unit requirements and are for a different use class than what is being proposed. The units would not meet the functional requirements of the drive-thru facility proposed. The units are marketed as leasehold, and it is expected that there would be limited flexibility on altering the layout given the advanced stage of construction. The site is discounted as not being suitable.
- **MHF Cafe/CB Fitness Zone Gale Road And 2-26 Admin Road Knowsley Industrial Park Kirkby Knowsley L33 7YB** – approximately 1.2 hectares. The site is approximately 0.6 km from the application site. Identified to be located in Primarily Industrial Area on Knowsley Council interactive policies map. Planning permission ref: 18/00520/KMBC1 was granted on 13 November 2018 for the demolition of buildings. There is no subsequent planning permission for redevelopment. The planning history set out in the officers report states this is phase 2, following phase 1 (ref: 18/00207/KMBC1) which was approved 14 August 2018. Phase 1 was for the demolition of existing buildings at the Business Resource Centre, Admin Road. The site is not being actively marketed, although the hoarding that surrounds the site, relates to the Knowsley Hub. Therefore, it is expected that some form of development, likely to be industrial given its location, will come forward in the future. The site does not meet the locational factors which underpinned the parent permission (i.e. proximity to the A5207, A5208 and A580). Therefore, it is concluded that the site is considered to not be available and has been discounted on this basis.

3.37 A review has been undertaken of the two identified alternative sites that were included in the sequential assessment, submitted to assist with the determination of planning permission 19/00337/OUT. These were all discounted as not suitable and/or available and accepted by the LPA when planning permission was granted.

- **1 Dixon Road (site 4)** – approximately 0.5 hectares (5,000 sq. m). The site is approximately 0.1 km from the application site. Since the previous assessment was undertaken as part of the parent permission, planning permission ref: 18/00117/FUL for warehouse units was granted on 25 June 2018

and consequently has been built out. Toolstation and Knowsley Domestics now occupy the premises. Therefore, this site is discounted, on the basis of not being available or suitable.

- **Land adjacent Ley Rubber, South Boundary Road (site 5)** – approximately 0.6 hectares (6,000 sq. m). The site is approximately 0.45 km from the application site. The site is larger than the upper threshold of the sequential unit/site search. The site is still vacant and there is no identified planning history of relevance for the site. Whilst it could be argued that part of the site could be used, the status of this site has not changed since the previous assessment as part of the parent planning permission was undertaken. The site is not being actively marketed and is therefore concluded not to be available. The site still lacks direct road access therefore would not meet the market demand as a drive-thru facility and kiosk unit would do at an established business park. Therefore, it is discounted on the basis of not being available or suitable.

- 3.38 It is concluded there is no suitable and/or available sites in, or immediately adjacent to South Boundary Road Service Hub.

Summary

- 3.39 The sequential test is passed and the proposed development is in accordance with policy CS6 and CS4 and the development plan as a whole. The presumption in favour of sustainable development (Framework paragraph 11(c)) is engaged.

Parking

- 3.40 UDP policy T6 is concerned with parking standards. It sets out that cycle parking should be provided in accordance with minimum standards, car parking should not exceed maximum standards and that provisions should be made for inclusive accessibility. Access for delivery and other service vehicles should provide safe and convenient access to and from the highway. UDP policy T7 new development should preserve and where possible enhance the walking and cycling network.
- 3.41 The proposed development is in accordance with the UDP standards, utilising spaces within the shared car park for the wider Knowsley Business Park site which are already demonstrated as appropriate given the previously approved development on site. In the context of what could come forward under the terms of the existing permission, the proposed development is equally well served in terms of parking provision.
- 3.42 EV charging will be provided across the wider site in accordance with condition 18 attached to planning permission 19/00337/OUT.

A pro-active approach to planning applications

- 3.43 Paragraphs 7 to 11 of the Framework are concerned with the purpose of the planning system being a contribution to the achievement of sustainable development, and one of the overarching objectives of the planning system is an economic objective; to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right place and at the right time to support growth, innovation and improved productivity.
- 3.44 There is support at paragraph 124 of the Framework for development that makes efficient use of land, and direction that decision should take into account local market conditions.
- 3.45 Key development plan policies including core strategy policies CS4 and CS11 and saved UDP policy EC3 set the context for a pro-active approach to proposed development, and specifically those which have the potential to support economic growth and employment generation.

