



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 22/00559/FUL

Name and address of applicant

Unity Commercial Developments Ltd
Unit 4A
Heysham Point
Heysham Road
Liverpool
L30 6UR

Name and address of agent

BHL Planning & Design
14 Cobden Road
Southport
PR9 7TG
Lancashire

Date of Receipt: 8 September 2022

Date Valid: 1 February 2023

Address/Location Of Development:

Land At
Ainsworth Lane
Knowsley Business Park
Knowsley
Knowsley
L34 9EU

Description of Development:

RETROSPECTIVE CHANGE OF USE OF LAND (USE CLASS E) TO FORM HEAVY GOODS CONTAINER STORAGE FACILITY (USE CLASS B8) REVISED ACCESS AND EGRESS ARRANGEMENTS WITH HGV ACCESS ONLY OFF AINSWORTH LANE AND HGV EGRESS ONTO UNITY GROVE

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 containers shall only be located in the two areas shown on the approved plans with no single container being more than 2.6m in height and the containers shall be stacked no more than 3 containers high, as measured from ground level and standard height loading/stacking pallets.

Reason: To protect visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2016.

3. Within 1 month of the date of this planning permission a scheme of access for loaded HGVs to traverse from the higher land of the container storage areas (as indicated on the site plan) to the lower area of land with the staff facility cabins and parking (as indicated on the site plan) shall be submitted to and agreed in writing by the Local Planning Authority and the agreed scheme implemented within an 3 months of the date of this planning permission whereupon HGVs shall only access the site from Ainsworth Lane, and shall egress the site only using the implemented access road onto Unity Grove at all times (in accordance with the submitted statement from the applicant received 27.11.2023).

Reason: In the interests of highway safety taking account the lack of visibility to south-east of the site access point due to the bend in the road and the significant vegetation and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

4. Notwithstanding any details shown on approved drawings, within two months of the date of this planning permission a scheme for tree planting along the southern boundary of the container storage part of the site as identified on the Site Layout plan referenced UCD-E-LOC-BLO-001 Rev C shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include planting plans, specifications and schedules, planting size, species and numbers/densities, details of any trees to be retained, establishment and maintenance details. The agreed scheme shall be submitted with the 2024/2025 planting season (October 2024 - March 2025).

Any trees planted or retained in accordance with this condition 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 of similar size and species to those originally required to be planted and to the same establishment and maintenance regime.

Reason: To ensure that the site is satisfactorily landscaped / screened having regard to its location and higher level than land to the south, the nature of the use and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

5. Within 2 months of the date of this planning permission, the kerb radii at the Ainsworth Lane site entrance shall be increased to 8m as shown on the Ainsworth Lane Entrance Details drawing referenced UCD-E-LOC-BLO-004 Rev B and shall be retained as such at all times.

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 Policy CS19 of the Core Strategy, adopted January 2016

6. Within 1 month of the date of this planning permission details of a scheme shall be submitted to and approved in writing by the Local Planning Authority showing a hard paved surface from the carriageway of Unity Grove into the site for a minimum distance of 20m beyond the gateway, in order to prevent the tracking of debris onto the highway. For the avoidance of doubt the scheme shall provide room for an HGV and a car to pass in opposite directions and shall include an improvement to the alignment of the route between the adopted highway and the site entrance to avoid overrun of vehicles onto verge areas.

The development shall be implemented in full accordance with the approved scheme details within 3 months of the date of this planning permission and shall be retained as such at all times.

Reason: To ensure the provision of safe and adequate means of access to and from 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 and Saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

7. Any gate or other form of gate or barrier across the access at Ainsworth Lane shall remain open at all times the development is in operational use.

Reason: To permit vehicles to pull clear of the carriageway when entering the site, in the interests of highway and pedestrian safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

8. Notwithstanding any approved documents and plans within 1 month of the date of this planning permission a scheme showing details of the proposed flow direction plates shall be submitted to and approved by the Council as Local Planning Authority. The plates shall be positioned at least 18 metres back from the nearside edge of the carriageway of Ainsworth Lane. They shall be installed in accordance with the agreed scheme within 3 months of the date of this permission and shall remain operational at all times. For the avoidance of doubt, they must be configured to prevent any vehicles exiting the site onto Ainsworth Lane and shall remain in place and functioning at all times.

