

Regeneration and Economic Development Department

APPLICATION NO: 22/00376/FUL

APPLICANT: United Utilities

WARD AFFECTED: Prescott North

DEVELOPMENT: CONSTRUCTION OF 1 NO. VEHICULAR ACCESS FROM PRESCOT PARKWAY TOGETHER WITH ENGINEERING WORKS CONSISTING OF THE EXCAVATION AND CONSTRUCTION OF A DRAINAGE SWALE AND OTHER ASSOCIATED WORKS.

LOCATION OF SITE: Land To The South West Of The Junction Of Carr Lane And Prescott Park Way, Prescott,

KNOWSLEY LOCAL PLAN ALLOCATION –

Green Belt - Green Belt

South Prescott Action Area - Action Areas

Sustainable Urban Extension - Sustainable Urban Extension

APPLICATION SITE

The application site is approximately 0.56 hectares in area and lies to the south/south west of the Carr Lane/Cables Way/Prescot Park Way roundabout, within land mainly allocated as a Sustainable Urban Extension (SUE) and is within a site formerly used as a treatment works operated by United Utilities. The site consists of mainly scrub/vegetation and a public right of way runs along the southern and eastern boundary. To the east lies housing and the Carr Lane Lake site of Biological Importance lies to the north. Logwood Mill Brook/Prescot Brook runs along the western boundary (with Carr Lane Woods lying beyond). A very small proportion of the site lies within the green belt and is designated urban greenspace, where the development proposes to drain into the Brook outside the SUE site boundary.

Directly opposite the site is a triangular piece of land that is considered to have nil use given its history and beyond this is the former Remondis site which is now owned by CGS Recovery but is cleared apart from an office building which was not destroyed by fire. There is a substation and a gated access opposite the application site and further south along Prescott Park Way is a substation and area of landscaping. Housing is being built further southeast (to the northern side of Prescott Park Way).

PROPOSAL

The proposal is for the construction of a vehicular access from Prescott Parkway together with engineering works consisting of the excavation and construction of a drainage swale and associated works. The access is proposed to form a road access to the SUE site allocation (allocated by policy SUE1 within the Local Plan Core Strategy). This SUE site is identified as capable of providing (up to) 74 dwellings as a notional value. The access is proposed to be a priority junction site access with a central island on the access itself and on Prescott Park Way in order to prevent right turn movements. There will be some minor alignment works to the Prescott Park Way kerb line to facilitate the development. The associated drainage swale channel proposes to take controlled outfall from the access into Logwood Mill Brook/Prescot Brook.

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The proposal incorporates some works including new markings to the roundabout and a no right turn arrangement from the proposed access within the UU site onto Prescott Park Way (PPW). It is noted that amended plans have been submitted which included minor kerb line alterations and inclusion of an indicative route showing the location of the Public Right of Way (PROW).

It is noted that this access only application has been submitted in advance of a comprehensive masterplan for the wider aspirations of the site in line with the SUE allocation.

ARTICLE 35 STATEMENT

Officers have worked with the applicant in a positive and proactive manner in order to seek solutions to the issues relevant to the proposed development, consistent with the requirement in the National Planning Policy Framework (NPPF), paragraph 38.

RELEVANT PLANNING HISTORY

20/00363/FUL ERECTION OF 29 NO. DWELLINGS TOGETHER WITH ACCESS AND ASSOCIATED WORKS – NOT DETERMINED (RESOLUTION FROM COMMITTEE TO GRANT SUBJECT TO S106)

17/00521/REM RESERVED MATTERS APPLICATION FOR 119NO. DWELLINGS IN RESPECT OF PLANNING PERMISSION 15/00022/OUT (PARCEL E) - APPROVAL SOUGHT FOR APPEARANCE, LANDSCAPING, LAYOUT, SCALE & ACCESS – GRANTED 2017

16/00330/FUL (VARIATION OF CONDITION 2 ATTACHED TO APPROVED APPLICATION 14/00668/FUL TO ALLOW FOR THE RE-DESIGN OF DRAINAGE SWALES AND NOISE ATTENUATION BUND AND REMOVAL OF CONDITIONS 7, 9 & 10 RELATING TO SITE REMEDIATION, PREVENTING THROUGH TRAFFIC AND TRAFFIC CALMING MEASURES) – GRANTED 2016.

15/00022/OUT - OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING UP TO 750 NO. DWELLINGS & UPTO 929 SQ M OF COMMERCIAL/INDUSTRIAL BUILDINGS (USE CLASSES B1/B2/B8) - ALL MATTERS RESERVED FOR FUTURE APPROVAL – GRANTED 2016

14/00668/FUL ENGINEERING WORKS COMPRISING OF CONSTRUCTION OF SPINE ROAD, DRAINAGE SWALE & NOISE ATTENUATION BUND (TO SERVE PREVIOUSLY APPROVED MIXED DEVELOPMENT SCHEME REF 14/00094/OUT) – GRANTED 2015

14/00151/FUL ENABLING WORKS COMPRISING ENGINEERING OPERATIONS FOR THE REMEDIATION AND REGRADING OF THE SITE IN PREPARATION FOR DEVELOPMENT – GRANTED 2014

RELEVANT POLICIES AND POLICY CONTEXT

The National Planning Policy Framework is a material planning consideration in the determination of planning applications. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 then clarifies that achieving sustainable development means that the planning system has three overarching interdependent objectives: an

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economic objective to help build a strong, competitive and responsive economy; a social objective to support vibrant, strong and healthy communities; and an environmental objective to contribute to protecting and enhancing the historic and natural environment.

Paragraphs 11 and 12 of the National Planning Policy Framework (NPPF 2021) state that:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.’ ‘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 NPPF is a material planning consideration.

The Knowsley Local Plan: Core Strategy was adopted in January 2016, although saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of paragraph 213 of the NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.

The relevant adopted policies for the assessment of the application are listed below.

National Planning Policy Framework (2021)
National Planning Policy for Waste
Planning Practice Guidance

Knowsley Local Plan: Core Strategy (2016)

SD1 - Sustainable Development
CS1 - Spatial Strategy for Knowsley
CS2 - Development Principles
CS5 – Green Belt
CS7 - Transport Networks
CS8 - Green Infrastructure
CS13 – Principal Regeneration Area – South Prescot
CS19 - Design Quality and Accessibility in New Development
CS20 – Managing the Borough’s Historic Environment
CS21 - Greenspace and Trees
CS22 – Sustainable and Low Carbon Development

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CS24 - Managing Flood Risk
CS26 - Waste Management
SUE1 - Sustainable Urban Extensions and Safeguarded Land
SUE2 - Sustainable Urban Extensions Development Principles

Knowsley Replacement Unitary Development Plan (Saved Policies 2009)

T5 - Location of Major Traffic Generating New Development
T7 –new Development and Walking & Cycling Routes
T8 - Transport Assessments
T10 – Access for the Less Mobile
DQ2 - Security in the Built Environment
DQ3 – Gateway Sites and Corridors
DQ4 - Trees and Development
ENV2 - Noise and Vibration
ENV3 – Light Pollution
ENV5 - Contaminated Land

The Joint Merseyside and Halton Waste Local Plan (2013)

WM8 - Waste Prevention and Resource Management
WM9 - Sustainable Waste Management Design and Layout of New Development

Adopted Supplementary Planning Documents (SPD)

Ensuring a Choice of Travel SPD (2010)
Design Quality in New Development SPD (2016)
Trees and Development SPD (2016)

TECHNICAL CONSULTATIONS:

Prescot Town Council – Whilst Prescot Town Council councillors did not formally object to the planning application, further information/clarification has been requested relating to the public footpath near to the application site.

National Highways - No objections.

United Utilities Water Ltd - No objections subject to a surface water condition.

Arboricultural Officer - No objections subject to conditions requiring submission of a landscaping scheme to include 20 new trees to allow for replacement planting and a condition to ensure the development is carried out in accordance with the Arboricultural report submitted with the application. An additional condition requiring 5 days notice for the erection of protection tree fencing is also required.

Highway Authority - No objections subject to a condition requiring the provision of a visibility splay and a condition requiring a scheme to be submitted for the roundabout road markings.

LLFA/Drainage – No objections subject to a detailed drainage strategy condition.

Merseyside Environmental Advisory Service – No objections subject to the following conditions: Construction Environmental Management Plan condition detailing reasonable avoidance measures, no vegetation clearance during bird nesting season and pollution control

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measures; bird box installation details; and a landscaping condition to secure 2 for 1 tree planting.

Environmental Health - No objections subject to the following conditions: contaminated land; unexpected contamination; importation of soils/materials; materials management plan; construction management plan and restriction on construction working hours.

Environment Agency - No objection although it is recommended that regard is given to the Guiding Principles for Land Contamination, as the site appears to have been the subject of past industrial activity which poses a medium or high risk to controlled waters. Advice from Environmental Health is recommended.

Natural England – No comments.

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 6 neighbours. It has also been advertised by Site Notice and a Press Notice.

There have been 8 letters of objection from consultants acting for an interested party, 0 letters of support and 1 letter of comment. The representations are summarised as follows:-

Highway safety issues and presence of an access point opposite the site

There are existing access points into the adjacent parcel of land that can be used to access those areas serving existing/historic land uses or proposed commercial or residential redevelopment of those areas. This existing industrial access is considered lawful. This existing gated access has a dropped kerb and is capable of being brought into use. The position of this access has not been taken into consideration.

The proposed new access would be detrimental to highway safety given the presence of other access points on Prescott Park Way. The junction spacing between the UU site and the access opposite is 10m when measured centre to centre. This is very low and does not comply with accepted design standards. The proposed access would prejudice the potential safe operation of a pre-existing lawful access point and the proposed access arrangements are compromised by the operation of the pre-existing access point. It is not considered reasonable for the access to be approved given the impacts on highway safety.

The junction spacing between the UU site access and the roundabout is very low. This will result in queues that could back onto the roundabout if there is a lorry waiting on Prescott Park Way to access the Prescott Business Park site opposite via the existing access or due to a vehicle waiting on Prescott Park Way to access the UU site. Tailing back queues onto the roundabout will have detrimental impacts on highway safety.

It is considered that the Council would be acting unlawfully and unreasonably if it granted planning permission for the access without the impacts of the existing access points having been fully considered.

Presence of another access point into parcel F and existing of PROW

There is another access point which also has a dropped kerb that serves parcel F via a public right of way (PROW). This access has not been taken into consideration and should be acknowledged in the application reports. The dropped kerb access here is opposite the gated access.

The PROW has not been acknowledged on the plans.

