

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

**Planning Act 1990**

Relating to application 22/00757/FUL

on land at former Prescott Police Station, Derby Road, Prescott, L34 3LG

Dated

23<sup>rd</sup>  
~~10~~ September

2024

- (1) Knowsley Metropolitan Borough Council
- (2) Prima Housing Group Limited

## TABLE OF CONTENTS

### INTRODUCTION

### CLAUSES

- |    |                           |
|----|---------------------------|
| 1  | DEFINITIONS               |
| 2  | CONSTRUCTION OF THIS DEED |
| 3  | LEGAL BASIS               |
| 4  | CONDITIONALITY            |
| 5  | THE OWNER'S COVENANTS     |
| 6  | THE COUNCIL'S COVENANTS   |
| 7  | MISCELLANEOUS             |
| 8  | not used                  |
| 9  | WAIVER                    |
| 10 | CHANGE IN OWNERSHIP       |
| 11 | INDEXATION                |
| 12 | INTEREST                  |
| 13 | VAT                       |
| 14 | DISPUTE PROVISIONS        |
| 15 | JURISDICTION              |
| 16 | DELIVERY                  |

### THE SCHEDULES

FIRST SCHEDULE Details of the Owner's Title, and description of the Site

SECOND SCHEDULE Owner's Covenants with the Council

THIRD SCHEDULE Council's Covenants

ANNEX 1 The Draft Planning Permission

ANNEX 2 The Plan

EXECUTION OF DEED

DATE

23<sup>rd</sup>  
16 September

2024

## PARTIES

- (1) **Knowsley Metropolitan Borough Council** of Municipal Buildings Archway Road Huyton Knowsley Merseyside L36 9YU ("**Council**")
- (2) **Prima Housing Group Limited** a Registered Society in England and Wales with registration number 20002R whose registered address is at 8 Columbus Quay, Riverside Drive, Merseyside, L3 4DB ("**Owner**")

## INTRODUCTION

- 1 The Council is the local planning authority for the purposes of the Act for the area in which the Site is situated.
- 2 The Owner is the freehold owner and developer of the Site subject to the entries disclosed on the charges Register to the title detailed in the first Schedule but otherwise free from encumbrances.
- 3 The Owner has submitted the Application to the Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed.
- 4 The Council is minded to grant planning permission subject to the prior completion of this Deed.
- 5 The parties to this Agreement agree that the planning obligations contained in this Deed are necessary to comply with the requirements of regulation 122 of the Community Infrastructure Regulations 2010 (as amended).

**NOW THIS DEED WITNESSES** as follows:

## OPERATIVE PART

### 1 DEFINITIONS

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

- 1.1 "**Act**" means the Town and Country Planning Act 1990
- 1.2 "**Application**" means the application for outline planning permission submitted to the Council for the Development and allocated reference number 22/00757/FUL
- 1.3 "**Commencement of Development**" means the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and "**Commence Development**" shall be construed accordingly

- 1.4 **“Committed”** means any amount which the Council has allocated for expenditure relevant to the purpose for which the sum was paid and such amount has been authorised by the relevant committee, or Council member or Council officer or has contracted to expend where such contract provides for payment contingent on the provision of works and/or services and/or supplies
- 1.5 **“Development”** means change of use of former police station to form 7 no. residential apartments, replace existing windows with new timber windows, demolition of existing garages together with the erection of 4 no. dwellings and conversion & extension of existing outbuildings into 2 dwellings & associated works.
- 1.6 **“Index”** means All Items Index of Retail Prices issued by the Office for National Statistics
- 1.7 **“Indexation Date”** means the date immediately preceding the date hereof when the last firm figure was published for the Index unless expressly stated otherwise in this Deed
- 1.8 **“Index Linked”** means the contribution is to be adjusted by reference to the amount of any increase in the Index over the period from the Indexation Date to the last, firm figure published for the Index for the month immediately prior to payment of the relevant contribution to the Council (or where the Owner is required by this Deed to apply a specified sum or make a specified sum available for a specified purpose the date of application of such sum for the specified purpose) and **“Indexation”** shall be construed accordingly
- 1.9 **“Interest”** means interest at 4% (four per cent) above the base lending rate of Barclays Bank PLC from time to time
- 1.10 **“Plan”** means the plan at Annex 2
- 1.10 **“Planning Permission”** means the planning permission for the Development subject to conditions to be granted by the Council pursuant to the Application a draft of which is at Annex 1 to this Deed
- 1.11 **“Site”** means the property (including land and any buildings) against which this Deed may be enforced as shown edged red on the Plan and more particularly described in the First Schedule

## **2 INTERPRETATION**

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

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

- 2.6 References to any party to this Deed shall include the successors in title to that party and to any person deriving through or under that party any title interest or estate in any part of the Site and in the case of the Council the successors to its relevant statutory functions.