Reason: To prevent vehicles leaving the site onto Ainsworth Lane, in the interests of highway safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
03/04/2023	REV 2	-	LOCATION PLAN
27/01/2023	UCD-E-SECT-ELEV-002	REV A	EXISTING SECTIONS ON 'A-A' NAF 'B-B' WITH EXISTING PARTIAL SOUTHERN AND WESTERN ELEVATIONS
27/01/2023	-	-	FLOOD RISK ASSESSMENT
03/04/2023	UCD-E-LOC-BLO-003	-	ELEVATIONS OF SITE CABINS AND TYPICAL CONTAINERS
27/11/2023	UCD-E-LOC-BLO-001	C	SITE LAYOUT AND BLOCK PLAN
28/02/2023	UCD-E-LOC-BLO-004	B	AINSWORTH LANE ENTRANCE DETAILS (1:500 & 1:200)
27/11/2023	NMFP 02	1	HGV FLOW PLATE
27/11/2023	-	-	EURORAMP DETAILS
27/11/2023	-	-	EURORAMP DATA
21/06/2023	-	-	DRAINAGE STRATEGY REVISION 1 - ADDITION OF HYDROLOGICAL ASSESSMENT OF POTENTIAL IMPACT ON GROUNDWATER
01/02/2023	-	-	PRO-FORMA 1: SUSTAINABLE DRAINAGE SYSTEM: PLANNING PERMISSION

27/11/2023	-	-	AINSWORTH LANE ENTRANCE STATEMENT
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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:-

CS24 - Managing Flood Risk

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

EC3 - Primarily Industrial Areas

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

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)

EC3 - Primarily Industrial Areas

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

ARTICLE 35 STATEMENT

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

NOTE FOR APPLICANT:

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

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

- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
 - a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised, and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

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

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 grant of planning permission will require the developer to enter into an agreement under s278 of the Highways Act 1980 with the Council. The applicant is advised to contact the Site Development Team at SiteDevelopment@knowsley.gov.uk to discuss the matter further.
2. Please see attached letter from The Environment Agency.
3. Please see attached letter from Cadent



Executive Director - Regeneration and Economic Development

Date: 23 October 2024

IMPORTANT NOTES FOR YOUR ATTENTION:

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

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- 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.

Lee Osborne
Knowsley Metropolitan Borough Council
Development Control
PO Box 26
Huyton
Liverpool
L36 9FB

Our ref: SO/2024/124293/01
Your ref: 22/00559/FUL
Date: 24 September 2024

Dear Lee,

RETROSPECTIVE CHANGE OF USE OF LAND (USE CLASS E) TO FORM HEAVY GOODS CONTAINER STORAGE FACILITY (USE CLASS B8) REVISED ACCESS AND EGRESS ARRANGEMENTS WITH HGV ACCESS ONLY OFF AINSWORTH LANE AND HGV EGRESS ONTO UNITY GROVE

Land At Ainsworth Lane, Knowsley Business Park, Knowsley, L34 9EU

Thank you for consulting us on the above application on 2 July 2024.

Environment Agency Position

We have no objection in principle to the retrospective change of use, but we would wish to recommend the following informative and make the following comments.

Flood Risk

As part of the consultation, we have reviewed the following document in particular:

- Flood Risk Assessment (FRA) prepared by Brian Killingworth, and dated January 2023 (Referenced: Former Quarry Farm, Knowsley Business Park).

We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the retrospective change of use would be safe without exacerbating flood risk elsewhere.

As a result of the FRA, the applicant, as owners of the existing operation, will be aware of the potential flood risk and frequency. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals.

Biodiversity

The Knowsley Brook from the Knowsley boundary to the East Lancashire Road supports a small population of Water Voles. The retrospective application does not appear to demonstrate that any groundworks have occurred in or near that location. That notwithstanding, and while biodiversity net gain does not apply to retrospective planning applications at the time of this application, we would always encourage the exploration of any opportunities to better connect and enhance legally protected habitats and species.

