



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 22/00686/FUL

Name and address of applicant

Regal Estates Ltd
PO Box 437
1st Floor Kensington Chambers 46/50
Kensington Place
Jersey
JE4 0ZE

Name and address of agent

Prime Property Consultancy Limited
Chichester House
91 Moss Lane East
Manchester
M15 5GY

Date of Receipt: 4 November 2022

Date Valid: 13 December 2022

Address/Location Of Development:

Land Bounded By Acornfield Road, Draw Well Road And Ashcroft Road
Knowsley Industrial Park
Kirkby
Knowsley
L33 7BJ

Description of Development:

**APPLICATION TO VARY CONDITION NO. 23 (NO OUTSIDE STORAGE)
ATTACHED TO PLANNING PERMISSION 20/00688/FUL (THE ERECTION OF 3
NO. INDUSTRIAL/WAREHOUSE UNITS (USE CLASSES B2/B8) WITH
ANCILLARY OFFICE SPACE TOGETHER WITH THE CONSTRUCTION OF NEW
ACCESSES, HARD AND SOFT LANDSCAPING AND OTHER ASSOCIATED
WORKS) TO ALLOW FOR OUTDOOR STORAGE SUBJECT TO ANY OUTDOOR
STORAGE PROPOSALS TO BE FIRST SUBMITTED TO LPA FOR APPROVAL**

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 and approved pursuant to planning permission 20/00688/FUL.

Reason: For the avoidance of doubt.

2. Any outdoor storage shall be set behind the building lines of the units along Acornfield Road and Draw Well Road and shall not be stored on any car parking, servicing and manoeuvring areas as detailed on the Proposed Site Plan approved pursuant to planning permission 20/00688/FUL, with any such storage not exceeding 4m in height from ground level of the land on which the storage occurs (including stacked storage) at any time.

Reason: In the interests of visual amenity and to comply with Policies CS2, CS4 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.

3. The site levels and sections of the site shall only be as agreed pursuant to condition 4 of planning permission 20/00688/FUL unless a planning application has been submitted to and agreed for any variance to those agreed levels / sections.

Reason: For the avoidance of doubt and in the interests of protecting the amenity of neighbouring occupiers and the amenity of the area and to comply with the NPPF and Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

4. Site drainage shall only be in accordance with the site drainage scheme agreed pursuant to Condition 5 of planning permission 20/00688/FUL and shall be operated in accordance with such details at all times that any unit is on site unless a planning application is submitted and agreed for a subsequent drainage scheme.

Reason: For the avoidance of doubt and to ensure the satisfactory drainage of the site and prevention of the flooding of surrounding land in accordance with Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and Policies CS2 and CS24 of the Knowsley Local Plan Core Strategy January 2016.

5. The Management and Maintenance Plan for the sustainable drainage system of the site shall be as agreed pursuant to Condition 6 of planning permission 20/00688/FUL and shall be so operated at all times that the agreed drainage system agreed pursuant to Condition 5 of planning permission 20/00688/FUL is operational on site. In the event that the drainage system is amended in accordance with a submitted planning permission as required pursuant to Condition 4 of this planning permission a Management and Maintenance Plan is required to be submitted either as a separate planning application or as part of the required drainage scheme planning application required. The Management and Maintenance Plan agreed pursuant to Condition 6 of planning permission 20/00688/FUL shall be operated in accordance with the timeframes contained within it.

Reason: For the avoidance of doubt and to ensure effectiveness of the flood risk measures during the lifetime of the development and to comply with the NPPF and Policies CS2 and CS24 of the Knowsley Local Plan Core Strategy adopted January 2016.

6. In the event that contamination is found at any time when carrying out any approved works not identified previously 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 which shall be implemented prior to further works in that area carrying on.

Reason: In the interests of the environment and human health and safety and to comply with the NPPF and 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.

7. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development to which it relates; 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 the environment and human health and safety and to comply with the NPPF and Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

8. The cycle parking provision agreed pursuant to Condition 11 of planning permission 20/00688/FUL shall retained at all times that the development is on site.

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

9. The areas indicated on the Proposed Site layout plan referenced S2317 - 02 REV R approved under planning permission 20/00688/FUL for the provision of parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) shall be permanently retained as such at all times that the development is on site.

Reason: For the avoidance of doubt and to ensure there is adequate onsite parking and servicing space in the interests of highway safety and to comply with the NPPF and Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

10. Notwithstanding the Proposed Site Layout plan approved pursuant to planning permission 20/00688/FUL, no gates or barriers shall be placed on the site access roads as follows:

- between the adopted highway and car parking space no.14 of car park C;
- between the adopted highway and car parking space no.14 of car park B; and
- at car park A1.

Reason: For the avoidance of doubt and to ensure that there is no obstruction of the highway caused by waiting vehicles in front of closed gates or barriers and to maintain the free flow of traffic on the adopted highway in the interests of road safety

and to comply with the NPPF and Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

11. The Travel Plan approved pursuant to condition 14 of planning permission 20/00688/FUL shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the relevant building is occupied and in use.

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

Reason: To maximise opportunities for travel by modes of transport other than the private car, to ensure that the development is sustainable and to comply with the NPPF and Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy T9 of the Knowsley Replacement Unitary Development Plan adopted

12. The EVCP approved pursuant to condition 15 of planning permission 20/00688/FUL shall be retained at all times that the buildings to which the relevant EVCP relates is on site, and the charge points shall be in accordance with the stated details in that condition at all times.

All EV charging points shall be clearly marked as such and their purpose explained to new employees within their staff orientation programme.

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

13. The landscaping of the site shall only be in accordance with the soft landscaping scheme details approved pursuant to planning permission 20/00688/FUL and implementation in accordance with condition 18 of planning permission 20/00688/FUL. The establishment and maintenance of the landscaping shall be in accordance with details agreed pursuant to condition 18 of planning permission 20/00688/FUL. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage.

Reason: For the avoidance of doubt and in the interests of visual amenity and to comply with the NPPF and Policies CS19 and CS21 of the Knowsley Replacement Unitary Development Plan adopted January 2016.

14. The bat and bird boxes agreed pursuant to condition 20 of planning permission 20/00688/FUL shall be retained at all times and replaced as necessary in accordance with those agreed details.

Reason: For the avoidance of doubt, in the interests of biodiversity and habitat mitigation and to comply with the NPPF and Policies CS2 and CS8 of the Knowsley Local Plan Core Strategy adopted January 2016.

15. The recycling / refuse bin numbers and recycling / bin store details for each building agreed pursuant to condition 21 of planning permission 20/00688/FUL shall be retained at all times the relevant building is on site.

Reason: For the avoidance of doubt, in the interests of visual amenity and to ensure that parking / servicing is not compromised and to comply with the NPPF and Policies CS2, CS7, CS19 and CS26 of the Knowsley Local Plan Core Strategy adopted January 2016.

16. No work shall be carried out outside the confines of the buildings hereby permitted on the site.

Reason: In the interests of visual and residential amenity and to comply with the NPPF and Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

17. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and as amended 1 September 2020, the buildings approved pursuant to planning permission 20/00688/FUL shall be limited to Class E(g), B2 and B8 uses only and for no other uses, including any other uses falling within Class E of the Schedule to that Order or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission.

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class and to comply with Policies CS2, CS4, CS7 and CS11 of the Knowsley Local Plan Core Strategy adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
04/11/2022	S2317-00	D	SITE LOCATION PLAN

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

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

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS4 - Economy and Employment

CS19 - Design Quality and Accessibility in New Development

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTE FOR APPLICANT:

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

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

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

Executive Director - Regeneration and Economic Development

Date: 15 December 2023

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.