- 2.7 The headings and contents list are for reference only and shall not affect construction.

### **3 LEGAL BASIS**

- 3.1 This Deed is made pursuant to Section 106 of the Act and Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 and all other enabling powers.

- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner.

### **4 CONDITIONALITY**

This Deed is conditional upon the grant of the Planning Permission save for the provisions of Clauses 7, 8, 10, 14, 15 and 16 which shall come into effect immediately upon completion of this Deed.

### **5 THE OWNER'S COVENANTS AND WARRANTY**

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

- 5.2 The Owner hereby warrants and confirms that apart from the parties hereto there are no other persons with a legal estate equitable or beneficial interest in the rents and profits or proceeds of sale of the Site or any part thereof.

### **6 THE COUNCIL'S COVENANTS**

The Council covenants with the Owner to observe the restrictions and perform the obligations as set out in the Third Schedule.

### **7 MISCELLANEOUS**

- 7.1 The Owner shall pay to the Council on completion of this Deed

7.1.1. the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed; and

7.1.2 the sum of £310 in respect of the Council's administrative costs for registering the obligations contained in this Deed

- 7.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.

- 7.3 This Deed shall be registrable as a local land charge by the Council.

- 7.4 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of the Council by the Head of Planning Services, or in the event of any restructuring of posts by the Council such successor as the Council may from time to time determine, and any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.
- 7.5 Following the performance and satisfaction of all the obligations contained in this Deed the Council shall forthwith secure the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.
- 7.6 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 7.7 If the Planning Permission is quashed or revoked or otherwise withdrawn or ceases to have effect by operation of law or expires before the Development has commenced then:  
a) this Deed shall (except for paragraph b) below) cease to have effect; and  
b) the Council shall forthwith cancel all entries made in the Register of Local Land Charges in respect of this Deed and return to the Owner any payments made under the terms of this Agreement.
- 7.8 No person shall be liable for any breach of any planning obligations or other provisions of this deed after parting with its entire interest in the Site or its interest in that part of the Site on which the breach occurs, but without prejudice to liability for any subsisting breach arising before parting with that interest
- 7.9 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.
- 7.10 Nothing contained or implied in this Deed grants planning permission or other consent or shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions as a Local Authority and its rights powers duties and obligations under any statute byelaw or regulation may be as fully and effectually exercised as if the Council were not a party to this Deed.
- 7.11 The planning obligations in this Deed shall not be enforceable against:
- 7.11.1 any statutory undertaker holding an estate easement or interest in the Site or part of the Site insofar as the relevant statutory undertaker is occupying the relevant part of the Site for purposes as a statutory undertaker; nor
  - 7.11.2 anyone whose only interest in the Site or any part of it is the nature of the benefit of an easement or covenant, or as the owner of the subsoil of any highway within the Site.
  - 7.11.3 any individual purchaser of a dwelling unit forming part of the Development.

7.12 Nothing contained or implied in this Deed shall prejudice affect the rights discretions powers duties and obligations of the Council under all statutes by-laws statutory instruments orders and regulations in the exercise of their functions as a local authority.

7.13 Any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party as detailed in this Deed or such other address notified in writing to the other party from time to time. Provided however that

7.13.1 any notices to be served upon the Owner shall be sent to Robbie Mannion  
Development Programme Manager 8 Columbus Quay, Liverpool, L3 4DB

7.13.2 any notices to be served upon the Council shall be marked for the attention of the  
Council's Head of Planning

7.13 if the Council agrees pursuant to application under section 73 of the Act to any variation or release of any condition contained in the Planning Permission or if any condition is varied or released following an appeal under section 78 of the Act the covenants or provisions of this Deed shall be deemed to bind the varied permission and to apply in equal terms to the new planning permission save where the Council in their determination of such an application for the new planning permission all the Secretary of State or inspector in their determination of such appeal indicate that consequential amendments are required to this deed to reflect the impact of the section 73 application and in such circumstances a separate deed pursuant to section 106 of the Act will be required to secure relevant planning obligations relating to the new planning permission.