While we have no objection to this retrospective planning application, please include the below informative to any decision notice published and please have regard to the advice below.

Informative – Flood Risk Activity Permit

Knowsley Brook is a designated statutory main river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to Local Planning Authority and Applicant

Water Vole

The water vole is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 and is a priority conservation species. This legislation makes it an offence to:

- intentionally capture, kill or injure water voles;
- damage, destroy or block access to their places of shelter or protection (on purpose or by not taking enough care);
- disturb them in a place of shelter or protection (on purpose or by not taking enough care);
- possess, sell, control or transport live or dead water voles or parts of them (not water voles bred in captivity).

Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities Act 2006, as amended by the Environment Act 2021, places a requirement to place a duty on all public authorities who operate in England, through introducing a 'biodiversity duty' to consider how they can conserve and enhance biodiversity, agree policies and specific objectives based on that consideration and deliver policies to achieve their objectives.

A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its [25 Year Environment Plan](#).

Please see the Planning Practice Guidance for more information: [Natural environment - GOV.UK \(www.gov.uk\)](#)

Please forward a copy of this letter to the applicant.

Should you have any queries regarding this response, please do not hesitate to contact me.

Yours sincerely,

Jamie Malone
Planning Advisor

E-mail: SPPlanning.RFH@environment-agency.gov.uk

Date: 13/02/2023
LinesearchbeforeUdig ref: 28497847
Your ref: 22/00559/FUL (SO)

Dear Sir/Madam,

Your planning application – No objection, informative note required

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following **Informative Note** into the **Decision Notice**:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