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Concern about methodology employed to assess highway safety impacts

Technical comments have been submitted by a highways consultant alongside comments received from a planning consultant. The highways consultant has raised technical objections and raised concerns relating to highway safety. The main concerns are listed below:

The exit width at the roundabout on Prescott Park Way (PPW) is not considered to be compliant with DMRB standards. The exit width at the roundabout should be between 7m and 7.5m (as per DMRB). The proposal does not comply with this (with a proposed exit width of 6.1m) and therefore is not DMRB compliant.

The lane width of the exit off the roundabout on PPW should taper down to a minimum of 6m but the proposal shows a 4m lane width. The additional width is to pass a broken down vehicle. The proposal would result in a tail back onto the roundabout and beyond which is considered to be harmful to highway safety.

The forward visibility distance is not considered to be accurate especially on the basis that the measurements assume one car is waiting on Prescott Park Way waiting to turn right – this assumption is not appropriate. In reality during peak periods, more than one vehicle is likely to be waiting on PPW to turn right and it is considered that this will cause issues with queuing and harm to highway safety. Having regard to a longer queue length on PPW due to more than one vehicle turning right, this will have detrimental impact on safety due to reducing the stopping sight distance (forward visibility being reduced) within the adopted highway. Together with PPW being on a gradient, sloping downhill southbound from the roundabout, this is considered to encourage speeding and it is not clear whether the gradient of PPW has been considered in arriving at the forward visibility measurement. A request for visibility calculations has been requested.

The access design shows a 33m forward visibility from the start of the exit from the roundabout to a vehicle waiting to turn right into the UU site. The TS states that this exceeds the 27m stopping distance based on speed survey results. There is concern about how the speed survey was undertaken and these are detailed within the objection. In particular these are summarised below and many are considered to indicate that the speed results in the TS are not representative:

- * The bare minimum of 200 speed readings were undertaken in each direction and so may not provide a true representation;
- * Concern about how certain values have been arrived at; the survey does not indicate the time period for the survey and the survey will have been carried out over a limited time period. So if a peak period was utilised, this would not be representative of the likely higher speeds during off peak periods and at night (again meaning the survey is not an accurate representation);
- * The speed survey has been taken with a handheld speed gun and this means that drivers will have slowed down due to the presence of the surveyor regardless of whether a high vis jacket was worn or not;
- * The survey sheet in the TS does not show the locations from where speed readings were taken;
- * The speed survey should have been carried out using Automatic Traffic Counters, placed for 7 continuous days, to overcome concerns with the manual survey;
- * The speed survey was undertaken in May 2021 during the Covid 19 pandemic and therefore the readings taken may not be representative.

The speed survey is therefore not considered to be reliable or representative of the likely 85th percentile speeds and therefore the forward visibility shown on the submitted access plan is questionable.

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It is considered inappropriate to choose a percentile measurement of speed (utilisation of the 85th percentile in this case) as a basis of calculation for sight lines in proximity to a roundabout. Traffic is accelerating away from the junction so percentile speeds are not indicative of the hazard. The road has a 30mph limit so it is considered that the speed of traffic at the point of the proposed turn off PPW into the new access should be considered to be 30mph. As such, based on this, there is insufficient visibility.

In addition to this the TS contains an RSA and the designers' response. Given the serious design deficiencies and concerns about the speed survey, the RSA is not considered to be valid. It also appears that the designer's response has not been accepted by the safety auditors. In particular the following was raised in the RSA: *The design presents a left turn only out of the development, enforced by a physical island on Prescott Park Way. Drivers wanting to turn right are required to carry out a U-turn at the adjacent roundabout. Prescott Park Way links through to the centre of Prescott which could result in residents and particularly delivery drivers attempting to circumvent the U-turn by passing the wrong side of the traffic island at the development junction in order to turn right onto Prescott Parkway which could result in head on collisions with turning vehicles and vehicle / pedestrian collisions*

It is considered that these highlighted risks are still valid and it is noted that there is no confirmation within the TS that the auditors are happy with the amended layout.

The TS contains tracking of the proposed access for a refuse vehicle and a car for the UU access but does not include tracking for the lawful gated access opposite the UU access. As such, there is no evidence to show that the opposite access will still be able to operate safely.

The capacity assessment of the UU site access and the adjacent roundabout has been tested using future forecast flows which are based on traffic surveys carried out in October 2021. The surveyed flows may not be truly representative of typical flows as they were affected by the Covid 19 pandemic. It is considered that the capacity result should be updated with a new survey.

The third party objector undertook their own speed survey based on Automatic Traffic Counter data; this survey found that 164 vehicles were travelling between 31mph and 35mph southbound on PPW. The objector found the 85th percentile speed to be 23.4mph. This is at odds with the CBO data which found maximum speed to be 24mph and an 85th percentile figure of 21mph. The third party objector considers that their speed survey data confirms that the applicant's speed readings underestimate likely true speeds and that it is not possible to achieve a safe forward visibility resulting in an access that will be harmful to highway safety. The third party objector confirmed that the required forward visibility is 46.1m based on the maximum speed range and 31.1m based on the 85th percentile speed of 23.4mph. This is based on Manual for Streets and the proposal cannot achieve these forward stopping sight distances, thus the proposal is not compliant with Manual for Streets. The objector considers that this forward visibility shortfall is over 10m which is a significant shortfall distance; this shortfall will be higher again when based on ATC maximum speed.

The third party objector considers that the CBO applicant's survey underestimates 85th percentile and maximum speeds. Due to methodological flaws, the CBO survey should not be relied upon. The applicant's survey results in a shortfall to visibility of 6.2m which is considered a significant distance and when relying on the 3rd party data, this distance is even greater. The proposal therefore does not align with the NPPF and results in unacceptable highway safety impacts.

Land ownership

The proposed right turn entry kerb line from PPW to the new road extends c 1m into land not owned by the applicant and therefore cannot be achieved without using this land. The junction should be re-sited to avoid third party land and redrawn with sightlines adjusted.

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The visibility splay to the right/south goes through land under the control of Prescott Business Park and this may not be put up for adoption. As such the UU access cannot be delivered within land under UU control affecting deliverability.

Previous approved schemes in close proximity to the site

There is a reserved matters application which includes an access into the UU application site. Leah Road terminates near the site boundary and it was negotiated by the Council that the housing layout would incorporate this access to continue from Leah Road to accommodate future access into the UU land.

The proposal will negatively impact on highway safety which will have implications for the bringing forward of land parcels within Prescott Park which have yet to be developed and has negative impacts for recent developments.

ISSUES AND ASSESSMENT:

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The Local Planning Authority needs to consider whether the application is in accordance with the development plan, when it is considered as a whole. It is noted that the Local Plan Core Strategy is sufficiently up to date such that the 'tilted balance' need not apply. Full weight is given to the Local Plan Core Strategy policies.

The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up-to-date development plan without delay". If there is conflict with the development plan, applications should be refused unless material considerations indicate otherwise. Policy SD1 of the Local Plan Core Strategy reflects this approach which is considered central to decision making.

The application site largely lies within an area of land allocated for housing under Policy SUE1 of the Local Plan Core Strategy. Policy SUE1 removed 9 sites, of which Carr Lane was one, from the Green Belt to release additional land to meet the Council's development requirements up to 2028 and beyond. The accompanying explanatory text to the policy sets out that estimated capacity allocation profiles are set out in appendix E. Within appendix E, the site is identified within the local plan as having a notional capacity of 74 dwellings. The evidence base for the local plan and the technical reports set out further information regarding the Council's approach to Green Belt release and contain assessments for each location. Policy SUE2 of the Local Plan Core Strategy sets out the development principles for the sustainable urban extension sites. Given the proposal is for a new access that has the potential to serve residential development, and an associated drainage swale to serve the development, the application is considered to comply with policy SUE1 of the Local Plan Core Strategy.

The site also lies within the South Prescott Principal Regeneration Area. With regards to the site designation, Local Plan Core Strategy policy CS1 lists South Prescott as one of six 'Principal Regeneration Areas' in the Borough and the policy states that opportunities for regeneration and development within the regeneration areas will be maximised. Policy CS1 defines those areas of greatest need and opportunity for

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comprehensive change in Knowsley; South Prescott being one of these identified areas. This policy promotes opportunities for regeneration and states that development within the Regeneration Areas will be maximised.

In order to guide the nature and scale of transformation within South Prescott, Core Strategy Local Plan policy CS13 seeks to achieve the delivery of significant change and new development to enhance the economic performance of South Prescott. This policy seeks to prioritize these areas for significant change and development to create successful suburban towns. The policy supports a mix of uses within the area and they include new economic development, new residential development to provide a wider choice of housing types suitable for local needs, public realm and greenspace improvements, improved connectivity and infrastructure improvements.

The reasoned justification to policy CS13 explains that the South Prescott Principal Regeneration Area was formerly allocated for employment purposes in the Knowsley Replacement Unitary Development Plan (Knowsley UDP) (formerly known as 'South Prescott Action Area A'. With the exception of South Prescott Business Park, the majority of the site remained vacant during the life of the UDP. In the production of the Local Plan, a review of employment land suggested the area could be developed for either housing and/or employment uses. Since the adoption of the Local Plan Core Strategy, policy CS13 has guided the delivery of significant change and new development in the South Prescott Regeneration Area. The proposal seeks to provide a new access with associated engineering and drainage works, with the intention of using this access to potentially serve residential dwellings in accordance with the allocation under SUE1. The provision of this new access infrastructure would also align with the CS13 and CS1 policy aspirations of promoting regeneration and development of sites within the South Prescott Principal Regeneration Area to facilitate and promote opportunities for comprehensive change.

On this basis, the Local Planning Authority considers the principle of a new access into the application site off Prescott Park Way, and the accompanying engineering and drainage works, to be acceptable. The proposal would facilitate development of the site, provide certainty that an access could be delivered and therefore act as a catalyst for promoting comprehensive regeneration of the wider site. The proposal is therefore considered to comply with planning policies CS1, CS13 and SUE1 of the Local Plan Core Strategy.

Green Belt and Urban Greenspace

A very small area of the application site falls within the designated Green Belt and an area of land designated as urban greenspace protected under policies CS5, CS8 and CS21 of the Local Plan: Core Strategy respectively. The small area of urban greenspace/Green Belt will accommodate a drainage outfall measuring 300mm in diameter taking surface water from a swale to allow discharge into Logwood Mill Brook/Prescot Brook.