## **8 NOT USED**

## **9. WAIVER**

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

## **10 CHANGE IN OWNERSHIP**

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

## **11 INDEXATION**

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

**12 INTEREST**

If any payment due under this Deed is paid late, Interest will be payable from the date payment is due to the date of payment.

**13 VAT**

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

**14 DISPUTES**

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

**15 JURISDICTION**

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

**16 DELIVERY**

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

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

## **FIRST SCHEDULE**

### **Details of the Owner's Title, and description of the Site**

#### **Details of the Owner's Title**

The land within title number MS551251 registered at HM Land Registry.

#### **Description of the Site**

All that land known as the former Prescott Police Station, Derby Road, Prescott L34 3LG shown edged red on the Plan at Annex 2.

## **SECOND SCHEDULE**

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

#### **OFF SITE PUBLIC OPEN SPACE CONTRIBUTION**

##### **Interpretation**

In this Schedule the following words and phrases shall have the meanings:

**"Public Open Space Contribution"** means the sum of £17,896.50 (seventeen-thousand eight hundred and ninety-six pounds and 50 pence) payable to the Council as a contribution towards the improvement of public open space in the vicinity of the Site.

The Owner covenants with the Council as follows:

- 1.1 Prior to the Commencement of Development the Owners shall pay the Public Open Space Contribution to the Council and shall not Commence Development until the Public Open Space Contribution has been paid.

### **THIRD SCHEDULE**

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

The Council hereby covenants with the Owner:

- 1       to use all sums received from the Owner under the terms of this Deed for the purposes specified in this Deed for which they are to be paid or for such per other purposes for the benefit of the Development as the Owner and Council shall agree
- 2       that it will pay to the Owner such amount of any payment made by the Owner to the Council under this Deed which has not been expended in accordance with the provisions of this Deed (and money shall be deemed to be expended if such sum has been Committed to be spent by the Council) within 15 (fifteen) years of the date of receipt by the Council of the payment such payments to be paid together with interest at Barclay's Bank PLC base rate from time to time for the period from the date of payment to the date of refund
- 3       that it will provide to the Owner such evidence as the Owner shall reasonably require in order to confirm the expenditure of the sums paid by the Owner under this Deed

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



**Knowsley Council**

**REGENERATION AND ECONOMIC DEVELOPMENT  
DEPARTMENT**

**TOWN AND COUNTRY PLANNING ACT 1990**

## **PLANNING PERMISSION**

**Application No: 22/00757/FUL**

**Name and address of applicant**

Prima Group Housing Association  
8 Columbus Quay  
Riverside Drive  
Liverpool  
L3 4DB

**Name and address of agent**

KWL Architects Limited  
Poplar House,  
Hazell Drive,  
Newport,  
South Wales,  
NP10 8FY

**Date of Receipt:** 8 December 2022

**Date Valid:** 15 February 2023

**Address/Location Of Development:**

**Former Site Of Prescott Police Station**

Derby Street  
Prescot  
Knowsley  
L34 3LG

**Description of Development:**

**CHANGE OF USE OF FORMER POLICE STATION TO FORM 7 NO. RESIDENTIAL APARTMENTS, REPLACE EXISTING WINDOWS WITH NEW TIMBER WINDOWS, DEMOLITION OF EXISTING GARAGES TOGETHER WITH THE ERECTION OF 4 NO. DWELLINGS AND CONVERSION & EXTENSION OF EXISTING OUTBUILDINGS INTO 2 DWELLINGS & ASSOCIATED WORKS.**

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. No part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- a) Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- b) hard surfaced areas and materials ( including the access road, car park/courtyard area and drainage details of all hardstanding areas),
- c) planting plans, specifications and schedules, planting size, species and numbers/densities, and a scheme for the timing / phasing of work. The planting shall include native shrub planting. Suggested tree species include rowan, birch, willow, hawthorn, blackthorn, cherry, field maple, alder and oak
- d) A detailed regime for the ongoing and longer term maintenance of all soft/hard landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority.

Any trees or shrubs 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 or shrubs of similar size and species to those originally required to be planted.

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

4. The proposed development shall not be brought into use until precise scheme detail of the proposed cycle and bin storage highlighted on Drawing PL10 REV B has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of design, materials and colour finishes and shall be implemented as agreed before any part of the development has been brought into use. For the avoidance of doubt, cycle parking must be covered and offer a means to secure the cycles.