- 3.46 Paragraph 83 of the Framework sets out that planning policies and decision should recognise and address the specific locational requirements of different sectors. Paragraph 119 continues that planning decisions should promote an effective use of land in meeting the need for different uses.
- 3.47 Paragraph 38 of the Framework is clear that LPAs should approach decisions on proposed developments in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of an area
- 3.48 Paragraph 81 of the National Planning Policy Framework (the Framework) states that:
- 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation⁴, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential'.*
- 3.49 Granting planning permission to allow further development to come forward without compliance with condition 16 would represent a pro-active approach to encouraging economic development and investment through allowing more of the business park development to be built out, responding to local market conditions and demands in a time of economic uncertainty.

Other matters

- 3.50 Other site-specific matters such as ground conditions, flood risk and drainage, noise, ecology, biodiversity and design security were addressed when the LPA considered previous planning applications, reserved matters submissions and applications to discharge conditions. These do not need to be revisited here.
- 3.51 A SuDS strategy was submitted pursuant to the discharge of conditions 6 and 7 attached to planning permission 19/00337/OUT. An updated drainage scheme is submitted alongside this planning application.
- 3.52 Ground conditions were addressed pursuant to the discharge of condition 8 attached to planning permission 19/00337/OUT. A site investigation update note is submitted alongside this planning application.
- 3.53 A condition relating to odour is expected, as per condition 11 attached to planning permission 19/00337/OUT.

4.0 Conclusions

- 4.1 This planning statement demonstrates that the proposed development at Academy Business Park is in accordance with the development plan overall, and material policies in the development plan that are considered up to date for development management purposes. The proposed development also passes the sequential test for main town centre uses as set out in the local plan and the Framework. The proposed development is a marginal uplift in floorspace over and above that already granted planning permission at the site.

Benefits of the proposal

- 4.2 The principal benefits of the proposal are:
- Development in a sustainable location, offering the potential for a high proportion of linked trips for existing car-borne journeys but also proximate to local residents, existing employment areas and public transport routes;
 - Brownfield regeneration;
 - Active commercial use of a site thereby enhancing its function whilst also offering the opportunity to increase its contribution to local character and appearance;
 - Enhancing the role of the site in making a positive visual contribution to the local urban environment;
 - Economic investment and economic stimulus;
 - Job creation;
 - A range of commercial business trading from the site with direct economic benefits and the potential for spin-off benefits for existing local businesses during both construction and operational phases;
 - A development that is entirely appropriate to its location, in an area which is characterised by a mix of retail, leisure and other commercial uses; and
 - Potentially increasing choice and competition locally.
- 4.3 In light of challenging economic times, every opportunity should be taken to encourage economic activity and job creation. As a result of the pandemic and other global factors, encouragement of commercial development is needed to assist in economic recovery. The proposed development has the potential to support both existing businesses, directly and indirectly, and encourage inward investment into Knowsley.
- 4.4 Paragraph 11 c) of the Framework is engaged, as the proposed development constitutes sustainable development that is entirely consistent with relevant policies of the development plan which are considered up-to-date for development management purposes. The Framework is clear that for decision-taking, the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay.
- 4.5 Planning permission should be granted without delay.

Appendix 1



Knowsley Council

**REGENERATION AND ECONOMIC
DEVELOPMENT DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE PLANNING PERMISSION

Application No: 19/00337/OUT

Name and address of applicant

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

Name and address of agent

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

Date of Receipt: 20 May 2019

Date Valid: 19 August 2019

Address/Location Of Development

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

Description of Development

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

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

1. Before any part of the development hereby granted permission is commenced, approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely landscaping.

Reason: The application is in outline form only

2. Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun no later than the expiration of two years from the final approval of the reserved matters.

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

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

Reason: For the avoidance of doubt.

4. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following matters:
 - a) Methods for the mitigation of noise and vibration from building works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.
 - b) Methods for dust control and suppression.
 - c) Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
 - d) Layout of site compound including identification of areas for the storage of plant and materials, loading / unloading and turning areas for delivery vehicles.
 - e) Management of deliveries including prevention of waiting/layover of construction related traffic on the highway, measures for the control of traffic to and from the site and consideration of any temporary traffic management arrangements which may be necessary during periods of construction.
 - f) A programme of works including any phasing.
 - g) Construction staff parking arrangements.
 - h) Adequate provision for addressing any abnormal wear and tear to the highway.