Policy CS5 states that inappropriate development in the Green Belt will not be permitted except in very special circumstances. This policy refers to sites removed from the Green Belt which are set out in policy SUE1 of the Local Plan Core Strategy in relation to this site. However, a small extent of Green Belt land within the application site lies outside the SUE site boundary. It is considered that the laying of a drainage pipe to drain the site would be an engineering operation and given the nature of the development, it would not harm openness or the purposes of including land in the Green Belt and it is not considered that the proposal would constitute inappropriate development having regard to policy CS5 of the Local Plan Core Strategy and the NPPF. The creation of an outfall will not harm the open character of this part of the

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site having regard to the scale and nature of the development. However, a condition is recommended to secure full details of this outfall connection to Logwood Mill Brook / Prescott Brook including section details and levels. It is considered that the proposal complies with policy CS5 of the Local Plan Core Strategy.

Turning to the urban greenspace designation, again only a small part of the site falls within this designation (classed as natural and semi natural greenspace) where the outfall drains into the Brook beyond the boundary of the SUE site. This urban greenspace is protected by policy CS8 of the Local Plan Core Strategy. Policy CS21 of the Local Plan Core Strategy sets out when the development of urban greenspace will be acceptable, setting out criteria against which the loss of the greenspace will be assessed. Policy CS21 also requires the benefits of a proposal to clearly outweigh the loss of urban greenspace stating that development will be resisted where it would significantly harm any existing or potential special qualities of the greenspace, as assessed against specific criteria listed within the policy.

It could be argued that the urban greenspace loss is virtually non-existent given the proposal will involve a small outfall only. However, taking a cautious approach, it is considered that the benefits of the development of the SUE site in terms of provision of an access to facilitate the future development of this SUE site for housing outweigh any loss of urban greenspace. The development would not significantly harm any existing or potential special qualities of the greenspace in terms of visual amenity, residential amenity, biodiversity and environmental benefits, historical, cultural or community value, recreational benefits or physical and/or visual linkages between adjoining urban greenspace.

This is due to the minor area of urban greenspace being 'lost' to accommodate the outfall pipe, the fact that the majority of the greenspace designation does not form part of the development plateau, the overall greenspace typologies for this area are in surplus and the land is not suitable to address any greenspace deficiency having regard to its character, location, size and flood risk categorisation. In terms of visual amenity, this will be mitigated through the landscape condition and only a small area of pipe is likely to be visible. Putting the outfall into this area of greenspace will not impact on residential amenity benefits or impact on historical, cultural or community value associated with the greenspace. This area is not used for recreational benefits being located directly adjacent to the brook and the visual impact will not affect physical or visual linkages nor will it affect biodiversity and environmental benefits, subject to the reasonable avoidance measures and landscape conditions recommended. As such, the proposal will not significantly harm the special qualities (existing or potential) of the greenspace and the benefits associated with the development, set out above, outweigh the small loss of the urban greenspace. As such the proposal is considered to comply with policies CS5, CS8 and CS21 subject to the conditions listed above. The principal of the development is considered to be acceptable.

The proposal now also needs to be considered against the other policies within the development plan and discussion of the material planning considerations is outlined below.

Residential Amenity and Noise

Saved Policy ENV2 of the Knowsley UDP seeks to ensure that new or existing developments are protected from new or existing noise sources and that, where necessary, effective mitigation measures are secured. Noise reports have been submitted in support of the application and have been assessed by the Council's

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Environmental Health Team. Policy CS2 of the Local Plan Core Strategy also sets out development principles which require new development to protect residential amenity, recognize environmental limits, enhance local character and promote quality of place by mitigating potential negative impacts of traffic growth on noise and health, and minimize negative impacts upon noise. Additionally, Policy CS19 of the Local Plan Core Strategy sets out that new development will be expected to maintain a good standard of amenity for all existing and future occupants.

The proposal will introduce an access adjacent to residential properties. The environmental Health Department has recommended that a construction environmental management plan (CEMP) condition is imposed in the interests of protecting neighbour amenity. This CEMP will include dust control and suppression measures, details of wheel washing facilities, details of the siting of the compound and materials storage, pest control measures and methods for the mitigation of noise and vibration from the works including any noise from the operation of any temporary power generation or pumping plant that shall operate overnight. The CEMP will also include limitations to construction hours such that no construction work shall take place outside 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturday and not at all on Sundays and Public Holidays without the prior written permission from the LPA. These measures all seek to mitigate the impacts of the development during construction.

Subject to the above conditions being imposed, it is considered that the noise and air quality impacts and the impacts on residential amenity can be appropriately mitigated and as such are considered acceptable. Noise generated by the proposed development is unlikely to give rise to adverse noise impacts at the nearest noise sensitive receptor and the proposal will not unduly harm residential amenity. The proposal is considered to comply with Policies CS2 and CS19 of the Local Plan Core Strategy, policy ENV2 of the Knowsley UDP and the NPPF.

Highway Safety Issues

Principle 4 within Policy CS2 of the Local Plan Core Strategy sets out that development should mitigate the potential negative effects of traffic growth and road traffic on highway safety. Principle 2 of policy CS2 seeks to reduce carbon emissions and adapt to the effects of climate change whilst principle 3 seeks to reduce the need to travel, especially by car and promote the use of sustainable modes of travel through encouraging the use of public transport, walking and cycling. Principle 5 seeks to ensure efficient use of resources and infrastructure by prioritising the location of development in line with the spatial strategy. Policy CS7 of the Local Plan Core Strategy seeks to promote accessible developments, sustainable modes of travel and reduction of carbon emissions whilst ensuring adequate on-site parking is incorporated within new development. This policy seeks to ensure development impacts are acceptable in highway safety terms. This is reiterated in the NPPF.

Policy CS19 of the Local Plan Core Strategy also promotes delivery of accessible places whilst policy CS13 seeks comprehensive redevelopment for mixed uses on previously developed land where they provide infrastructure improvements amongst other criteria. Policy SUE2 of the Local Plan Core Strategy sets out the development principles under which applications on these allocated sites shall be considered. This policy promotes sustainable development and good transport linkages including connectivity with adjacent urban development. Policy T5 of the Knowsley UDP seeks to promote sustainable major developments within safe and convenient walking distance of public transport facilities whilst policy T7 of the Knowsley UDP seeks to ensure new development preserves or where possible enhances the walking and

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cycling network as well as promoting access to green corridors to encourage healthy living.

The NPPF says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The applicant has submitted a Transport Statement with the planning application and further transport information to address the objections raised. The proposed access scheme was safety audited and no material issues were raised, although it is noted that the minor amendments to the scheme were not safety audited separately.

Objections on highway safety grounds have been received on behalf of a nearby landowner. These objections raised a number of concerns about the methodology employed, the validity of the highways information and surveys undertaken by the applicant, concern about the safe operation of the highway network and existing accesses opposite and adjacent to the site and the safe operation of the roundabout in light of the forward visibility achieved and the associated impacts of queuing traffic waiting to turn right off Prescott Park Way into the proposed access. The 3rd party objector also carried out a separate traffic speed survey. The Local Highway Authority (LHA) and the applicant have been provided with the concerns raised by the 3rd party objector and careful consideration has been given to all the issues raised. The applicant also submitted a rebuttal to the objections raised.

The findings from the 3rd party objector's speed survey showed that 85th percentile speed of traffic just after leaving the roundabout and entering PPW was 23.4mph whilst the applicant's speed survey data submitted with the TS found the 85th percentile speed to be 21mph. The applicant provided a rebuttal stating that looking at the data, speeds during 11-12 were higher (between 26.1 and 27.5mph) on all 5 days. But excluding this hour, there was only one other hour during the 5 day period (5-6 on Thursday) where the 85th percentile speeds exceeded 26.1mph. The applicant's rebuttal then stated that if the 11-12 data was removed from the calculation, then the average 85th percentile speed for the 5 day period would be 21.1mph which broadly correlates with the 21mph 85th percentile speed observed through the hand held radar survey submitted by the applicant.

As well as the rebuttal from the applicant, the Local Highway Authority (LHA) has also reviewed the technical objections and confirmed that their initial response remains valid and that the applicant's speed survey and TS provide a robust basis on which highway safety impacts can be assessed. The proposal is not considered to be unacceptable to highway safety and the proposed access is considered to be functional. This report will briefly address some of the concerns raised.

The highways objection raised concerns about the exit width at the roundabout not being DMRB compliant. The DMRB provides requirements that shall be applied to the appraisal, design, maintenance, operation and disposal of motorway and all-purpose trunk roads. The highlighted design standards/guidance are not considered to be applicable to residential streets, which fall under the remit of Manual for Streets.

The highways objection also raised concerns about the lane width of the exit off the roundabout on PPW also being too narrow at 4m rather than 6.1m, making it DMRB non-compliant. The narrow lane width was considered by the objector to result in unacceptable highway safety impacts as the lane would not be wide enough for vehicles to pass in the event of a breakdown and would cause tail backs which could result in accidents. However, the LHA has confirmed that DMRB is not considered to

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be applicable here. Regardless of this, it is considered highly unlikely that a vehicle would need to stop (due to breakdown) in a very specific location so as not to allow vehicles to pass. As such, it is not considered that this would be an unacceptable effect on highway safety.

A number of methodological points of objection have been raised in relation to the speed survey that was undertaken which is considered to invalidate the findings of the survey and the associated TS. The LHA has considered the concerns. The number of speed readings are considered to be acceptable given they are in line with national guidance. The values within the TS have been determined through visual observation. The applicant's survey is considered to be robust by the LHA and even though concern has been raised about the survey results being affected by the pandemic, the lower volume of traffic associated with this will likely encourage faster speed rather than inhibit speeds.

The highways objection raised concerns about use of handheld speed guns as they will underestimate speeds because drivers slow down in the presence of a surveyor. The highways objection stated that automatic traffic counters should be used for 7 continuous days. The LHA has confirmed that use of a handheld gun to take speed measurements is a nationally acceptable method of measuring speed for this type of survey and the applicant has confirmed that the person taking measurements was inside a vehicle out of the main carriageway, in the position of the site access location, so they would not have been visible immediately to other cars. The LHA has confirmed that ATCs are known to be susceptible to counting errors when placed on bends within carriageways and in this scenario, a speed gun survey is considered to be the most reliable.

The highways objection raises concern that the visibility splay to the south is not reliable and the survey does not provide representative measurements of the likely 85th percentile speeds, making the forward visibility measurements questionable. However the LHA has confirmed that the visibility to the south is within the 3m footway/cycleway which runs along PPW and is under KMBC maintenance and a s38 is due to be completed imminently. The cycleway/footway will need to be clear of obstacles to enable its functioning as such.