Reason: To ensure that adequate provision is made for parking cycles securely and for adequate bin storage areas and to ensure the materials, finishes and design are satisfactory to preserve the character and appearance of the Prescott Town Centre Conservation Area. In the interests of visual amenity and to comply with Policies CS7, CS19 & CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved policy DQ5 in the Knowsley Replacement Unitary Development Plan and the National Planning Policy Framework.

5. No part of the development hereby permitted, including any works of demolition, shall be commenced until a Demolition/Construction Management Plan that details the means of mitigation of demolition/construction effects has been submitted and agreed in writing by the Local Planning Authority. This shall include the following:
- a) Methods for the mitigation of noise and vibration from building works, including any piling 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) Methods for the control of pests if apparent on-site.
  - e) The areas for the storage of plant and materials.
  - f) A programme of works, including phasing
  - g) Location of site compound, including any loading/unloading areas, turning areas for delivery vehicles and construction staff parking arrangements.
  - h) Scheme for recycling/disposal of waste resulting from demolition and construction works
  - i) Proposed hours of construction (the following is usually acceptable: 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday and not at all on Sundays/Public Holidays).

All site works shall then proceed only in accordance with the approved management plan unless otherwise agreed in writing beforehand with the Local Planning Authority.

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the National Planning Policy Framework; Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016; Policy WM9 of the Merseyside and Halton Joint Waste Local Plan 2013 and saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

## 6. A. Risk Assessment

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

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

#### C. Implementation of Approved Remediation Scheme

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

#### D. Reporting of Unexpected Contamination

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

#### E. Materials Management Plan

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

#### F. Importation of Soil/Material

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

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

7. Prior to the installation of any external lighting a scheme which includes the steps necessary to minimise light intrusion to local dwellings shall be submitted to and

approved in writing by the local planning authority. The scheme shall include an isolux plot to demonstrate that the obtrusive light limitations suggested in the Institution of Lighting Engineers Guidance Notes for Light Pollution are met. All works which form part of the scheme shall be completed prior to any lighting being brought into operation and shall be maintained thereafter in accordance with the agreed scheme.

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

8. The development hereby permitted shall not be occupied until details of bat boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be implemented in accordance with the approved details.

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

9. No Development (excluding demolition) shall commence until a detailed SUDS based drainage scheme (see details set out in the informative) based on the principles of The SUDS Manual (C753) and the criteria as set out within Knowsley Strategic Flood Risk Assessment (SFRA, Levels 2), has been submitted to and approved in writing by the Local Planning Authority (LPA). The applicant should provide suitable drainage drawings, summary calculations and results of all investigations detailing the surface water drainage works as set out in Revised Flood Risk Assessment report submitted in May 2024. The maximum rate of discharge, off-site, shall not exceed 5 lit/s as proposed in the FRA unless otherwise agreed in writing with the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

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

10. If the sustainable drainage system is not adopted by a public body or statutory undertaker then, prior to first occupation, a Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority.

This shall include:

- a) details of provision for management and maintenance by a resident's 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 and completed in accordance with the agreed timescales contained within it.

Reason: To ensure effectiveness of the flood risk measures during the lifetime of the development policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy (January 2016).

11. No development ( excluding demolition) shall commence until;

- a) a scheme of intrusive investigations shall be submitted to and approved in writing by The Local Planning Authority to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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

12. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason : This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

13. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials (including solar panels) to be used externally on the former police station building and plots 1 -6 inclusive have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out only in accordance with the agreed schedule of materials.

Reason: To preserve the character and appearance of the Prescott Town Centre Conservation Area. In the interests of visual amenity and to comply with Policies CS19 & CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved policy DQ5 in the Knowsley Replacement Unitary Development Plan and the National Planning Policy Framework.

14. Notwithstanding the details submitted any windows to be formed or altered in connection with the proposed development hereby permitted shall be constructed in accordance with details (including details of glazing bars, horns, putty, beading, sash

box housing moldings, transoms, glazed juliette, mullions and opening mechanisms) which have been submitted to and approved in writing beforehand by the Local Planning Authority.

The windows shall be installed in accordance with the approved details and shall be retained at all times thereafter unless otherwise approved in writing beforehand by the Local Planning Authority.

