

<u>APPLICATION NO:</u>	23/02741/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Northwood	<u>PARISH:</u>	
<u>LOCATION:</u>	Atlas Sheds Store, 9 - 8 Draw Well Road, Knowsley Industrial Park		
<u>PROPOSAL:</u>	CONVERSION OF VACANT MAGAZINE BUNKER TO COMMERCIAL/INDUSTRIAL PREMISES FOR THE MANUFACTURING AND STORAGE OF METAL PRODUCTS		

Site and Proposal

The application seeks consent to change the use of a former ammunition storage bunker associated with the former munitions' factory to a B2 General Industrial and B8 Storage and Distribution use for the manufacture and storage of metal engineered goods. The facility would be linked to an existing manufacturing facility nearby at a facility on Kirkby Bank Road which produces materials handling equipment such as conveyors, stillages, barriers, platforms, trolleys etc, and the neighbouring converted bunker at 9/10 Draw Well Road (21/00915/FUL). The premises is required due to the continued expansion of the engineering company. A total of 12 full time staff would be employed at the facility and would be new employment opportunities, not existing staff transferred. The existing use is a sui generis use and therefore planning permission is required for the change of use to General Industrial and Storage/Distribution.

In addition, various physical works are proposed. These include: -

The existing road-side perimeter wall demolished, exposing the bunker's external wall which will release a portion of land between the road and the bunker's external wall for the creation of a car parking area and installation of some landscaping. The parking area would provide for the parking of 4 cars within the site curtilage.

The exposed concrete wall of the bunker would be clad with profiled metal sheeting and the site perimeter will be enclosed with new 2.4m high paladin fencing coloured black.

The building would have CCTV, an alarm system, broadband, and LED lighting installed.

The main bunker would remain on the whole an open-plan space, adapted to suit The assembly and storage requirements of the applicant.

An internal fire-protected escape corridor would be constructed along the southern-edge of the bunker to provide emergency egress.

A new kitchen, canteen, and WC would be installed for staff.

An office would be created for the site manager.

The vegetation to the bunker roof would be cleared to assess the structural integrity of the roof. The applicant has indicated that they would be accepting of a replacement green roof being installed after the assessment and any works to the roof required.

Consultations

Highway Authority – No objections and request a condition requiring the parking area as shown on the site layout plan to be installed before the unit comes into use.

Conservation & Design Officer - No objections if the 'green' roof is retained.

Environmental Health - No objections but request a ground gas investigation, no top soil imported without testing, and a CMP and hours of construction conditions.

Merseyside Environmental Advisory Service -

Merseyside Fire And Rescue Authority - No objections in principle, and provide information for developer.

Merseyside Environmental Advisory Service - No objections but request various ecological conditions and a condition recording the roof following removal of the planted element for archaeological records.

Representations

This application has been publicised by letters sent to 16 neighbours. It has also been advertised by Site Notice and a Press Notice. No representations have been received.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS4 - Economy and Employment

CS7 - Transport Networks

CS11 - Principal Regeneration Area - Knowsley Industrial and Business Parks

CS19 - Design Quality and Accessibility in New Development
CS20 - Managing the Borough's Historic Environment

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

EC3 - Primarily Industrial Areas

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.

Assessment

The application site is in Knowsley Business Park and the use of the unit for B2 and B8 purposes is acceptable and in accordance with Policy CS11.

Design and Visual Amenity Considerations

The existing unit has limited use due to the constraints of the site in terms of parking and access/egress together with its internal condition and layout, borne out by the long term vacancy of the unit. The proposed works to the site would allow the unit and site to operate as a modern commercial/business use by having sufficient space internally and to allow staff parking and allowing access and egress of mid-sized commercial delivery vehicles. The proposal would not harm the appearance of the site or the visual amenity of this locality within the Industrial Park. It would continue the opening up of the of Draw Well Road by the removal of the embankment/mound and the retaining wall and the installation of the parking area together with the paladin fencing.

The application complies with Policies CS2 and CS19 of the Local Plan and Saved Policy EC3 of the UDP.

Highways Considerations

The application is proposing a change of use from sui generis to B2 General Industrial and B8 Storage and Distribution with external works which include provision of 4 staff car parking spaces. Whilst this is below the parking level as set out in the Ensuring a Choice of Travel SPD the context of the site needs to be taken into consideration in that at present the unit has no parking spaces and Draw Well Road is a no through road. would be 10 spaces. Photographic evidence was provided with regard a similar application for the neighbouring unit, 9/10 Draw Well Road, albeit 5 parking spaces were indicated for the parking there, showing the relatively low activity that Draw Well Road experiences through a typical mid-week day. As such it is considered that this together with the no-through road nature of Draw Well Road and the unit being toward the end of the no-through road and of a relatively modest size would mean that if the additional 4 spaces were not sufficient for staff and visitors off-road parking at the front on the highway (indicated on the proposed site plan) could take place satisfactorily without hindering other businesses operating in the vicinity. The Highways Engineer has no objections to the application

subject to a request that the curtilage parking area as shown on the proposed site plan is installed prior to the use of the unit commencing .