Concern has also been raised that a small area of land is within 3rd party ownership not in the control of the applicant. The applicant has submitted an updated red line and confirmed that the site within the red line is all within UU ownership and KMBC ownership and have confirmed that the correct notice no.1 notifications have been carried out. The red line has been amended slightly to accommodate the access entirely within UU/KMBC ownership.

The LPA has carried out its due diligence in regards to the siting of the access. The UU land registry title plan documents, the location plan for the outline masterplan application for housing, open space and commercial uses and the plan showing 3rd party controlled land, as well as the plan showing land controlled by UU submitted by the applicant, all demonstrate that the application site appears to sit within land controlled by UU and KMBC. Due to the scale of the plans, no precise measurement to the centimetre can be relied upon; however, having regard to due diligence, it is considered that the plans show the application site lies within land controlled by UU and KMBC and the correct certificate/notifications have been carried out.

Concern has been raised by the objector in regard to the junction spacing between the UU access and the roundabout which is considered to be low and would create queues which would back onto the roundabout if there was a lorry waiting on PPW to access

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the site opposite or if there was a vehicle wanting to access the UU site, waiting on PPW. The Road Safety Audit that was completed did not raise this as an issue and the LHA do not consider that the proposal would result in severe or unduly detrimental impacts on highway safety.

An objection has been received that raises concern about the TS submitted with the application and the designer's response. The objection says that the RSA is not considered to be valid given the concerns raised regarding the speed survey and the design issues. The objection also states that the designer's response is not accepted by the safety auditors. The LHA has carefully considered these concerns and has stated that the amendments which were requested with the RSA have been provided and the LHA considers the amendments to be satisfactory. An RSA Auditor's final opinion is not considered to be a necessary requirement. Furthermore the objector specifically refers to the requirement for drivers to go around the roundabout should they wish to go right out of the development and that this may be ignored by delivery drivers/residents etc leading to highway safety issues. The objector considers that whilst the island has been extended, the design still has the potential to lead to increased collisions and thus negatively impact on highway safety. It is also highlighted by the objectors that the TS does not confirm that the auditors are happy with the revised layout. The LHA again has considered this and confirmed that they are satisfied with the junction design from a highway safety point of view.

Concern has been raised that the TS does not include tracking to assess the use of the gated access opposite the application site in conjunction with the proposal. As such, it has not been demonstrated that the gated access can operate safely in the context of the UU access being approved. The LHA has confirmed that this gated access is a simple dropped kerb. There is no planning permission proposed which could utilise the point of access and the only suitable levels of use of this access is for infrequent vehicles no larger than a van, although even in this scenario, visibility concerns are present. KMBC could seek removal of the access should an attempt to use this access lead to concerns regarding highway safety. Additionally given there is an existing access further east, there is little reason for the gated access to be used. The eastern access is a suitable alternative as demonstrated by its use to serve the commercial development in the 2015 outline application and the 2020 (undetermined) housing application. It is considered that the location of dropped crossings in the vicinity of the site on PPW would not compromise highway safety in connection with the proposal; this includes the existing dropped crossings on the north and south side of PPW.

An objection also raises concerns that the capacity assessment of the UU site access and the adjacent roundabout has been tested using future forecast flows based on traffic surveys undertaken in October 21. This was not considered representative by the 3rd party objector due to the Covid 19 pandemic. The LHA considers that the modelling assessment is acceptable for the purposes of assessing this application and no further survey work is required of the applicant.

Concerns relating to the forward visibility distance and reliance on one large car waiting to turn right off PPW into the UU site are considered to be unrepresentative of what will happen in reality by the highways objection received; the objector considered that during peak periods there would be more than one car waiting to turn right on PPW resulting in queuing and southbound traffic on PPW being blocked. The highways objection refers to a 17metre queue (from a delivery vehicle and large car waiting to turn right off PPW) as a realistic scenario that could occur which would result in a reduced forward visibility (stopping sight distance) which would result in unacceptable highway safety impacts.

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The LHA has confirmed that based on the assessment provided, one vehicle could be expected to arrive approximately every 2 minutes in the evening peak which is the peak hour of traffic in terms of arriving vehicles. Even when the assumption is made that all these vehicles are turning right, which is an unlikely scenario, the LHA consider it doubtful that a vehicle waiting to turn right would be unable to do so within 2 minutes and as such, consider the assessment using one large vehicle waiting, to be acceptable. The LHA has confirmed that in a future assessment year, it is considered that during the evening peak, that one vehicle would travel westbound, across the proposed access, approximately every 30 seconds; this is considered to be an ample amount of time for a waiting vehicle to turn right into the access. As such the assessment is considered to be appropriate and the LHA do not expect that any vehicles waiting to turn right are likely to result in traffic congestion issues that would create unacceptable impacts on highway safety. Additionally any blocked traffic would queue back towards the roundabout and as such any vehicle positioned closer to the roundabout is more visible to vehicles travelling from the roundabout due to increased levels of forward visibility. It is not considered that the gradient would adversely impact on this level of visibility such that a refusal would be warranted. The height of a car would mean that queuing traffic would be visible to on coming cars.

The applicant has also addressed the 3rd party objector's concerns by confirming that the objector relies on a 11.2m refuse vehicle and large car waiting to turn right. It is stated by the applicant that refuse vehicles would not be travelling southbound on PPW on a regular basis and traffic flows show the southbound HGV flows on PPW would be just 2 in the morning peak and 0 in the evening peak. If a vehicle were required to wait behind a right turning vehicle, the chances of this vehicle being a refuse vehicle are unlikely.

The applicant's rebuttal also refers to the operational assessments which showed the queue on the right turn movement into the site from PPW would be zero. Their modelling also showed that the ratio of flow to capacity value for this movement would not exceed 0.045. The traditional design capacity for RFC is 0.850 which means that the modelled RFC is just 5% of the design capacity. This is why the model indicates that there would be no queue.

The applicant's rebuttal also addresses concerns raised about forward visibility by the 3rd party objector; the applicant considers the calculation used to determine this shortfall is flawed. The applicant refers to the fact that once a driver enters the part of the circulatory carriageway past Cables Way, they will be looking at their exit point and in this instance, the point at which forward visibility can be measured would be from further upstream. Additionally the speed survey undertaken by the 3rd party objector uses ATC data measured at a point where traffic has left the roundabout. Drivers will have started to speed up on exiting the roundabout and certainly will not have gone around the roundabout at this speed. The applicants support this assertion stating that a maximum speed for a large car negotiating the roundabout would be around 18mph. Even when accounting for the unlikely scenario where a car and refuse vehicle queue at the same time, with a 1m separation, the applicant considers that the rear of this queue would be visible from the 33m stopping sight distance. The 33m stopping sight distance is sufficient for a design speed of 25mph which exceeds both 85th percentile speeds measured by the applicant and the objector within their speed surveys.

Concern has been raised that PPW is on a gradient, going downhill southbound which will encourage speeding. It is not clear if this gradient has been taken into account in working out forward visibility distances. The LHA has considered that the gradient of PPW was in existence at the time that the speed survey measurements were

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undertaken and the result shows some vehicles exceeding the speed limit whilst some travelled below the limit. All the result are considered and utilised in the derivation of the 85th percentile speeds. No concerns have been raised by the LHA in regards to the methodology undertaken by the applicant.

The applicant's rebuttal concludes that the ATC data, with the 'potential anomalies removed' supports the handheld radar data. The traffic flow data and operational assessments submitted by the applicant demonstrate that the rear of a queue consisting of one large car/refuse vehicle waiting to turn right would still be visible from the 33m stopping sight distance. This is having regard to the fact that the fixed point methodology used by the objector is considered by the applicant to be a flawed assumption, and also acknowledges that the large car/refuse vehicle scenario is an unlikely one. That said the applicant concludes that the stopping sight distance is acceptable.

Second LHA response in relation to the additional speed survey information submitted by the 3rd party objector

The LHA has reviewed the additional speed survey provided by the 3rd party objector and confirmed that an ATC in this scenario is not considered to be the best option to determine vehicle speeds. This is because when ATCs are placed on bends, the vehicles tyres cannot meet perpendicularly with the loops, and can therefore be liable to inaccurate readings. A KMBC Highways Engineer attended the site when the ATC was in place and was able to capture an example of this issue. A photograph taken by the engineer shows that the vehicles nearside side wheel has crossed the first loop whilst the offside wheel is approximately 0.5m behind. The LHA has confirmed that the use of ATCs in this situation have been known to result in inaccurate readings.

The LHA has confirmed that a forward visibility of 33m can be achieved and this distance is suitable for 85th percentile speeds of 25mph. Given the 85th percentile reading from the ATC is 23.4mph, even with the increased reading compared with the applicant's speed survey reading of 21mph (85th percentile), this still falls within the 85th percentile speed reading for the forward visibility measurement. As such, both the speed gun and the ATC readings provide appropriate readings for 85th percentile speeds for the implementation of the site access junction proposed. As such, the argument put forward by the 3rd party objector which raises shortfalls in visibility when a vehicle and refuse vehicle are queuing is not considered to be correct by the LHA. Any vehicle positioned closer to the roundabout is in fact more visible to vehicles travelling the roundabout.

In relation to the objector's concerns about queuing vehicles turning right, the LHA references the applicant's technical note and rebuttal to the objections raised:

The calculation used by the objector assumes that the point at which the forward visibility is measured from is 'fixed' at the point at which the driver leaves the roundabout and enters Prescott Park Way. However, this point is only used on CBO drawing CBO-0206-012 Rev G as this is the furthest point at which the stationary vehicle shown on the drawing can be seen from. Upstream of this point, and once a driver enters the part of the circulatory carriageway past Cables Way, they will be looking at their exit point. In this instance, the point at which the forward visibility is measured from would therefore be further upstream and move onto the roundabout circulatory carriageway. (taken from CBO technical note)

The LHA confirm that the issue raised by the objection pertaining to visibility is based on a hypothetical scenario, in which a refuse wagon may be required to wait if another vehicle is also waiting to turn right into the site. Previous responses provided by KMBC have highlighted the unlikely nature of such an event. Although a vehicle being

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required to wait is possible, the frequency of traffic is likely to result in minimal waiting times (if any). Coupled with the fact a refuse wagon would travel the road approximately once per week, the scenario in which the objector has concerns is very unlikely and this would not offer a robust reason to refuse an application based on harm to highway safety.

On the above basis, the LHA does not accept the speed survey results provided by the objector. However, if the speed data was to be accepted as valid, then the 85th percentile speeds which have been measured would provide further support for the speed survey data already provided. As such it is considered that the proposal would not result in unacceptable impacts on highway safety and the junction would be capable of functioning in a safe manner.