Reason: To preserve the character and appearance of the Prescott Town Centre Conservation Area and to comply with Saved Policies DQ5 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006, Policies CS19 and CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016 and the National Planning Policy Framework.

15. Prior to any repair works being undertaken to the windows, doors (including fanlights) and external masonry in the former police station building a detailed scheme of repairs for each door/window and areas of masonry shall be submitted to and approved in writing by the Local Planning Authority. The doors/windows and masonry shall be repaired in accordance with the approved scheme prior to the first occupation of the building.

Reason: To preserve the character and appearance of the Prescott Town Centre Conservation Area. In the interests of visual amenity and to comply with Policies CS19 & CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved policy DQ5 in the Knowsley Replacement Unitary Development Plan and the National Planning Policy Framework.

16. Notwithstanding the details relating to the colour of the painted timber on police station building prior to the painting of the timber details of the precise colour finish shall be submitted to and approved in writing by the Local Planning Authority. The timber on the Police Station building shall be painted in accordance with the approved details prior to the first occupation of the building.

Reason: To preserve the character and appearance of the Prescott Town Centre Conservation Area. In the interests of visual amenity and to comply with Policies CS19 & CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved policy DQ5 in the Knowsley Replacement Unitary Development Plan and the National Planning Policy Framework.

17. Prior to the commencement of any works to Outbuilding 2 the existing and proposed elevations of the west elevation of the two storey element of the building shall be submitted to and approved in writing by the Local Planning Authority. The conversion of outbuilding 2 shall thereafter be carried out in accordance with the approved details and retained as such thereafter.

Reason : For the avoidance of doubt and to preserve the character and appearance of the Prescott Town Centre Conservation Area. In the interests of visual amenity and to comply with Policies CS19 & CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved policy DQ5 in the Knowsley Replacement Unitary Development Plan and the National Planning Policy Framework

18. Prior to installation, details of all means of enclosure (including walls, fences and gates) shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure indicated on the approved scheme shall be constructed in

accordance with that scheme before the dwellings on the plots to which they relate are first occupied.

Reason: To preserve the character and appearance of the Prescott Town Centre Conservation Area. In the interests of visual amenity and to comply with Policies CS19 & CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved policy DQ5 in the Knowsley Replacement Unitary Development Plan and the National Planning Policy Framework.

19. Prior to the first occupation of the development hereby permitted a scheme for the storage and collection of waste and recycling shall be submitted to and approved in writing by the Local Planning Authority. the scheme shall include details of the contractor, frequency of collection , collection point and requirements for bin storage in terms of type and number of bins. The approved scheme shall be implemented prior to first occupation of the development hereby approved and shall remain in place thereafter.

Reason: To ensure that household waste and recycling can be safely and conveniently collected from the site in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016; Policy WM9 of the Merseyside and Halton Joint Waste Local Plan 2013.

20. Prior to the commencement of development hereby permitted a revised arboriculture impact assessment and method statement based on the approved planning layout drawing PL10 REV B shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved arboriculture impact assessment and method statement.

Reason : In order that the arboriculture reports take account of the approved site layout and to ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

21. Prior to the commencement of development An Arboriculture Clerk of Works is to be appointed to supervise all operations described as potential impacts in Table 1 within the revised Arboriculture Impact Assessment and Method Statement.  
A report should be submitted to and approved in writing by the Local Planning Authority detailing the outcome of the supervision following the completion of the demolition stage for the features affected by the demolition as described in Table 1.  
An updated report should be submitted to and approved in writing by the Local Planning Authority once the construction phase has completed detailing the outcome of the supervision of the foundation installation within existing tree T7.

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

22. No apartment shall be occupied unless and until electric vehicle charging points at a rate of 1 per 2 communal parking spaces have been installed and are operational in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved infrastructure shall be permanently retained thereafter.

All chargepoints 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 their new home welcome pack/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.

23. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 1 a) - h) and 2 a) - b), or any amendments made to that Order, shall not apply to plots 1-6 (inclusive)

- (i) no extensions shall be carried out to the dwelling(s)
- (ii) no garages or carports shall be erected within the curtilage of the dwellings
- (iii) no vehicle standing space shall be provided within the curtilage of the dwellings
- (iv) no buildings, gates, walls, fences or other structures shall be erected within the curtilage of the dwellings.
- (v) no means of vehicular access shall be constructed to the curtilage of the dwellings
- (vi) no windows or dormer windows shall be added to the dwellings
- (vii) no chimneys, flues, soil ,vent pipe or microwave antenna shall be added to the dwellings or within the curtilage of the dwellings.

unless on application to the Local Planning Authority, planning permission for such development has been granted.