The approved Construction Environmental Management Plan shall be complied with throughout the construction period for the development unless otherwise agreed in writing with the Local Planning Authority.

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

5. During the construction period no works and no deliveries or removal of materials shall take place outside the hours of 0800 to 1800 Monday to Friday (excluding Public Holidays), 0800 to 1300 Saturday and not at all on Sundays and Public Holidays except with the prior written permission of the Local Planning Authority.

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

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

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

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

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

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

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

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

8. Contaminated Land

A. Risk Assessment

No development shall take place until an assessment of the risks posed by any contamination within those phases has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include (were relevant):

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

B. Submission of Remediation Scheme

Where land affected by contamination is found which poses unacceptable risks in any phase including phase 1, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

C. Implementation of Approved Remediation Scheme

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

D. Reporting of Unexpected Contamination

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

E. Importation of Soil/Material

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

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

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

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

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

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

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

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

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

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

The information submitted must include;

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

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

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

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

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

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

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

14. Notwithstanding any submitted details on approved drawings no unit shall be first occupied until a scheme for the provision of cycle and motorcycle parking, in accordance with the Council's current standards, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented with regard the appropriate unit as approved before that particular unit is first brought into use and shall be retained as such thereafter. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles.

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

15. Notwithstanding any submitted details within 3 months of the development being first brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to:

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

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

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

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

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

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

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

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

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

All charge points shall be:

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

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

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

SCHEDULE 1

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

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

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

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

KNOWSLEY LOCAL PLAN: CORE STRATEGY

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

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

- EC1 - Strategy for Provision of Employment Land
- EC2 - Sites Allocated for Employment Development
- EC3 - Primarily Industrial Areas
- ENV2 - Noise and Vibration
- ENV5 - Contaminated Land

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

ARTICLE 35 STATEMENT

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

NOTE FOR APPLICANT:

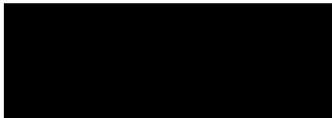
IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

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

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

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

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



Executive Director - Regeneration and Economic Development

Date: 26 February 2020

IMPORTANT NOTES FOR YOUR ATTENTION:

- 1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.**
- 2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.**
- 3. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works.**

Appeals to the Secretary of State

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

Appendix 2



Knowsley Council

Orbit Investments (Properties) Limited
c/o Mr Peter Hilddrup - The Emerson Group
Emerson House
Heyes Lane
Alderley Edge
SK9 7LF

Our Ref: 19/00337/NMA

Date: 7 October 2020

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 96A
APPLICATION FOR NON-MATERIAL CHANGE TO PLANNING PERMISSION

LOCATION: Academy Business Park, Lees Road, Knowsley Industrial Park, Kirkby,
Knowsley, L33 7SA

I refer to your application for a non material amendment which was received on the 20 May 2020. The proposed amendment(s) as listed below have been considered under S96A of the Town and Country Planning Act 1990 and have been determined to be non material.

KNOWSLEY MBC HEREBY GRANTS PERMISSION FOR THE FOLLOWING NON-MATERIAL AMENDMENT(S):- APPLICATION FOR A NON-MATERIAL AMENDMENT FOLLOWING GRANT OF PLANNING PERMISSION 19/00337/OUT OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF WEIGHING STATION AND THE ERECTION OF 5 INDUSTRIAL UNITS (USE CLASS B1(C)/B2/B8); 7 TRADE COUNTER UNITS (B8 USE); 1 SELF-STORAGE FACILITY (B8 USE); 1 RETAIL/FOOD UNIT (USE CLASS A1/A3/A5) AND 1 DRIVE-THRU UNIT (USE CLASS A1/A3/A5) TOGETHER WITH CAR PARKING AND ASSOCIATED WORKS. **(APPROVAL SOUGHT TO AMEND THE PITCH ROOF AND TO INCLUDE ROOF LIGHTS TO UNITS 1D AND 1E)**

The plan(s) listed below are those approved. The development must be undertaken in accordance with the approved plans on the original application, except where amended by those below, including any conditions attached to that permission. No substitution should be made without the prior consent from the Local Planning Authority. Failure to adhere to the details of the approved plans or to comply with the conditions on the original planning permission constitutes a contravention of the Town and Country Planning Act 1990 in respect of which enforcement action may be taken.