Status of the gated access to the land opposite the proposed access and associated highway safety impacts

An objection has been received that considers the gated access to a piece of land due northeast of the proposal is a lawful access serving commercial/industrial land. The objection raises concern that the spacing between the lawful access and the UU proposed access is 10m and this was considered to be very low and non-compliant with accepted design standards by the 3rd party objector. The LHA and the LPA have considered this objection carefully. Firstly, in relation to the status of the gated access, historic maps indicate the former BICC site has been vacant for more than 10 years and the land was last used as a compound in connection with the highways/other works in the area. On this basis, it is considered that the site has no specific use (nil use) and any use of the site for industrial or commercial purposes would require planning consent. It is acknowledged that the site lies within the Prescott Principal Regeneration Area which is designated for land uses falling with B2, B8 and the former B1 uses as well as housing and open space.

Reference has been made to use of the land opposite the access application for industrial purposes. A 2015 planning application gave approval for this triangular piece of land to be used for commercial/industrial buildings. However, a reserved matters application for the appearance and siting of these commercial units was not submitted and the time period for the submission of the reserved matters for this parcel of land has now expired.

There is currently an application for housing on the triangular piece of land opposite the proposed UU access (reference 20/00363/FUL) which is for the construction of 29 dwellings. This application has a resolution from Planning Committee to grant subject to the signing of a s106 agreement. This s106 has not been signed to date. Both the 2015 and 2020 applications both utilised the access due southeast of the existing gated access and both applications show a landscaped strip in front of the access and no intention for this access to be utilised as part of the approved schemes. There is a s106 agreement in connection with the wider housing permissions across Prescott Business Park that requires the area behind the access to be fully landscaped and this should have been undertaken as part of the gateway into the wider site to provide an attractive entrance point. This does not appear to have been undertaken. However, there is clearly an intention that the access would not remain active within these the parameters of both the s106 in connection with the wider development and in connection with the housing application more recently. Regardless of this, planning permission would be required for any land use for commercial, industrial or business purposes on this site. Additionally once the s38 process has concluded for Prescott Park Way and the road is adopted by KMBC, Highways may choose to remove this dropped kerb. Regard is also given to the accesses available to access the land

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opposite the proposed UU access and these are safer options and provide a clearer line of visibility for egressing traffic.

Conclusion regarding the highways impacts

On the basis of the above, the LHA has concluded that the proposal would be acceptable in highway safety terms and would not result in unduly detrimental impacts on highway safety. Based on the TS, the junction access, as well as the neighbouring roundabout is considered capable of accommodating vehicular trips associated with up to 74 dwellings. The scheme can accommodate pedestrians and cyclists as the proposal will retain and modify the combined footway/cycleway on the south/south east side of PPW with 2m wide footways then being provided on both sides of the access from PPW. The LHA has confirmed that the visibility drawing, in terms of the location of where the setback was placed, is not agreed. However, the difference in terms of where highways would request the setback to be placed is considered to be minimal and ultimately is not considered to impede the visibility possible, having regard to the location of the cycleway/footway. The swept path plans are considered to be acceptable.

On this basis no highway objection from the LHA has been raised subject to the imposition of a condition to secure a scheme of roundabout road markings for the neighbouring Carr Lane/Prescot Park Way/Cables Way roundabout to be submitted, approved and implemented prior to the access being brought into use. This will help to ensure vehicles keep to the left on the roundabout when accessing Prescot Park Way and will help to maintain slower vehicle speeds. A second condition is recommended requiring no part of the vehicular access to be brought into use until a visibility splay to the east is provided at the proposed site access junction. This splay should be 2.4m by 59 metres and should remain clear of obstruction.

Subject to the above conditions, it is considered that the highway safety impacts of the development are acceptable, having regard to committed developments in the surrounding area, and the proposal promotes safe and sustainable access for all. As such, the proposal complies with policies CS2, CS7, CS13, CS19, SUE1 and SUE2 of the Local Plan Core Strategy, policies T5 and T7 of the Knowsley UDP and the NPPF.

Footpath adjacent to the site

Prescot Town Council did not raise any objections to the proposal but did raise queries about the public right of way that runs to the southeast of the site. Concern has been raised that the footpath has been closed off. The public footpath adjacent to the M57 now joins a new entrance point into the housing development. Apparently, the former footpath which ran parallel with the housing development has been cut off with fencing.

Queries have been raised as to whether a formal stopping up order has been granted. Having raised this with highways, the Local Planning Authority is not aware that this footpath has been stopped up. However, for the purposes of this application, the definitive maps show an indicative route of the PROW and given the scale involved, it is impossible to plot an accurate route on the ground for the PROW from the definitive maps. However, both the LPA and the Highways Engineer have carefully scrutinised the PROW definitive map and providing an alignment that matches the definitive map can remain available for use, then the proposed access would not be considered to adversely impact on the ability for a PROW route to follow the general alignment on the definitive map. As such, it is considered that the proposal would not adversely impact on the ability for the PROW to function.

Ground Conditions/Contaminated land/Additional Environmental Health Matters

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Saved Policy ENV5 of the Knowsley UDP seeks to ensure that development does not occur on contaminated sites that could place future occupiers at risk from contaminants within the ground. This policy also seeks to ensure that adjacent land occupiers, ecological systems and ground water are also not at unacceptable risk from contamination. Policy CS1 of the Local Plan Core Strategy seeks to promote sustainable use of land whilst policy CS2 seeks to minimise any negative effects on water and air quality and CS24 of the Local Plan Core Strategy seeks to ensure that drainage systems take into consideration ground conditions and contamination. Policy CS19 of the Local Plan Core Strategy seeks to protect residential amenity. As previously raised, policy ENV2 of the Knowsley UDP seeks to ensure development does not result in unacceptable impacts from noise and vibration whilst policy ENV3 seeks to ensure that developments do not contribute to unacceptable levels of light pollution. This is reiterated within the NPPF.

A phase 1 geo-environmental site assessment was submitted with the application which recommends that a site investigation is carried out to confirm the conceptual site model and to assess the geotechnical properties of the underlying strata. The Environmental Health Team has assessed the proposal and raised no objections subject to contaminated land conditions being imposed requiring the submission of a risk assessment, submission of a remediation scheme, implementation of the approved remediation scheme, reporting of any unexpected contamination that is discovered, submission of a materials management plan scheme should there be any reuse of site won materials and a condition requiring a suitable methodology for testing of any imported soil/material to site if materials needs to be imported. A proportionate geo-environmental investigation to assess the risk to Logwood Mill Brook from the construction of the drainage swale has also been recommended as part of this condition.

The Environmental Health Department has also recommended that the Environment Agency be consulted as part of the application process. The Environment Agency has stated that the site appears to have been subject to past industrial activity which poses a medium or high risk of pollution to controlled waters. However the EA has stated that they are unable to provide site specific advice relating to land contamination due to their revised priorities. As such, the EA has recommended that reference is made to the Guiding Principles for Land Contamination which outlines the approach that should be adopted when managing the site's risks to the water environment. The EA has also advised that an environmental permit will be required and an informative to this effect is recommended.

The EA also advised consultation with the Environmental Health Team. The Environmental Health Team have advised that their standard contaminated land condition addresses groundwater contamination and is considered from a human health perspective; as such it is advised that if the reports submitted to address the contaminated land condition identifies groundwater contamination as being evident, then as part of the condition discharge process, the EA will be consulted. As such the contaminated land condition will cover groundwater contamination.

The construction management plan condition is imposed to mitigate any construction effects associated with the development. The CMP will include a limitation to operating hours, location of the site compound, details of dust control measures, details of pollution control measures, lighting details noise mitigation measures for the operation of any equipment e.g. generators, pest control measures and wheel wash facilities. These requirements will ensure that the impacts associated with

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construction on air quality, health, noise, vibration and residential amenity will be adequately mitigated.

Subject to the above conditions, the development can be constructed in a manner that reduces risks from land contamination to the future users of the land together with minimising the negative impacts from contaminated land to controlled waters, adjacent properties, future occupiers and ecological systems. Subject to the imposition of the CEMP condition, the impacts on noise, residential amenity, health and air quality can also be adequately mitigated during the construction phase. The scale of the proposal will not result in unacceptable air quality or health impacts. The proposal is considered to comply with policies CS1, CS2, CS19 and CS24 of the Local Plan Core Strategy, policies ENV2, ENV3 and ENV5 of the Knowsley UDP and the NPPF.

Drainage

Policies CS2 and CS24 of the Local Plan Core Strategy seek to ensure that development will not cause any unacceptable risk of flooding and that surface water will be drained in a safe and sustainable manner. The applicant has submitted a Flood Risk Assessment Report and a Surface Water Drainage Strategy along with a Phase 1 Geo-environmental Site Assessment Report to assess the impacts of the proposal on surface water and flooding.

The application site lies mainly within flood zone 1 with parts of the site lying within flood zones 2 and 3, to accommodate the drainage outfall. The western boundary of the site adjacent to Logwood Mill Brook/Prescot Brook is at risk of fluvial flooding with other areas of the site at low and medium risk of surface water flooding. The site is at low risk of flooding from all other sources. The proposal seeks to discharge surface water runoff from the site into Logwood Mill Brook/Prescot Brook via a new onsite drainage network which will include a pipe drainage system, SUDS swale and flow control manhole chamber which proposes to restrict discharge rates to a maximum of 2l/s. It is proposed to provide attenuation up to the 1 in 100 year event plus 40% climate change allowance.

The LLFA, the Environment Agency and United Utilities have all provided comments on the application. The LLFA has confirmed that the drainage proposals are acceptable in principle subject to a drainage strategy condition being imposed. The Environment Agency and UU have not raised any objections to the proposal from a drainage / impact on polluted waters perspective. The contaminated land condition will require consideration of contamination from a human health and groundwater perspective. Therefore, groundwater contamination will be considered through the imposition of the standard contaminated land condition. UU has requested a surface water drainage condition be imposed in the interests of promoting sustainable development and to secure proper drainage whilst managing the risk of flooding and pollution. UU and the LLFA's surface water drainage condition is included in the recommendation. It is recommended that details of the outfall pipe and swale are secured via condition.

In regard to the flood zones 2 and 3, the site includes only a small area in these flood zones, where the site meets the Brook and the majority of the site falls under flood zone 2. The wider site is allocated for housing/residential development and the red line includes the area where the outfall of surface water would discharge to the Brook, and this small connection point is where the site falls under zones 2 and 3. On this basis, it is considered that the sequential test is passed and there would be no sequentially preferable sites; the site also requires a discharge of surface water to the Brook in the interests of promoting good drainage and sustainable development. The area of the

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proposal falling within flood zones 2 and 3 would be classed as water compatible and as such would not invoke the exception test.