Kind Regards,

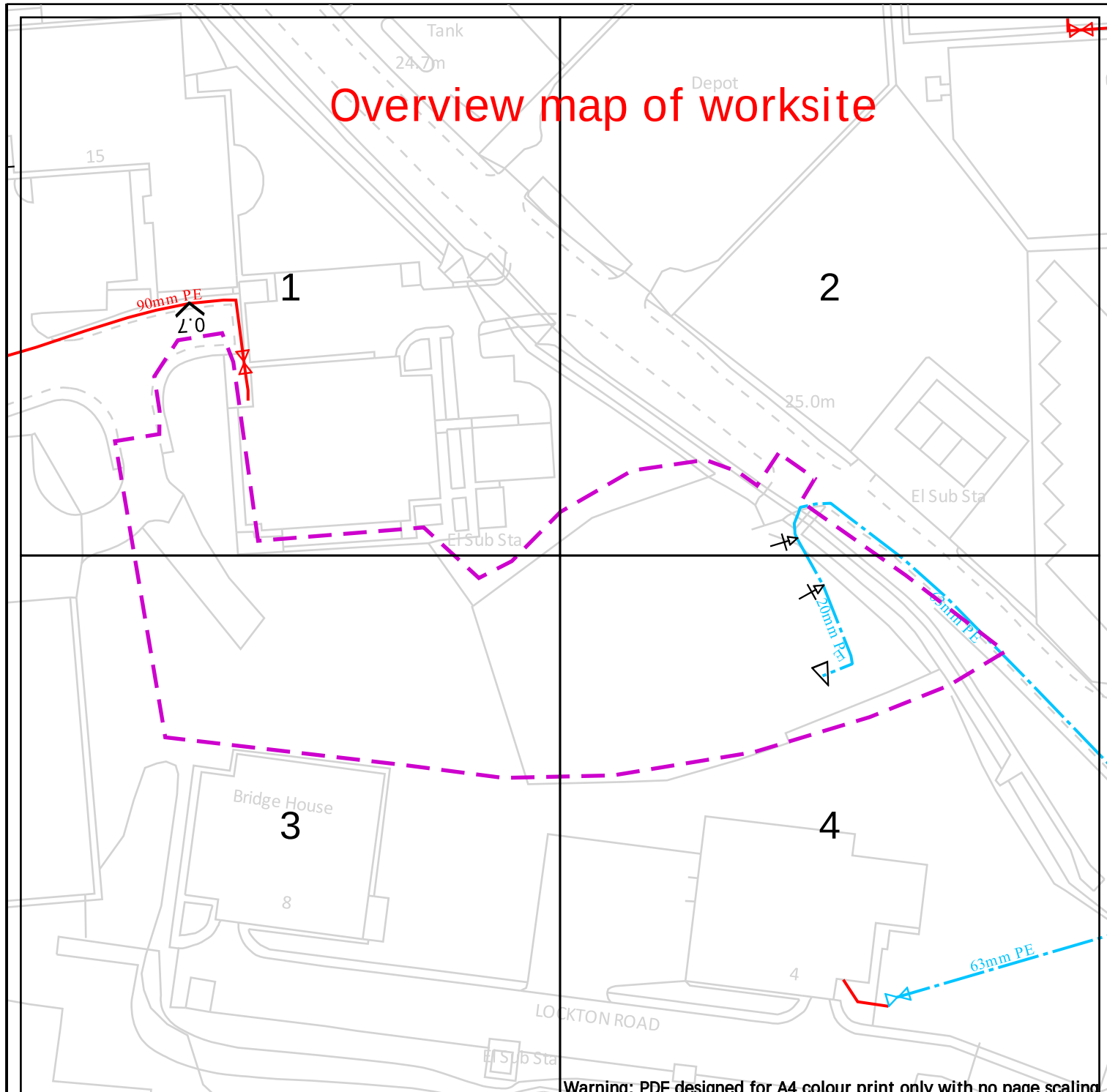
Plant Protection Team

T: 0800 688 588

plantprotection@cadentgas.com

cadentgas.com

Overview map of worksite



Warning: PDF designed for A4 colour print only with no page scaling

Cadent
Your Gas Network

Dig Sites

Area:



Line:



LP Mains



MP Mains



IP Mains



LHP Mains



Valve



Depth of cover



Syphon



Diameter Change



Material Change



Out of Standard Service

Date Requested: 13/02/2023
Job Reference: 28497847
Site Location: 342676 396467
Requested by: Mrs Sharon Orton

Your Scheme/Reference:
22/00559/FUL (SO)