The application complies with Policies CS2 and CS7 of the Local Plan.

Conservation and Heritage

In 2021, Historic England received an application to assess six war bunkers including the application site on Draw Well Road which were originally used for the storage of 'filled' ammunition and bombs. This followed the demolition of 4 similar bunkers at the same location. All bunkers were part of the Number 7 Royal Ordnance Filling (ROF) Factory, which was built during 1939 to 1940, but is now largely demolished in order to make way for the current modern industrial estate.

According to Historic England, the bunkers "are totally enclosed windowless, rectangular plan, reinforced concrete boxes, formerly buried in earth (now removed) for camouflage and protection, with a combined road and rail entrance on their northern sides." They also noted that only 2 bunkers were thought to remain in their original condition, of which the application site is one though its original covered outdoor area has been lost as has its original landscaping which hid it from aerial view. Internally, the submitted heritage statement noted that the original railway platform is still intact but that the railway has been removed.

Historic England determined not to list them on the 28th May 2021. Whilst they acknowledge that these bunkers are of 'considerable local interest' due to their association with local families that served there during the war, they were of the opinion that the loss of other factory buildings undermine the understanding of the site, and they are also noted that there are better preserved examples to be found in Yorkshire.

The Conservation consultant understands from the submitted Heritage Statement (HS) that the applicant proposes to retain the loading bay doors internally, retain the wing wall to the western boundary and to retain as much as is practically possible of the earth mound on top of the bunker (but notes that this is not reflected on the drawings). The HS advises that the roller shutters are required from a security, ease of access and fire perspective. As part of the wider proposals, 2 new doorways would be introduced, the building would be clad in a manner similar to the neighbouring 9/10 Draw Well Road and there would be a new car park and associated landscaping introduced.

The Conservation consultant notes that whilst there are no objections in principle to the proposed new doorways as the need and benefit of additional fire escapes is appreciated nor to cladding of the building as the original built fabric would be retained behind, they have concerns regarding the loss of the timber loading doors, wing wall and the earth mounding, and that the level of harm would constitute 'less than substantial harm' to the significance of the NDHA. However, they note that the loss of the earth mounding would in particular cause harm to the building's significance, but that this could be addressed if (as suggested by the submitted HS and Design and Access Statement) a green roof was retained. If this is the intent, the Conservation consultant states that this should be indicated on the proposed plans as it is not currently. They note that the retention of a 'green roof' would have high conservation value in terms of mitigation of any of the previously identified harm to the significance of the NDHA by other proposed interventions as it would give a reflection of the original aerial camouflage attempts by those that planned and constructed it.

The Conservation consultant advises that if the plans are amended to include the retention of a green roof the sentiment of para 209 of the NPPF advises that “a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”. With this in mind, while it is acknowledged that the proposed interventions to the original built fabric would result in some harm to the NDHA, the Conservation consultant notes that the applicant has sought to minimise and mitigate where possible. They also note that an active use and sustainable use that broadly aligns with its original intended use i.e. storage has been proposed. This broadly aligns with local policy CS20 3(a) in that it enables the re-use of a vacant heritage asset in a use which is ‘sympathetic to its conservation’. Consequently, they do not object to the proposals, if the green roof is retained.

The applicant has advised that the green roof is to be removed as the structural integrity of the concrete roof below it needs to be assessed, and repairs undertaken if necessary, particularly given the internal flood issues of the unit. However the applicant has indicated that they are not adverse to providing a replacement green roof once the assessment and any repairs needed have been undertaken. This could be a condition requirement. It is considered that given the issues of the unit in terms of internal flooding and vacancy, an assessment of the concrete roof, is reasonable and the replacement green roof would provide adequate mitigation for the loss of the existing roof.

On balance, taking the comments of the Conservation consultant into account, and the state of the unit together with the replacement of the green roof once structural assessment had been undertaken, the proposal is acceptable and in accordance with Policies CS2, CS19 and CS20 of the Core Strategy.