Reason: To preserve the character and appearance of the Prescott Town Centre Conservation Area and to protect the residential and visual amenities of the area, safeguard the character of this residential development and to comply with the National Planning Policy Framework; Policies CS2, CS7 , CS19 , CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policies DQ5 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

24. The car parking areas shall be laid out in accordance with details approved pursuant to condition 3 prior to the first occupation of the dwellings and shall be made available for car parking at all times thereafter.

Reason : To ensure a satisfactory level of car parking is provided at all times in the interests of residential amenity and highway safety and to comply with Policies CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

## SCHEDULE 1

| Date Received         | Ref. No                 | Version          | Drawing/Document Title                                                    |
|-----------------------|-------------------------|------------------|---------------------------------------------------------------------------|
| 22/12/2022            | 102-01                  | REV F            | LOCATION PLAN                                                             |
| 15/08/2024            | 5388 - SCH01            | REV A            | Proposed Window Door Schedule sheet 1 of 2                                |
| <del>15/08/2024</del> | <del>5388 - SCH02</del> | <del>REV A</del> |                                                                           |
| 20/03/2024            | 5388 - PL13             | REV A            | Former Police Station - Proposed Elevations and Sections - Sheet 1        |
| 19/08/2024            | 5388 - PL14             | REV D            | Proposed Elevations and Sections - Sheet 2                                |
| 23/07/2024            | PL10                    | REV B            | Revised Proposed Site Plan                                                |
| 15/08/2024            | 5388 - PL19             | REV B            | Proposed New Houses - Floor Plans and Elevations                          |
| 23/07/2024            | PL17                    | REV A            | Outbuilding 1 - Proposed Floor Plans and Elevations - Stables             |
| 23/07/2024            | PL18                    | REV B            | Outbuilding 2 - Proposed Floor Plans and Elevations - Ancillary           |
| 23/07/2024            | PL16                    | REV A            | Proposed Site Elevations                                                  |
| 30/04/2024            | 5388 - PL20             | -                | Existing and Proposed Site Elevation                                      |
| 20/03/2024            | 5388 - PL15             | REV A            |                                                                           |
| 12/03/2024            | 5388 - PL12             | -                | Former Police Station - Proposed Apartments First and Second Floor Plans. |
| 12/03/2024            | 5388-PL11               | -                |                                                                           |
| 10/02/2023            | 102-14                  | -                | SECTIONS AND LEVELS PLAN                                                  |
| 07/05/2024            | 13413-1                 | MAY 2024         | REVISED FLOOD RISK ASSESSMENT                                             |

## 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:-

Amended New Residential Development SPD (2018)

### **KNOWSLEY LOCAL PLAN: CORE STRATEGY**

CS2 - Development Principles

CS7 - Transport Networks

CS15 - Delivering Affordable Housing

CS17 - Housing Sizes and Design Standards

CS19 - Design Quality and Accessibility in New Development  
CS20 - Managing the Borough's Historic Environment  
CS24 - Managing Flood Risk  
CS27 - Planning and Paying for New Infrastructure

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

ENV2 - Noise and Vibration

ENV5 - Contaminated Land

DQ5 - Development in Conservation Areas

H7 - Provision of Flats, Nursing and Residential Homes, Hostels, and Housing in Multiple Occupation (HMOS)

National Planning Policy Framework

**SUPPLEMENTARY PLANNING DOCUMENTS**

Ensuring a Choice of Travel SPD (2010)

Developer Contributions SPD (2016)

SD1 - Sustainable Development

The Joint Merseyside and Halton Waste Local Plan 2013

ENV3 - Light Pollution

DQ4 - Trees and Development

H5 - Development within Primarily Residential Areas

WM9 - Sustainable Waste Management Design and Layout of New Development

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Mark Quinn on 0151 443 2381)

**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.

- c) 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.
- d) 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.

- 2) With regard to condition 9 the surface water and drainage strategy, detailed design drawings,

calculations and supporting information shall be prepared considering the following points:

(i) Given the site characteristics, the selection of infiltrating-based drainage systems may contribute to soil and groundwater contamination. As a result, no information test will be required and the LLFA accepts the surface water discharge to public sewer system upon the United Utilities' agreement.

