



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 21/00572/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: 9 July 2021

Date Valid: 19 August 2021

Address/Location Of Development:

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

Description of Development:

VARIATION OF CONDITION NO 1 (APPROVED PLANS AND DOCUMENTS), NO 2 (CONSTRUCTION MANAGEMENT PLAN), NO 4 (SURFACE WATER SUSTAINABLE DRAINAGE SCHEME), NO 5 (MANAGEMENT AND MAINTENANCE OF THE SUSTAINABLE DRAINAGE SYSTEM), NO 8 (HARD AND SOFT LANDSCAPING) ATTACHED TO PLANNING PERMISSION 20/00208/FUL (VARIATION/REMOVAL OF CONDITIONS NO. 2, 3, 13 AND 15 ATTACHED TO PLANNING PERMISSION 18/00269/FUL (ERECTION OF PETROL FILLING STATION AND COFFEE SHOP, WITH DRIVE-THRU FACILITY AND ASSOCIATED WORKS) TO ALLOW FOR AMENDMENT TO APPROVED PLANS IN RELATION TO RESITING OF COFFEE SHOP; LAYOUT; ALTERATIONS TO PARKING AND INSTALLATION OF LAYBY; RELOCATION OF BIN STORE/SERVICING AREA; LANDSCAPING AND BEE ORCHIDS; TOGETHER WITH VARIATION/REMOVAL OF CONDITIONS NO. 4, 5, 6, 7, 8, 11, 14 IN RELATION TO DRAINAGE, CONTAMINATED LAND, NOISE, CONSTRUCTION MANAGEMENT PLAN AND HARD LANDSCAPING FOLLOWING ADDITIONAL / NEW INFORMATION SUBMITTED.) TO ALLOW FOR CHANGES TO THE APPROVED PETROL

FILLING STATION AND CONSEQUENTIAL CHANGES TO THE SITE LAYOUT AND APPROVED DOCUMENTS

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

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

Reason: For the avoidance of doubt.

2. The development shall only be carried out in accordance with the submitted Construction Management Plan by Jones Contracts dated September 2021.

Reason: For the avoidance of doubt, to protect the amenities of nearby properties and local residents and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

3. Contaminated Land

A. 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.

B. 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 contamination of any imported soils to the future users of the land and neighbouring land are minimised, together with those to controlled waters and ecological systems in accordance with Policy CS2 of the Knowsley Local Plan Core Strategy, adopted January 2016, and saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

4. Prior to the commencement of any further above ground development, a scheme for the provision and implementation of a surface water sustainable drainage scheme to manage the risk of flooding from both overland flow and from the sewer network, has been submitted to and agreed in writing, by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the first occupation of the PFS.

For the avoidance of doubt, 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.

Reason: To prevent increased risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to comply with Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy adopted January 2016.

5. Prior to the first occupation of the PFS a Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development through an appropriate legally binding agreement shall be submitted to and approved in writing by the Local Planning Authority.

This shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by an agreed management company.
- b) A schedule for on-going inspections relating to performance and condition.
- c) Details for planned maintenance and a mechanism for remedial and urgent repair works.
- d) Means of access for inspection and maintenance purposes.

The plan shall be implemented in accordance with the timeframes contained within it.

Reason: To ensure 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.

6. Fixed plant and machinery associated with the development shall be designed to a level that is at least 5 dB(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.

Details of the noise mitigation measures required to achieve the level detailed above and their technical justification shall be submitted to and approved by the Local Planning Authority. All such measures shall be fully implemented prior to occupation of each part or phase of the development and shall be maintained thereafter in accordance with the agreed details.

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

7. The landscaping scheme shall be implemented in accordance with the approved landscape scheme identified on the drawings 18-0004 Rev F and 389-PL-2014-A, and the Landscape Maintenance and Management Plan document by Michael Vinsun Landscape Design and maintained in accordance with the agreed details.

Reason: For the avoidance of doubt, in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

8. Notwithstanding any description of materials in the application, prior to any above ground construction works to the PFS kiosk occurring, samples and full specification of materials to be used externally on the PFS kiosk shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out only in accordance with the agreed schedule of materials.

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

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
25/10/2021	389-PL-2002-L	-	SITE PLAN AS PROPOSED FOR DRIVE-THRU + PFS
25/10/2021	389-PL-2003-M	-	SITE PLAN AS PROPOSED FOR DRIVE-THRU + PFS (1:200)
30/09/2021	CONSTRUCTION MANAGEMENT PLAN	-	CONSTRUCTION MANAGEMENT PLAN (JONES CONTRACTS)
19/08/2021	P183-445-I	-	ACADEMY BUSINESS PARK EXTERNAL LIGHTING
09/07/2021	18-004	F	SOFT LANDSCAPE DETAIL
09/07/2021	389-PL-2007-B	-	PFS KIOSK PROPOSED GROUND FLOOR PLAN
09/07/2021	389-PL-2008-B	-	PFS KIOSK PROPOSED ROOF PLAN
09/07/2021	389-PL-2009-C	-	PFS KIOSK PROPOSED ELEVATIONS
09/07/2021	LANDSCAPE MAINTENANCE AND MANAGEMENT PLAN	-	LANDSCAPE MAINTENANCE AND MANAGEMENT PLAN (MICHAEL VINSUN LANDSCAPE DESIGN)
09/07/2021	389-PL-2011-A	-	PROPOSED PFS ELEVATIONS
09/07/2021	389-PL-2014-A	-	PROPOSED SITE PLAN SHOWING HARD LANDSCAPING
09/07/2021	389-PL-2010-E	-	SITE SECTION A-A FOR PROPOSED DRIVE-THRU + PFS

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

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

CS21 - Greenspaces and Trees

CS24 - Managing Flood Risk

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

ENV2 - Noise and Vibration

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.

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

A5208 Roundabout

For any further proposals for Academy Business Park requiring access to the roundabout, capacity and flow assessments will be required, as below:

The assessment should consist of, but not be limited to, an ARCADY analysis of the five arm roundabout that includes Arbour Lane and County Road to satisfy the Local Planning Authority (LPA) that the number of vehicular trips generated by the development will be:

- a) reasonably be able to clear the roundabout on entering / exiting; and
- b) able to progress on the immediate site roads without their route being obstructed by queuing traffic.

Further, it will be required that not only does assessment review operational but also safety performance.

It is advised that if the results of the above assessments indicate a problem then a solution should be offered to the LPA at the earliest opportunity.

Site Inspection

Prior to the commencement of the development, a joint inspection between the applicant and the Council as Local Highway Authority of the condition of the existing footways/carriageways in the vicinity of the site should be carried out. The applicant is advised to contact SiteDevelopment@knowsley.gov.uk to discuss the matter further.

- 2 United Utilities.



Executive Director - Regeneration and Economic Development

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