View extent: 100m, 100m

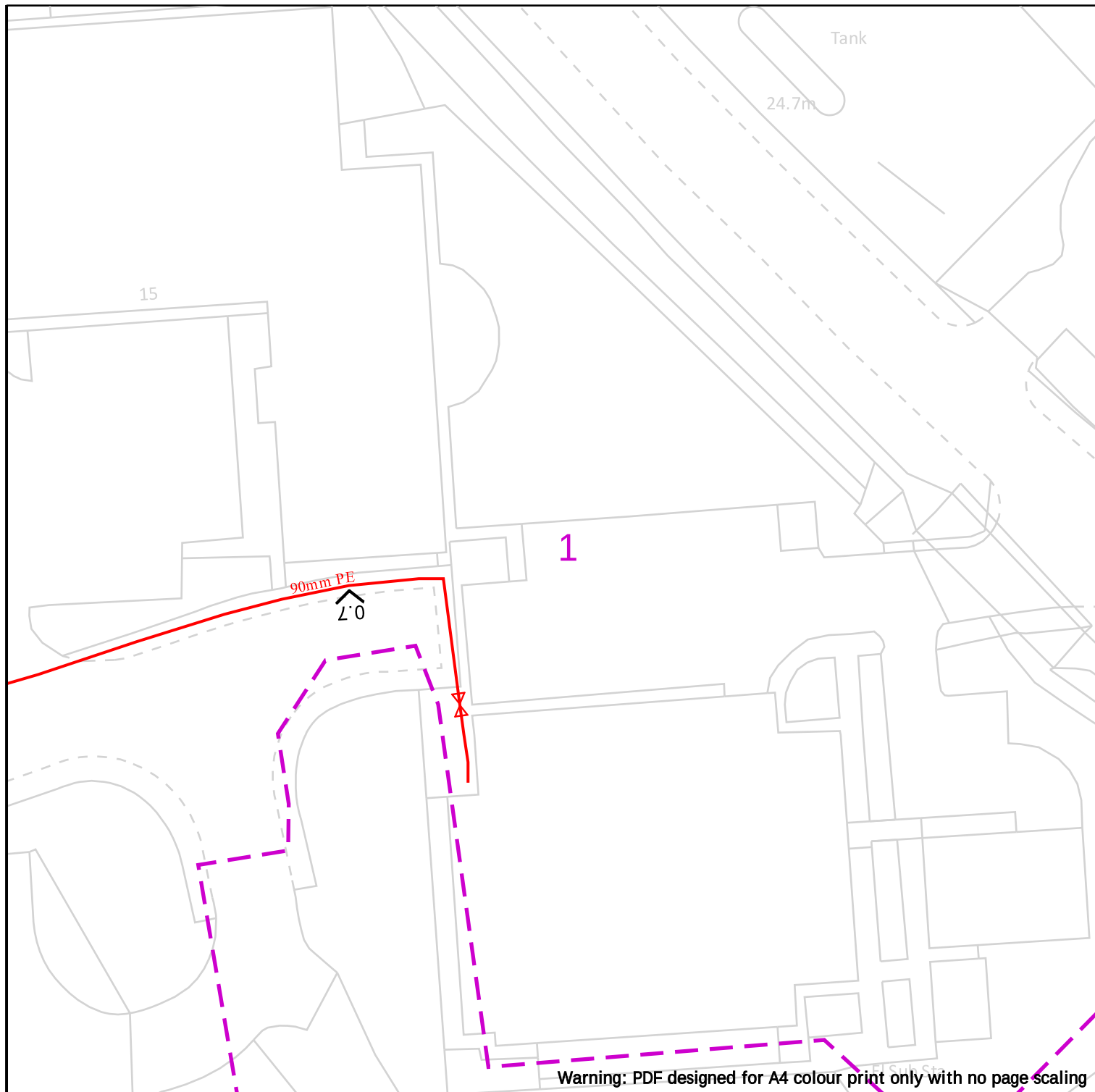
IMPORTANT NOTICES

This plan shows these pipes owned by Cadent Gas Limited in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's or otherwise privately owned may be present in this area. Information with regards to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Cadent Gas Limited or their agents, servants or contractors for any errors or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

In case of emergency call - 0800 111 999

Scale: 1:1025 (When plotted at A4)

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25m

Dig Sites

Area:



Line:



Cadent
Your Gas Network



LP Mains



MP Mains



IP Mains



LHP Mains



Valve



Depth of cover



Syphon



Diameter Change



Material Change



Out of Standard Service

Date Requested: 13/02/2023
Job Reference: 28497847
Site Location: 342676 396467
Requested by: Mrs Sharon Orton

Your Scheme/Reference:
22/00559/FUL (SO)