(ii) Should the developer tend to use any of the exiting sewer/pipes system on the site, the CCTV survey will be required to ensure satisfactory condition of the pipes for post development situation.

(iii) The proposed permissible discharge rate off site should not exceed 5 lit/s and the impact of climate change should be considered as 40%.

(iv) Water quality should be taken into account as part of the proposed drainage design. It will be required to demonstrate that adequate water quality of the off-site surface water flows (draining into a sewer, watercourse and ground) in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved. Should the current drainage design is retained in the final design, the details of the proposed proprietary treatment system will be required to make sure it can cope each contaminant types to acceptable levels for frequent events. The proposal of an oil/fuel separator to provide an appropriate level of pollution treatment before the surface water discharges into the nearby drainage network would be advocated.

(v) The attenuation storage should be designed using the 1 in 100 year event 6h situation.

(vi) Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event will be required. Flow routes need to be considered when all on site drainage systems have been overwhelmed by an event of greater intensity than the design scenario. The impact of exceedance flows from and on adjacent land should also be considered. For the assessment of an exceedance event impact, it would be recommended to consider the 1 in 200 rainfall event plus climate change.

(vii) The risk assessment should include for blockage of pipes, blockage of outlet structures and risk of impediments across planned flood routing paths. The application should be supported by a designer's risk assessment that identifies key points of failure of the system and what means have been engaged to limit risk of failure.

This will also inform the maintenance plan with regards to corrective actions needed should a failure occurs.

- (viii) The feasibility and adequacy of the proposed drainage system under 1 in 2, 1 in 30, 1 in 100, and 1 in 100 plus 40% climate change impact should be simulated using Micro Drainage or similar approved hydraulic models. Results showing all the modelling criteria and summary network results including attenuation mechanism for 1 in 2 years, 1 in 30 years and 1 in 100 years plus 40% CC storm events at critical durations along with maximum water level, flow and velocity and details of any surface flooding anticipated will be required.
  - (ix) Detailed Drainage Scheme Plan will be required showing the layout of the proposed drainage network, post development impermeable area, post development catchment areas to each SUD feature, SUDs features adopted for interception of first 5mm of rainfall, the location of the storage within the proposed development, connection points and how these relate to the submitted calculations, including any chamber, pipe numbers, direction of flow, invert and cover levels, gradients diameters and dimensions.
  - (x) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.
  - (xi) Construction details of the proposed drainage features will be required.
  - (xii) A timetable for implementation of the drainage works including an assessment of any phasing of the development if applies.
- 3) See attached response from the Coal Authority dated 17.05.2024
  - 4) The applicant, their advisers and contractors should be made aware that if any bat species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
  - 5) See consultation response from Merseyside Fire Service dated 23/05/2023
  - 6) See consultation response from United Utilities dated 06.04.2023
  - 7) In relation to condition 17 a cutaways is likely to be needed to show the existing openings & proposals for blocking openings.
  - 8) In relation to condition 12 -The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.

**Date:**

### **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.

**EXECUTION**

THE COMMON SEAL of

**KNOWSLEY METROPOLITAN BOROUGH  
COUNCIL** was hereunto affixed in the  
presence of:

 . 

Authorised

Seal No. :

Authority:

*N*

**LICITOR**

Executed as a deed  
by affixing the common seal of  
**PRIMA HOUSING GROUP LIMITED**  
in the presence of:

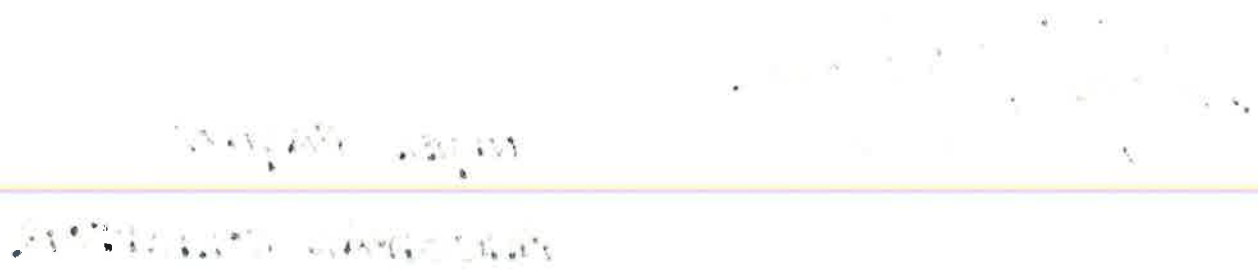
Signature of Director: 