Subject to the above drainage conditions which also limit drainage discharge rates to no more than 2l/s, it is considered that the proposal is capable of complying with policies CS2 and CS24 of the Local Plan Core Strategy and the NPPF.

Ecology

Policy CS8 of the Local Plan Core Strategy aims to ensure that new development protects and enhances biodiversity, including the protection of designated sites, priority habitats and protected and endangered species. This is consistent with the aims of the NPPF. The application is accompanied by an ecological assessment in accordance with policy CS8. Policy CS21 of the Local Plan Core Strategy seeks to prevent the loss of trees, requires 2 for 1 replacement planting where unavoidable loss of trees occurs and seeks to secure appropriate planting of trees, other soft landscaping and installation of habitat features for the benefit of biodiversity.

The proposed development falls within the Natural England SSSI Impact Risk Zone. As such, MEAS has recommended that Natural England are consulted. This was carried out and Natural England confirmed they had no comments to make in regards to the application.

Protected Sites

The proposals are close to a number of designated sites and as such Local Plan Core Strategy policy CS8 applies. Carr Lane Lake, Prescott is approximately 5metres to the west of the site; Huyton and Prescott Gold Club lies within 230m west of the site and Knowsley Park lies approximately 750m to the northwest of the site. Provided a Construction Environmental Management Plan is implemented, it is considered that the proposal is unlikely to harm the features for which the sites have been designated.

Amphibians

The Ecology report states that there is no evidence of Great Crested Newts (GCN) and as such the proposal does not need to be considered against the three tests under the Habitat Regulations in relation to GCN. The site may provide terrestrial habitat for other amphibian species which are protected and local plan policy CS8 again applies. MEAS has recommended that amphibian reasonable avoidance measures are secured through the CEMP and that these should cover the mitigation measures set out in the submitted ecology report at section 5.13.

Bats

The ecology report submitted with the application states that there is no evidence of bat use or presence found and as such the three tests again do not need to be considered. The habitats on or adjacent to the site may provide foraging, community habitat for bats and as such, any lighting in association with the development may affect these areas. It is recommended that a condition is imposed requiring any lighting to be submitted to and approved in writing by the local planning authority to ensure that the proposal does not result in excessive light spill into areas important for bats. This can be secured through condition within the CEMP for any lighting erected during construction and via a separate condition for any lighting proposed during the operational phase. Lighting should be designed in accordance with the Bat Conservation Trust guidelines.

Birds

Built features or vegetation on site may provide nesting opportunities for breeding birds which are protected and as such Local Plan Core Strategy policy CS8 applies. It is

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recommended that the CEMP include a condition ensuring that no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building work is undertaken during bird breeding season unless first checked by an experienced ecologist to ensure no breeding birds are present. If breeding birds are present, then details of how these are protected will need to be submitted to and approved in writing by the local planning authority.

As the development will result in the loss of bird breeding habitat, details of bird nesting boxes shall be submitted for prior approval and this can be dealt with via planning condition.

Riparian Mammals

The applicant's ecology report states that the habitat within the site is sub-optimal for Water Vole and Otter. Previous surveys carried out within the site did not record any evidence of these species. The report acknowledges that the water course may provide commuting habitat for Water Vole and Otter and section 5.16 of the Ecology Report details reasonable avoidance measures, including a pre-commencement check, to ensure these species are not harmed by the proposals. These RAMS should be secured within the CEMP to protect Water Vole and Otter during construction.

Terrestrial Mammals

The site provides habitat for terrestrial Mammals such as Hedgehog, which are protected by Local Plan Policy CS8. The RAMs detailed in Section 5.13 of the ecology report are considered to be sufficient to ensure terrestrial mammals are not harmed by the proposals and it is recommended that the CEMP includes reasonable avoidance measures for terrestrial mammals.

Reptiles

No records of reptiles were returned from within 2 km and the ecology report states that the site provides some suitable habitat for reptiles in terms of basking and the scrub provides suitable hibernation habitat. It is considered highly unlikely reptiles are present within the site. However, the RAMs recommended in Section 5.13 of the ecology report are considered sufficient to ensure that, if present, these species will not be harmed by the proposals. Again these RAMS can be included in the CEMP condition.

Invasive Species

Himalayan balsam is present within the site boundary, which is listed on Schedule 2 of the Invasive Alien Species (Enforcement and Permitting) Order 2019. Section 5.17 of the ecology report provides a method statement to avoid the spreading of this species during works and MEAS consider this method statement to be accepted. Due to the location of the Himalayan Balsam alongside the water course it is not practical to expect eradication of this species from the site. The methods of control during construction of the site are considered acceptable are recommended to be included within the CEMP.

Habitats and landscaping

The site comprises dense scrub, scattered trees, semi-improved neutral grassland, tall ruderal vegetation, amenity grassland, hardstanding and semi-natural broad-leaved woodland. The report states that it is anticipated that most of the site will be cleared to facilitate the development. The habitats within the site are not considered Priority Habitat. However, mitigation is required to ensure no net loss of biodiversity as a result of the proposals. Section 5.4 of the ecology report states that the loss of trees and scrub will be mitigated for by planting of native trees at a minimum two trees to replace each one lost. This is considered to be acceptable and can be secured through a landscaping scheme condition in accordance with policies CS8 and CS21 of the Local Plan Core Strategy.

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Construction Environmental Management Plan (CEMP)

The applicant's ecology report details a number of reasonable avoidance measures that seek to manage and mitigate the main environmental effects of the proposal on protected species during the construction phases of the development. MEAS has recommended the imposition of a Construction Environmental Management Plan condition (CEMP) which includes measures to address and minimise the main construction effects of the development as well as including details of ecological mitigation, construction and waste management, pollution prevention and soil resource management. The CEMP is recommended to include the following:

- (i) Reasonable avoidance measures to avoid harm to the designated sites as set out in Section 5.3 of the Ecology Report;
- (ii) Reasonable avoidance measures to protect amphibians as set out in paragraph 5.13 of the Ecology Report;
- (iii) Reasonable avoidance measures to protect breeding birds. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building work shall 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 buildings, trees, scrub, hedgerows and vegetation shall be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected shall be submitted to and approved in writing by the local planning authority. Works shall then only be undertaken in accordance with the approved details;
- (iv) Reasonable avoidance measures to protect Water Vole and Otter as set out in paragraph 5.16 of the Ecology Report; for the avoidance of doubt, this shall include a pre-commencement check for Water Vole and Otter;
- (v) Reasonable avoidance measures to protect terrestrial mammals such as hedgehog as set out in paragraph 5.13 of the Ecology Report;
- (vi) Reasonable avoidance measures to protect Reptiles as set out in paragraph 5.13 of the Ecology Report;
- (vii) Measures to avoid the spread of Himalayan balsam (see paragraph 15); and
- (viii) Standard pollution control measures to protect all retained habitats, including wetlands;
- (ix) Reasonable avoidance measures to protect bats as set out in paragraph 5.8 of the Ecology Report.

The CEMP is expected to be made available in a comprehensive and integrated document, to site managers, all contractors and sub-contractors working on site as a simple point of reference for site environmental management systems and procedures.

Subject to the imposition of the above conditions, the proposal is considered capable of complying with policies CS2, CS8 and CS21 of the Local Plan Core Strategy and the NPPF. The proposal will incorporate measures to minimise the impacts of the proposal on biodiversity and subject to these conditions, the impacts of the proposal on habitats, protected species and designated sites are considered to be acceptable.

Tree Impacts

Saved policy DQ4 of the Knowsley UDP seeks to protect those trees that contribute positively to amenity, incorporate integral planting within new developments having regard to local character and make adequate provision of replacement planting either on or off site. Policy CS21 of the Local Plan Core Strategy seeks to retain existing trees and other habitat features which offer a positive contribution to the local environment

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and secure adequate replacement planting of trees where tree loss is unavoidable on a two for one basis.

The applicant has submitted an Arboricultural Report which indicates that a total of 10 trees are required for removal. The Arboriculture Technical Assistant has assessed the application and raised no objections subject to the imposition of a number of conditions including requiring the applicant to provide 5 days notice before the erection of any tree protection fencing on the site and requiring the development of the site to be undertaken in accordance with the Arboricultural Report. Additionally it is advised that a condition is imposed requiring the applicant to submit a landscaping scheme which should include a minimum of 20 new trees to compensate for the removal of trees from the site if replaced on a 2 for 1 basis and 10 larger trees if replaced on a one for one basis. These trees should have a minimum girth of 12-14cm if the trees are replaced on a 2 for 1 basis. If the trees have a minimum girth of 20-25cm, then 1 for 1 tree replacement would be acceptable. This will provide adequate mitigation for the loss of trees from the site in accordance with policy CS21 of the Local Plan Core Strategy.

Subject to the imposition of the above conditions, it is considered that the impact on the trees within/adjacent to the site is acceptable and adequate mitigation can be provided for the tree loss associated with the development. As such the proposal complies with the NPPF and policies CS2 and CS21 of the Local Plan Core Strategy and policy DQ4 of the Knowsley UDP.

Archaeology

There is one non-designated heritage asset recorded on the Merseyside historic environment record within the proposed development: Former site of The Carrs, Carr Lane, Whiston and this was a 19th Century house. However, the site of this non-designated heritage asset was almost certainly heavily disturbed during the construction for the adjacent road layout. Therefore, the proposed development is considered to have negligible archaeological potential. As such, MEAS has advised that archaeology does not require further consideration and the proposal is considered to comply with policy CS20 of the Local Plan Core Strategy and the NPPF.

Comprehensive Development

In order for the development to come forward, an approach has been taken to secure the access first with the view to a masterplan being prepared for the wider site in the future. It is not considered that this two-stage approach would compromise the comprehensive development of the site given the scale, layout, design and nature of the proposal, having regard to adjacent land uses and the associated landscape and visual integration impacts, drainage of the site, having regard to the surrounding green networks and the fact that the proposal does not compromise links to the Local Wildlife Site, or other green corridors. The approval of this primary access point will not compromise the delivery of a comprehensive development given the constraints to delivering a housing scheme within the site and having regard to the criteria set out in policy SUE2. As such, the proposal is considered to be capable of aligning with policies CS13, SUE1 and SUE2 of the Local Plan Core Strategy given the application is for an access capable of serving the notional level of development set out in the development plan.

Conclusion

The development plan is the starting point for decision making where applications that accord with the up-to-date development plan should be approved without delay.