Knowsley Metropolitan Borough Council
PO Box 21 Archway Road Huyton Knowsley Merseyside L36 9YU
Telephone: 0151 489 6000 www.knowsley.gov.uk



Approved Plan(s):-

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
20.05.2020	389-PL-2108	A	PROPOSED ROOF PLAN UNITS 1E AND 1D
30.09.2020	389-PL-2109	B	PROPOSED ELEVATIONS UNITS 1E AND 1D

The proposed amendments listed above are approved 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 of planning permission 19/00337/OUT with the following amendment:

Drawing No. 389-PL-2108 replaced with Drawing No. 389-PL-2108-A

Drawing No. 389-PL-2109 replaced with Drawing No. 389-PL-2109-B

Please note that this is not a decision under Building Regulations and separate consent may be required. Please contact Building Control for more information.

Yours faithfully



Executive Director - Regeneration and Economic Development

Appendix 3



Knowsley Council

ORBIT INVESTMENTS (PROPERTIES)
LIMITED
c/o MR PETER HILLDRUP - THE EMERSON
GROUP
EMERSON HOUSE
HEYES LANE
ALDERLEY EDGE
SK9 7LF

Our Ref: 19/00337/NMA1

Date: 6 January 2022

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 96A
APPLICATION FOR NON-MATERIAL CHANGE TO PLANNING PERMISSION

LOCATION: Academy Business Park, Lees Road, Knowsley Industrial Park, Kirkby,
Knowsley, L33 7SA

I refer to your application for a non material amendment which was received on the 15 April 2021. The proposed amendment(s) as listed below have been considered under s96A of the Town and Country Planning Act 1990 and have been determined to be non material.

KNOWSLEY MBC HEREBY GRANTS PERMISSION FOR THE FOLLOWING NON-MATERIAL AMENDMENT(S):-

APPLICATION FOR A NON-MATERIAL AMENDMENT FOLLOWING GRANT OF PLANNING PERMISSION 19/00337/OUT (OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF WEIGHING STATION AND THE ERECTION OF 5 INDUSTRIAL UNITS (USE CLASS B1(C)/B2/B8); 7 TRADE COUNTER UNITS (B8 USE); 1 SELF-STORAGE FACILITY (B8 USE); 1 RETAIL/FOOD UNIT (USE CLASS A1/A3/A5) AND 1 DRIVE-THRU UNIT (USE CLASS A1/A3/A5) TOGETHER WITH CAR PARKING AND ASSOCIATED WORKS) TO ALLOW FOR AMENDMENT TO APPROVED PLANS RELATING TO THE RE-SITING OF UNITS 1F - 1H AND ALTERATIONS TO THE CAR PARKING LAYOUT)

The plan(s) listed below are those approved. The development must be undertaken in accordance with the approved plans on the original application, except where amended by those below, including any conditions attached to that permission. No substitution should be made without the prior consent from the Local Planning Authority. Failure to adhere to the details of the approved plans or to comply with the conditions on the original planning permission constitutes a contravention of the Town and Country Planning Act 1990 in respect of which enforcement action may be taken.

Approved Plan(s):-

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
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Knowsley Council

17/05/2021	389-PL-2102	E	Proposed site plan (1:1250)
15/04/2021	389-PL-2103	E	Proposed site plan (1:500)

The proposed amendments listed above are approved 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.

Please note that this is not a decision under Building Regulations and separate consent may be required. Please contact Building Control for more information.

Yours faithfully

Executive Director - Regeneration and Economic Development

Appendix 4



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

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

PLANNING PERMISSION

Application No: 20/00467/FUL

Name and address of applicant

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

Name and address of agent

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

Date of Receipt: 14 August 2020

Date Valid: 18 August 2020

Address/Location Of Development:

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

Description of Development:

ERECTION OF 6 NO. INDUSTRIAL UNITS (USE CLASS B1(C)/B2/B8) AND 5 NO. TRADE COUNTER UNITS (USE CLASS B8) TOGETHER WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS

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

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

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

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

Reason: For the avoidance of doubt.

3. The construction of the development hereby permitted shall only be carried out in accordance with the submitted Construction Management Plan by Jones Contracts dated July 2021.

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land by soil importation are minimised, together with those to controlled waters and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

7. Fixed plant and machinery associated with the development should be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS4142:2014, Methods for rating and assessing industrial and commercial sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property.