The Archaeological consultant notes that the submitted Historic Building Investigation report prepared by the Archaeology Company (May 2024) provides a suitable draft record of the bunker, but that the external roof of the bunker remains to be recorded following removal of vegetation. As such they advise that to mitigate on this occasion the impact on the non-designated heritage asset, and that such recording be secured by means of a suitable condition:

Ecology Issues

The Ecology consultant advises that the habitat survey found the green roof to comprise predominantly of successional grassland habitat, bramble scrub and introduced shrub habitat. Dense bryophyte cover and sedums within the grassland present on the bunker roof are considered to be indicative of rarer grassland types, such as acidic grassland. However, they note that as access to the roof could not be gained during the survey, the exact habitat type and whether it qualified as Priority Habitat could not be determined.

Given that it is likely to be a grassland of higher nature conservation value, the consultant advises that it should be retained in the first instance. However, they note that if this is not possible, compensation for its loss should be provided and advise that the principles of a compensation scheme should be agreed if retention of the grassland habitat is not possible. However given that the green roof is to be replaced, and it can be a requirement of that replacement scheme that bryophyte and sedums could be required as part of any agreed scheme, the modest scale of development and that the unit suffers issues such as internal flooding which have constrained its use in a modern commercial environment seen by its continued long term vacancy it is considered on balance that that such a requirement would be

overly excessive and costly and is not sought as a consequence.

The Ecology consultant notes that several immature trees are present upon the roof of the bunker. Whilst it is considered that the presence of roosting bats is not reasonably likely, although it was not possible for the trees to be closely inspected during the survey a precautionary approach is advised to be undertaken with regards their removal. The Ecology consultant advises that a pre-removal inspection of the trees by a suitably experienced, and licensed ecologist, is undertaken and that this is secured by a suitable planning condition. Such a condition is recommended.

The consultant advises that habitats on, and adjacent to, the site may provide foraging and commuting habitat for bats and that lighting for the development may affect the use of these areas. As such they advise that a lighting scheme that is designed so that it protects ecology and does not result in excessive light spill onto the habitats is secured by a suitable planning condition. Such a condition is recommended.

The consultant notes that vegetation on site may provide nesting opportunities for breeding birds. As this is covered by the Wildlife and Countryside Act 1981 as amended an informative advising of developer responsibilities/requirements is recommended.

The consultant notes that habitats on site are suitable for hedgehog which is a Priority Species and advises noted reasonable avoidance measures are put in place to ensure that there are no adverse effects on them. Given that the Wildlife and Countryside Act 1981 as amended would cover, and the context of the site within the industrial estate it is considered reasonable provide an informative of the need for the RAMS measures.

Himalayan cotoneaster and wall cotoneaster are present within the site boundary it is noted. These species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and as such an informative advising of this, and the responsibilities of the developer concerning such, is recommended.

In the interests of biodiversity bat roosting, bird nesting boxes and insect bricks are recommended through the recommended landscape condition to be installed in line with agreed details, following the advice of the consultant.

It is considered, taking the above into account and on balance that suitably conditioned and informed the proposal would not have unacceptable ecology impacts. As such it is considered that the proposal complies with Policies CS2 and CS8 of the Core Strategy .

Conclusion

The proposals would bring a long disused NDHA unit into commercial use for a local engineering company to continue expansion to the benefit of the local economy, and the provision of 12 full-time jobs. The conservation and ecological impacts are considered to be acceptable on balance suitably conditioned, given the issues the unit suffers from such as internal flooding. The application complies with planning policies and is recommended for approval.

Recommendation

That Planning Permission be granted subject to the following condition(s):-

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

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

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

Reason: For the avoidance of doubt.

- 3) The development hereby permitted shall not be brought into use until the areas indicated on Site Plan Drawing 106 Rev A within the site set aside for parking, servicing, vehicular manoeuvring has been surfaced, drained and permanently marked out / demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter. For the avoidance of doubt, this does not include the spaces demarcated on the plan which fall outside the site boundary on Draw Well Road.

Reason: In the interests of highway and pedestrian safety and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

- 4) A ground gas risk assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development works to establish whether there are any concerns of ground gas contamination from previous use of the site or adjacent sites. The scheme shall include a phased investigation approach to identify the extent of ground gas and any measures required to remediate the site, including post-development monitoring. If gas protection measures are required a methodology of these works (including specification details, design plans, installation, inspection, and validation details) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.

Reason: To ensure that the development of the site minimises harm to the environment and to humans and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

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

Reason: To ensure that the development of the site minimises harm to the environment and to humans and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

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

Reason: To ensure that non-contaminated materials are brought to site in the interests of the environment and human safety and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 7) No construction work shall take place outside the hours of 08:00-18:00 on any day of the week.