View extent: 100m, 100m

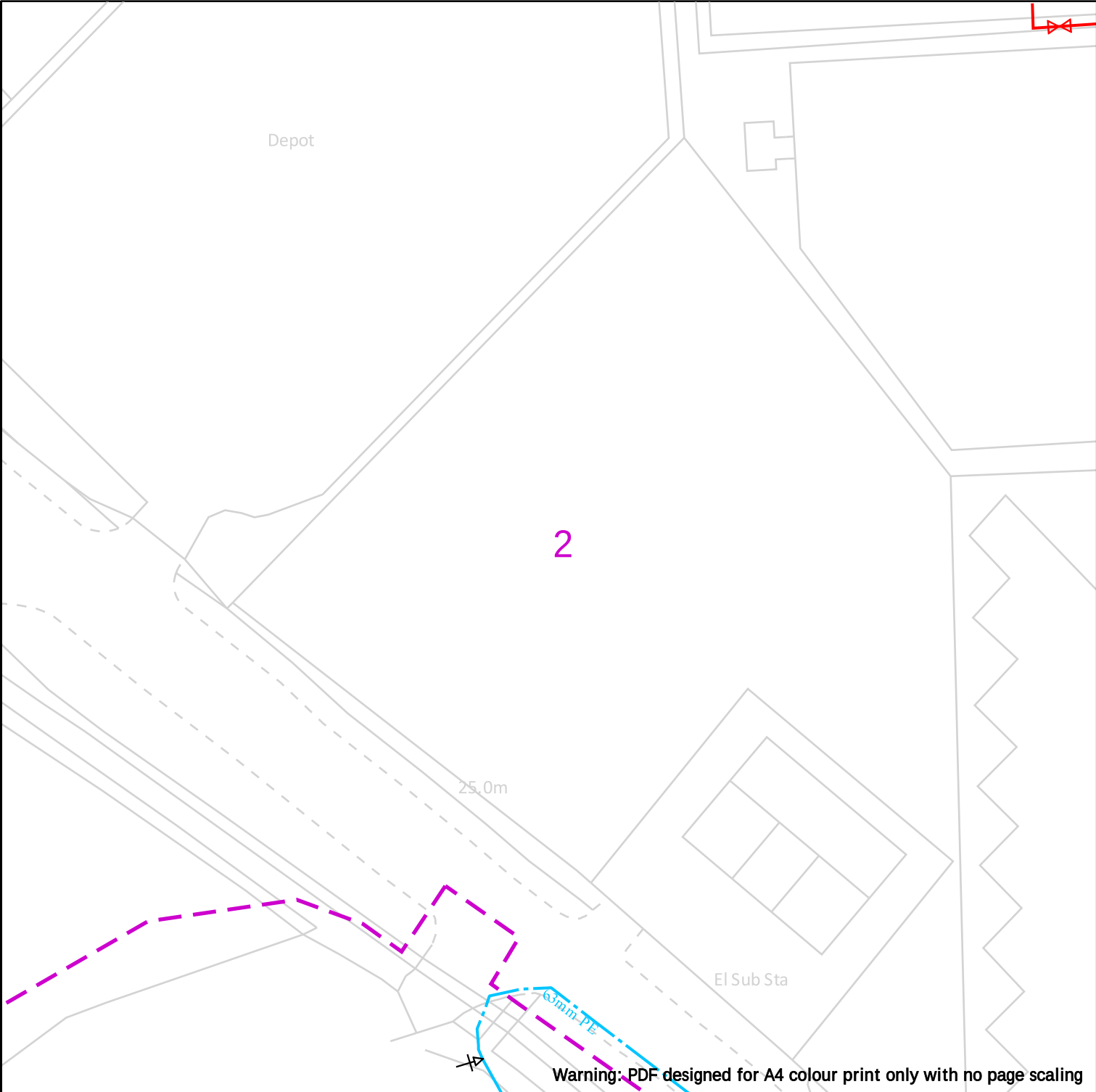
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Scale: 1:500 (When plotted at A4)

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Cadent
Your Gas Network

Dig Sites

Area:  Line: 

	LP Mains		Valve		Diameter Change
	MP Mains		Depth of cover		Material Change
	IP Mains		Syphon		Out of Standard Service
	LHP Mains				

Date Requested: 13/02/2023
Job Reference: 28497847
Site Location: 342676 396467
Requested by: Mrs Sharon Orton

Your Scheme/Reference:
22/00559/FUL (SO)