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Where there is conflict with the development plan, the application should be refused unless there are material considerations that indicate otherwise.

It is considered that the proposal aligns with the aspirations within Policy CS13 given that the proposal includes the provision of a primary access capable of serving residential dwellings. This policy seeks to promote a mix of uses to regenerate and maximise opportunities for the site including infrastructure improvements. It is considered that the proposal will promote the opportunity for significant change and development, delivering a primary access infrastructure to allow the future development of the site. The ability for the development to promote significant change to help secure future development is given significant weight.

The proposal is allocated under policy SUE1 of the Local Plan Core Strategy, to provide additional land to meet development requirements up to 2028 and beyond. This policy states that the primary use of this Carr Lane SUE site is residential and the proposal seeks to provide a primary access for residential purposes following a two step process for submitting the wider masterplan details. The proposal meets the relevant criteria within policy SUE2 as far as the proposal relates to the provision of an access capable of serving residential development. The criteria with policy SUE2 that would apply to the consideration of a housing scheme across the wider site are not compromised in considering the access as a stand alone application and it is not considered that the proposal would unnecessarily constrain any policy requirements for housing that may be submitted in the future. As such, the proposed development is considered to comply with policies SUE1 and SUE2 of the Local Plan Core Strategy.

Having regard to the spatial development priorities set out in policy CS1 and the development principles set out in policy CS2 of the Local Plan Core Strategy, the proposal can be considered to result in a development that is sustainable whilst facilitating access to public transport and delivering walking and cycling opportunities. The application includes a small area of Green Belt and urban greenspace, where the red line allows the drainage of the access from the SUE site allocation into Logwood Mill Brook/Prescot Brook. In relation to the Green Belt land, the proposal does not constitute inappropriate development given the fact that this particular area is included to facilitate drainage and would be classed as an engineering operation. This part of the development would preserve the openness of this area of the Green Belt and would not conflict with the purposes of including land within the Green Belt having regard to the extent of works adjacent to the Brook to create the drainage outfall. As such, the proposal is not inappropriate development in the Green Belt.

Having regard to the urban greenspace designation, again this designation is just a small area where the outfall drains into the Brook beyond the boundary of the SUE site and does not compromise the designation. That said, the proposal is considered to comply with policy CS21 of the Local Plan Core Strategy and the benefits of the proposal are considered to clearly outweigh the very small loss of the greenspace. It could be argued that this loss is virtually non-existent given the proposal will involve a small outfall. However, taking a cautious approach, it is considered that the benefits of the development of the SUE site in terms of provision of an access to facilitate the future development of this SUE site for housing outweigh any loss of urban greenspace. The development would not significantly harm any existing or potential special qualities of the greenspace in terms of visual amenity, residential amenity, biodiversity and environmental benefits, historical, cultural or community value, recreational benefits or physical and/or visual linkages between adjoining urban greenspace. This is having regard to the fact that the application site includes only a tiny area of urban greenspace and the majority of the greenspace designation does not form part of the development plateau, the overall greenspace typologies for this

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area are in surplus and the land is not suitable to address any greenspace deficiency having regard to its character, location, size and flood risk categorisation. The benefits associated with the development, set out above, outweigh the loss of the urban greenspace.

Having regard to the development plan as a whole, significant weight is given to the economic benefits of the proposal including the opportunity to regenerate this previously developed site and the associated benefits including provision of a primary access to serve the SUE site and facilitate its future development for housing. The proposal will bring social benefits including helping to develop a safe sustainable access. The environmental impacts are considered to be acceptable on the grounds set out in the main body of the report. The impacts on ecology, trees, highways impacts, accessibility, residential amenity, noise impacts, air quality, health impacts, drainage and ground conditions can all be appropriately mitigated by planning conditions, and as such, these weigh neutral in the planning balance.

On balance, the proposed development is considered to comply with the development plan as a whole and is considered to be sustainable development. As such, it is recommended that the application be approved subject to the following conditions set out below.

RECOMMENDATION:

- 1) The development granted full planning permission 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 hereby permitted shall be commenced until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority, which details the means of mitigation of construction effects. This shall include but not be limited to the following:

- (i) Methods for the mitigation of noise and vibration from the works, including any noise from the operation of any temporary power generation or pumping plant which will operate overnight;
- (ii) Methods for dust control and suppression;
- (iii) Details of wheel washing facilities including location and type;
- (iv) The areas for the storage of plant and materials;
- (v) Location of site compound;
- (vi) Details of relevant pest control measures;
- (vii) Reasonable avoidance measures to avoid harm to the designated sites as set out in Section 5.3 of the Ecology Report;
- (viii) Reasonable avoidance measures to protect amphibians as set out in paragraph 5.13 of the Ecology Report;
- (ix) Reasonable avoidance measures to protect breeding birds. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building work shall 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 buildings, trees, scrub, hedgerows and vegetation shall be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of

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how they will be protected shall be submitted to and approved in writing by the local planning authority. Works shall then only be undertaken in accordance with the approved details;

- (x) Reasonable avoidance measures to protect Water Vole and Otter as set out in paragraph 5.16 of the Ecology Report; for the avoidance of doubt, this shall include a pre-commencement check for Water Vole and Otter;
- (xi) Reasonable avoidance measures to protect terrestrial mammals such as hedgehog as set out in paragraph 5.13 of the Ecology Report;
- (xii) Reasonable avoidance measures to protect Reptiles as set out in paragraph 5.13 of the Ecology Report;
- (xiii) Measures to avoid the spread of Himalayan balsam (as set out in the method statement within paragraph 5.17 of the Ecology Report); and
- (xiv) Standard pollution control measures to protect all retained habitats, including wetlands;
- (xv) Reasonable avoidance measures to protect bats as set out in paragraph 5.8 of the Ecology Report, including details of any lighting during the construction period.

(xvi) No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays.

The CEMP shall be compiled in a coherent and integrated document and shall be made accessible to site managers, all contractors and sub-contractors working on site as a simple point of reference for site environmental management systems and procedures. All site works shall then proceed only in accordance with the approved CEMP unless otherwise submitted to and approved in writing beforehand with the Local Planning Authority.

Reason: To ensure satisfactory development of the site, to minimise the main environmental effects during the construction phase of the development, to ensure that appropriate measures are put in place in the interests of the amenity of neighbouring occupiers/areas, to prevent pollution of the environment, to protect and promote biodiversity and in the interests of highway safety. This condition has been imposed in accordance with the National Planning Policy Framework (2021), Policies CS2, CS8 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016, Saved Policies ENV2 and ENV3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and Policy WM8 the Merseyside and Halton Joint Waste Local Plan, adopted 2013. The use of such a pre-commencement condition is necessary to ensure that the main environmental effects associated with the development can be managed, minimised and mitigated during the construction process.

NOTE: Any lighting shall be designed having regard to the Bat Conservation Trust website: <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

4) A. Risk Assessment

No development 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. This 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,

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- 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.

Reason: To ensure contamination is appropriately identified and a strategy is in place before works commence on the site, to prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and the general public and to comply with the National Planning Policy Framework (2021), Policies CS2 of the Knowsley Local Plan: Core Strategy 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006. The use of such a pre-commencement condition is necessary to ensure that the land is appropriately remediated if required, in the interests of protected human health and preventing pollution of the water environment.

5) 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.

Reason: To ensure contamination is appropriately identified and a strategy is in place before works commence on the site, to prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and the general public and to comply with the National Planning Policy Framework (2021), Policies CS2 of the Knowsley Local Plan: Core Strategy 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

6) 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.

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Reason: To ensure contamination is appropriately identified and a strategy is in place before works commence on the site, to prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and the general public and to comply with the National Planning Policy Framework (2021), Policies CS2 of the Knowsley Local Plan: Core Strategy 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; 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 contamination is appropriately identified and a strategy is in place before works commence on the site, to prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and the general public and to comply with the National Planning Policy Framework (2021), Policies CS2 of the Knowsley Local Plan: Core Strategy 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 8) Prior to the erection of any lighting during the operational phase of the development hereby permitted, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme prior to the development being brought into first use or within a timetable for implementation that has previously been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, such a scheme shall be accompanied by a maintenance strategy to ensure its future operation and the lighting shall then be maintained in accordance with the approved details.

Reason: In the interests of biodiversity and visual/residential amenity in accordance with policies CS2, CS19 and CS21 of the Knowsley Local Plan Core Strategy 2016.

NOTE: Lighting shall be designed having regard to the Bat Conservation Trust website: <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

- 9) The development hereby permitted shall not be brought into use until details of bird 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 bird boxes shall then be erected in accordance with the approved details.

Reason: To promote biodiversity in accordance with policies CS2 and CS8 of the Knowsley Local Plan Core Strategy and the NPPF.

- 10) No development shall commence until a detailed sustainable surface water/SUDS based drainage scheme, based on the principles of The SUDS Manual (C753) and the criteria as set out within Knowsley Strategic Flood Risk Assessment (SFRA, Level 2) has been submitted to and approved in writing by the Local Planning Authority. The applicant shall provide suitable drainage drawings, summary calculations and results of all investigations detailing the surface water drainage works as set out below and shall include, but not be limited to, the following.

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- (i) The maximum rate of discharge of surface water, off-site, shall not exceed 2l/s and be in line with the drainage strategy as set out within the Flood Risk Assessment Report reference 784-B028286, dated September 22, unless otherwise submitted to and approved in writing by the Local Planning Authority (and if it agreed that infiltration is discounted by the investigations);
- (ii) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (iii) Levels of the proposed drainage systems including proposed ground and formation levels in AOD; and
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;
- (v) Management and maintenance details.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to the proposed development being brought into use, or as set out in a timetable for implementation that has previously been submitted to and approved in writing by the Local Planning Authority, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory sustainable drainage system is provided to secure proper drainage and to manage the risk of flooding and pollution, in accordance with the NPPF, 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 2016. This is a pre-commencement condition to ensure that a sustainable drainage system is considered early on and factored into the development to secure proper drainage.

- 11) The development hereby permitted shall be carried out in accordance with the Arboricultural Constraints Appraisal dated June 22 prepared by Bowland Tree Consultancy Ltd and the Tree Impact Appraisal and Protection Scheme dated February 2023, by Bowland Tree Consultancy Ltd, submitted with the application.

5 working days advance notice shall be given to the Local Planning Authority prior to the erection of any tree protective fencing. The tree protection fencing shall be erected prior to the commencement of development and shall be retained throughout the construction process.