Reason: In the interests of amenity of the occupiers of surrounding properties and to comply with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 8) Fixed plant and equipment associated with the development shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time-period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for Rating and Assessing Industrial and Commercial Sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property.

Reason: To protect the amenities of the occupiers of neighbouring site and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 9) During and after vegetation clearance of the roof of the bunker a report on a programme of archaeological monitoring and recording should be undertaken and submitted to and agreed in writing with the Local Planning Authority. That programme of archaeological works should be undertaken in accordance with an addendum to the approved document Project Design prepared by the Archaeology Company (April 2024).

Reason: To ensure the appropriate level of additional archaeological recording of the premises in accordance with Policies CS2, CS19 and CS20 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 10) Notwithstanding any submitted details the development shall not be used 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,
- c) Planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
- d) Any existing plants / trees to be retained
- e) A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

For the avoidance of doubt the scheme shall include details of vegetation to be installed to the roof to maintain a 'green'roof, which was characteristic of the original bunkers, and this element of the scheme shall include bryophyte and sedum grasses, to mitigate the loss of such on the existing roof.

The submitted scheme should include biodiversity enhancements including bat roosting boxes, bird nesting boxes and insect bricks. Details, including drawings, of the roosting and nesting boxes, and the insect bricks, should be included with the scheme, and including location and height details.

The approved landscaping works shall be implemented and completed prior to the first use of the building or the following planting season if the conversion of the bunker is completed outside the planting season.

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: In the interests of the historic nature of the site, and to ensure that the site is satisfactorily landscaped in the interests of amenity and biodiversity and to comply with Policies CS2, CS8 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016, and the National Planning Policy Framework.

- 11) Prior to installation details of the cladding of the external walls, including colour (RAL or BS) shall be submitted to and agreed in writing by the Local Planning Authority. The cladding shall only be undertaken using the agreed cladding details.

Reason: In the interests of visual amenity and to comply with saved 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 2006.

- 12) Prior to installation the roller shutter doors shall be powder coated a colour previously agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with saved 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 2006.

- 13) Prior to any tree removal the trees should be inspected by a suitably qualified and licensed ecologist, details of whom shall previously have been submitted to the Local Planning Authority, to ensure that the trees are not used as roosts for bats. In the event that any bat roosts are found in the trees an appropriate mitigation scheme including timetable of implementation for the loss shall be submitted to and approved in writing by the Local Planning Authority before tree removal, and works shall only proceed in accordance with that agreed scheme.

Reason: To ensure that no potential bat roost habitat is lost without an acceptable scheme of mitigation being agreed including implementation timetable to comply with Policy CS2 and CS8 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 14) No external lighting, notwithstanding any submitted details, shall be installed until a scheme of external lighting of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include drawings of the lighting and lighting columns, a site layout indicating positions of the lighting, an isolux drawing, luminosity details and manufactures specifications and the submitted scheme shall take into account Bat Conservation Lighting Guidelines, and Secure by Design principles and detail such. The external lighting shall only be installed in accordance with the agreed scheme and shall be retained as such at all times that it is on site.

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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
25/10/2023	6460	-	LOCATION PLAN
25/10/2023	6460-106A	-	EXISTING AND PROPOSED SITE PLAN
25/10/2023	6460-104A	-	PROPOSED ELEVATIONS
25/10/2023	6460-102A	-	PROPOSED FLOOR PLAN
29/04/2024	-	-	WRITTEN SCHEME OF INVESTIGATION

Signed Case Officer¹:

Lee Osborne

**Signed Authorising
Officer²:**

K Foster

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

Date:

23 May 2024

Informatives

- 1 NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments:
- 2 Merseyside Fire Service consultation response letter.
- 3 No tree felling, scrub clearance, vegetation management and / or ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.
- 4 The habitats on site are suitable for hedgehog which is a Priority Species. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:
 - A pre-commencement check for hedgehog;
 - All trenches and excavations should have a means of escape (e.g. a ramp);
 - Any exposed open pipe systems should be capped to prevent hedgehogs gaining access; and
 - Appropriate storage of materials to ensure that mammals do not use them.
- 5 Section 14(2) of the Wildlife and Countryside Act 1981 states that "if any person plants or otherwise causes to grow in the wild any plant which is included in Part 2 of Schedule 9, he shall be guilty of an offence". Himalayan cotoneaster and Wall cotoneaster are present within the site boundary and are Schedule 9 plants. A suitable method of preventing the plant species spreading further should be used, and eradication of the plant species from the site should be carried out by an appropriate method and by appropriately qualified persons, and monitoring of the situation undertaken.

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

Appendix 1 – Site Photographs