Signature of [Director][Secr





## ANNEX 2 The Plan





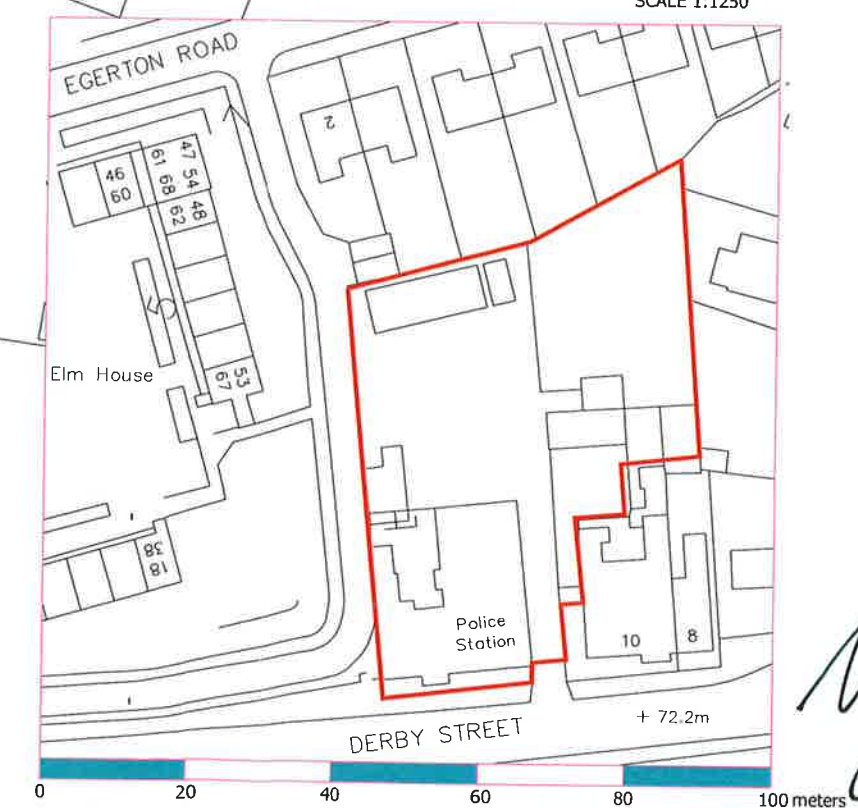
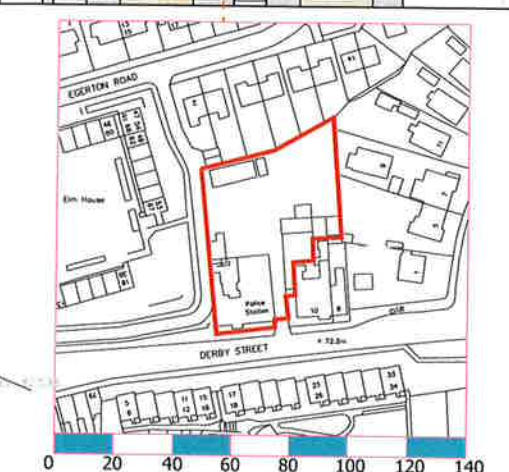
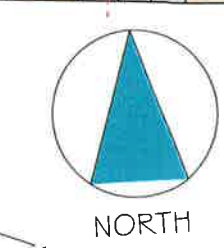
EGERTON ROAD

8 No FLAT CONVERSION

3B. TOWN HOUSES - 3 storey  
100 SQM



NOTE :  
SITE PLAN TO BE READ IN-CONJUNCTION  
WITH TOPOGRAPHICAL SURVEY AND CCG  
REPORTS.



# PROPOSED SITE PLAN. PRESCOT POLICE STATION

DERBY STREET

|              |  |                                                          |                |
|--------------|--|----------------------------------------------------------|----------------|
| PRIMA GROUP. |  | DWG TITLE EXISTING AND PROPOSED SITE PLAN.               |                |
| DRAWN DF.    |  | JOB PRESCOT POLICE STATION, DERBY ST , PRESCOT , L34 3LG |                |
| DATE OCT'20. |  | SCALE 1:200@A1.                                          | DWG No 102-01F |