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

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

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

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

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

10. Notwithstanding any submitted details on approved drawings no unit shall be first occupied until a scheme for the provision of cycle and motorcycle parking, in accordance with the Council's current standards, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented with regard the appropriate unit as approved before that particular unit is first brought into use and shall be retained as such thereafter. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles.

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

11. Notwithstanding any submitted details within 6 months of the development being first brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel - Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to:

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

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

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

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

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

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

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

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

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class and to comply with Policies CS4, CS6 and CS11 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policies EC2 and EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

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

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

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

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

All charge points shall be:

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

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

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

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

Any trees, hedgerows or shrubs planted or retained in accordance with the landscape scheme which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, hedging or shrubs of similar size and species to those originally required to be planted.

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

SCHEDULE 1

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

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

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

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

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

KNOWSLEY LOCAL PLAN: CORE STRATEGY

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

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

EC1 - Strategy for Provision of Employment Land
EC2 - Sites Allocated for Employment Development
EC3 - Primarily Industrial Areas
ENV2 - Noise and Vibration
ENV5 - Contaminated Land

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

ARTICLE 35 STATEMENT

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

NOTE FOR APPLICANT:

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

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

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

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

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

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



Executive Director - Regeneration and Economic Development

Date: 30 July 2021

IMPORTANT NOTES FOR YOUR ATTENTION:

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

Appeals to the Secretary of State

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

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

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

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

Telephone: 0151 296 4000 (Calls may be recorded)
Inspecting Officer: Peter Armstrong
Email: planningandbuildingregulationteam@merseyfire.gov.uk
Fax: 0151 296 4594 Office Hours
Web Site: www.merseyfire.gov.uk

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

Dear Sir,

THE TOWN AND COUNTRY PLANNING ACT 1990

PLANNING APPLICATION NO: 20/00467/FUL

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

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

The Fire Authority requests that any decision notice includes the following information;

The plans relating to the above application have been examined and below are the Fire Authority's observations:

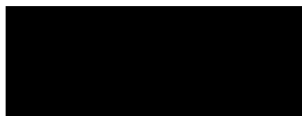
- * Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.
- * Water supplies for fire-fighting purposes should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied.

*** Industry**

- * The premises should comply with Section 55 of the County of Merseyside Act 1980

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

Yours faithfully



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

Guidelines on flow requirements for firefighting

The following flows represent the ideal requirements on new developments and during permanent system changes.

Housing

Housing developments with units of detached or semidetached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant. Multi occupied housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any single hydrant on the development.

Transportation

Lorry/coach parks - multi-storey car parks - service stations.

All of these amenities should have a water supply capable of delivering a minimum of 25 litres per second through any single hydrant on the development or within a vehicular distance of 90 metres from the complex.

Industry

The water supply infrastructure to any industrial estate should be as follows with the mains network on site being normally at least 150 mm nominal diameter—

Up to one hectare 20 litres per second.
One to two hectares 35 litres per second.
Two to three hectares 50 litres per second.
Over three hectares 75 litres per second.

Shopping, offices, recreation and tourism

Commercial developments of this type should have a water supply capable of delivering a minimum flow of 20 to 75 litres per second to the development site.

Education, health and community facilities

Village halls— Should have a water supply capable of delivering a minimum flow of 15 litres per second through any single hydrant on the development or within a vehicular distance of 100 metres from the complex.

Primary schools and single storey health centre's— Should have a water supply capable of delivering a minimum flow of 20 litres per second through any single hydrant on the development or within a vehicular distance of 70 metres from the complex.

Secondary schools, colleges, large health and community facilities— Should have a water supply capable of delivering a minimum flow of 35 litres per second through any single hydrant on the development or within a vehicular distance of 70 metres from the complex.



**United Utilities Water Limited
Planning, Landscape and Ecology**

2nd Floor, Grasmere House
Lingley Mere Business Park
Lingley Green Avenue
Warrington
WA5 3LP

Planning.liaison@uuplc.co.uk

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

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

Dear Sir/Madam,

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

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

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

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

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

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

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

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

Drainage

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

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

Condition 1 – Surface water

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

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 15 l/s.

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

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

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

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

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

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

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

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

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

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.*

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water Supply

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

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

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

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

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

United Utilities' Property, Assets and Infrastructure

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

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

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

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

Condition 3

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

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

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

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

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

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

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

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

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

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

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

Yours faithfully

Shireen Lawrenson
United Utilities
Planning, Landscape and Ecology