View extent: 100m, 100m

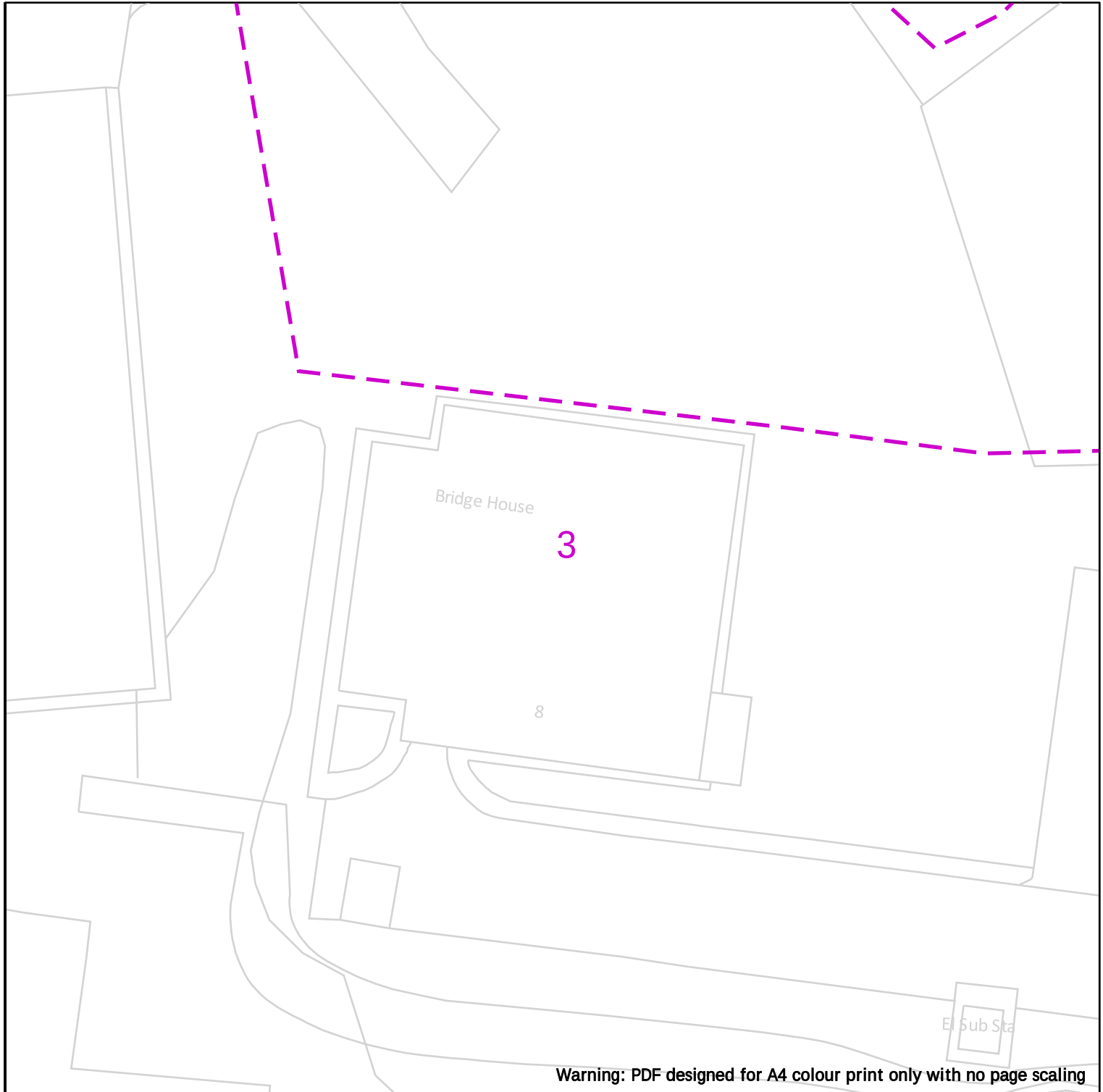
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	25m
Cadent Your Gas Network	Dig Sites Area: Line: LP Mains MP Mains IP Mains LHP Mains Valve Depth of cover Syphon Diameter Change Material Change Out of Standard Service
	Date Requested: 13/02/2023 Job Reference: 28497847 Site Location: 342676 396467 Requested by: Mrs Sharon Orton Your Scheme/Reference: 22/00559/FUL (SO) View extent: 100m, 100m IMPORTANT NOTICES This plan shows these pipes owned by Cadent Gas Limited in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's or otherwise privately owned may be present in this area. Information with regards to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Cadent Gas Limited or their agents, servants or contractors for any errors or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue. In case of emergency call - 0800 111 999 Crown Copyright © - This plan is reproduced from or based on the OS map by Cadent Gas Limited, with the sanction of the controller of HM Stationary Office. Crown Copyright Reserved. Ordnance Survey Licence number 100024886



-  Diameter Change
-  Material Change
-  Out of Standard Service



Date Requested: 13/02/2023
Job Reference: 28497847
Site Location: 342676 396467
Requested by: Mrs Sharon Orton

Your Scheme/Reference:
22/00559/FUL (SO)

View extent: 100m, 100m

Scale: 1:500 (When plotted at A4)

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