Reason: To promote and protect biodiversity and in the interests of visual amenity. This condition is imposed having regard to policies CS2, CS8 and CS21 of the Local Plan Core Strategy, saved policy DQ4 of the Knowsley Replacement Unitary Development Plan and the NPPF. Notice of the erection of the protective fencing is required pre commencement to ensure that the LPA is aware that these works are being carried out before construction activity begins in the interests of protecting the trees within/adjacent to the site.

- 12) Prior to any above ground works, full soft and hard landscaping details shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall relate to all soft and hard landscape areas and shall include, but not be limited to:

- a) Land-levels and gradients (to include levels of adjacent land);
- b) Tree replacement planting on a 1:1 or 2:1 basis (10 or 20 replacement trees). The scheme shall include the location, size and species of the replacement trees. The trees shall be a minimum of 20-25cm girth for any 1:1 replacements and a minimum 12-14cm girth for any replacement trees provided on a 2:1 basis;

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- c) The landscaping scheme shall include planting plans, specifications and schedules, planting size, species and numbers/densities and trees and vegetation to be retained;
- d) The proposed longer-term maintenance of all hard landscaped, planted and/or turfed areas;
- e) Type, colour and texture of the materials to be used;
- f) Timetable for implementation.

The approved soft landscaping shall be wholly implemented in its finally approved form within the first available planting season following the access hereby permitted being brought into first use or within the timetable for implementation approved under f) above.

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. The hard landscaping scheme shall be fully constructed in accordance with the approved details in accordance with timescales approved under f) above.

Reason: In the interests of visual amenity and to protect and preserve biodiversity in accordance with the National Planning Policy Framework (2021), National Design Guide (2019), Policies CS2, CS19, SUE2 and CS21 of the Knowsley Local Plan Core: Strategy, adopted January 2016 and Saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 13) Prior to the construction of the approved vehicular access hereby permitted, full details for a scheme of roundabout road markings at the neighbouring Carr Lane/Prescot Park Way/Cables Way roundabout shall be submitted to and approved in writing by the Local Planning Authority. The approved road markings shall be implemented in accordance with the approved details prior to the vehicular access hereby permitted being brought into use.

Reason: In the interests of highway safety. This condition has been imposed having regard to the National Planning Policy Framework (2021) and Policies CS2, CS7, CS19 and SUE2 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

- 14) No part of the vehicular access shall be brought into use until a visibility splay to the east of 2.4metres by 59metres has been provided at the proposed site access junction with Prescot Park Way. The splays shall be provided clear of obstructions to visibility above the height of 0.6metres measured from the footway/verge level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2021) and Policies CS2, CS7, CS19 and SUE2 of the Knowsley Local Plan: Core Strategy, adopted January 2016

- 15) Prior to any part of the swale or outfall into Logwood Mill Brook/Prescot Brook being constructed, full details of the swale including levels, materials, landscaping, siting, cross sections including the siting of the outfall in relation to the Brook and sections to show where the pipe will outfall from, shall be submitted to and approved in writing by the Local Planning Authority. The swale and outfall shall then be constructed in accordance with the approved details prior to the development being first brought into use.

Reason: In the interests of visual amenity and to ensure that the outfall is constructed to reduce the impact of the development on the greenspace and Green Belt. This condition has been imposed having regard to policies CS2, CS5, CS8, S19 and CS21 of the Knowsley Local Plan Core Strategy and the NPPF.,

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SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
12/01/2023	CBO-0206-012	REV G	PROPOSED ACCESS ARRANGEMENT FROM PRESCOT PARK WAY (WITH PHOENIX 2 DUO)
12/01/2023	CBO-0206-012	REV G	PROPOSED ACCESS ARRANGEMENT FROM PRESCOT PARKWAY (WITH LARGE CAR TRACKING)
12/01/2023	CBO-0206-012	REV G	PROPOSED ACCESS ARRANGEMENT FROM PRESCOT PARK WAY (WITH FTA DESIGN ARTICULATED VEHICLE)
12/01/2023	CBO-0206-012	REV G	PROPOSED ACCESS ARRANGEMENT FROM PRESCOT PARK WAY - LAYOUT PLAN
14/03/23	1321-001		LOCATION PLAN

Informatives

- 1 The applicant's attention is drawn to comments received from UU and the EA.
- 2 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.
- 3 **Street Lighting and/or signing**
The relocation of existing lighting columns and provision of new lighting columns, and signing, on the existing public highway or highway proposed for adoption, would need to be funded by the applicant and dealt with as part of the s38/s278 highway agreement. All new street lighting and signing to be installed on the existing public highway or highway proposed for adoption will be subject to a commuted sum to cover its future maintenance as part of the Council's Street Lighting and Signing PFI Contract. The relocation of existing street lighting columns or signing will need to be undertaken/agreed by the Street Lighting and Signing PFI Contract Service Provider. The applicant is advised to contact Knowsley Council's Street Lighting Manager Eddie Daley, email: eddie.daley2@knowsley.gov.uk to discuss the matter further.
- 4 **Combined s38 and s278:**
It is an offence to carry out any works within the public highway without the permission of the Highway Authority. The grant of planning permission does not negate the need for the submission and approval of highway engineering details for inclusion in an agreement under s38 and s278 of the Highways Act 1980 (for roads proposed for adoption and connection of off-site highway works onto the existing adopted highway respectively). The applicant is advised to contact the site development team, email: SiteDevelopment@knowsley.gov.uk to discuss the matter further. The highway fees applicable for a combined s38/s278 highway agreement are available on the Knowsley

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Council website here: <https://www.knowsley.gov.uk/residents/roads/highway-fees-and-charges>

- 5 The Environmental Permitting (England and Wales) Regulations require a permit to be obtained for certain activities such as works within 8 metres of a main river (16 metres if tidal). The applicant is referred to the advice contained in the Environment Agency advice letter.
- 6 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024

Clare Appleyard

28 March 2023¹

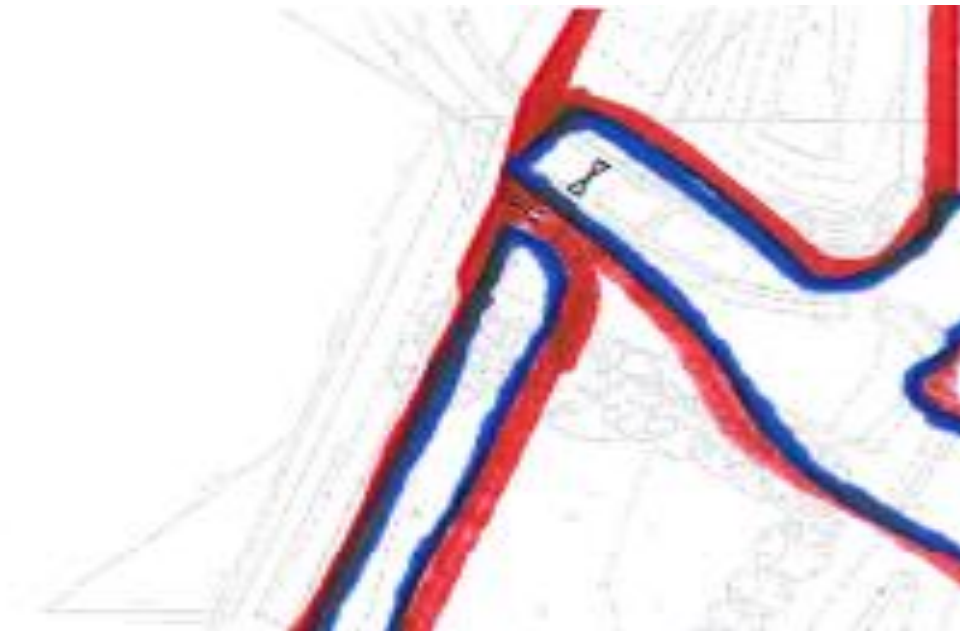
Alan Kilroe
31 March 2023²

PLAN TAKEN FROM THE LOCATION PLAN SUBMITTED WITH THE DEV OF THE
BUSINESS PARK APPLICATION (15/00022/OUT)

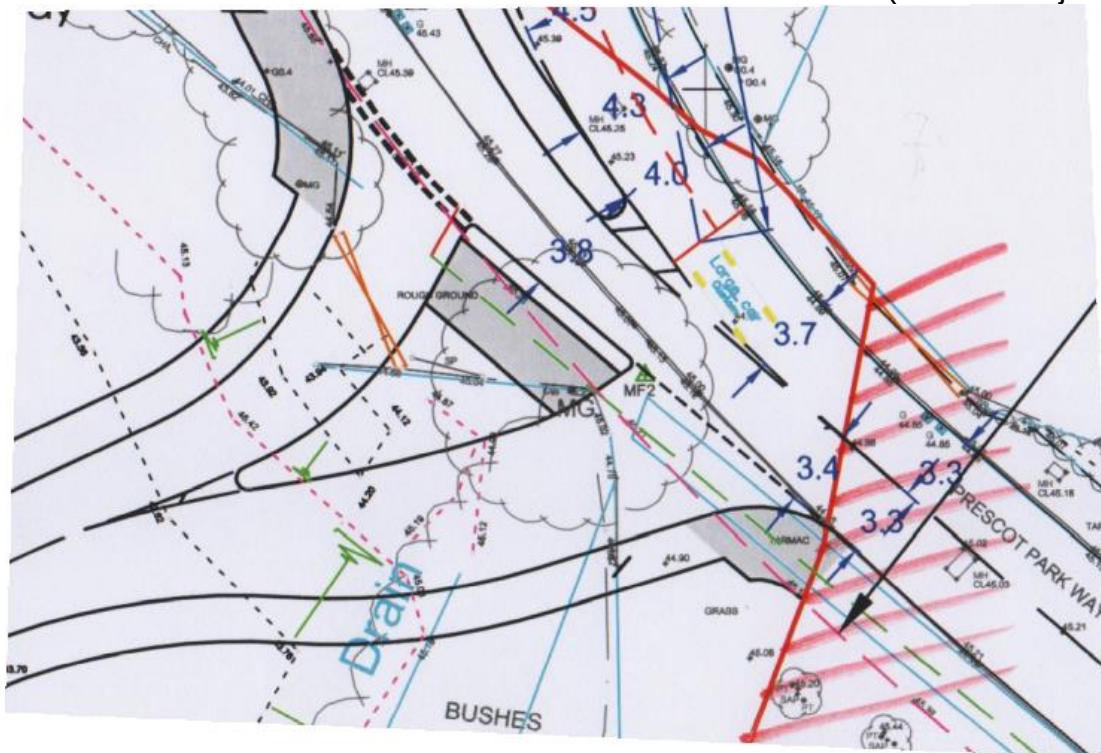
¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

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

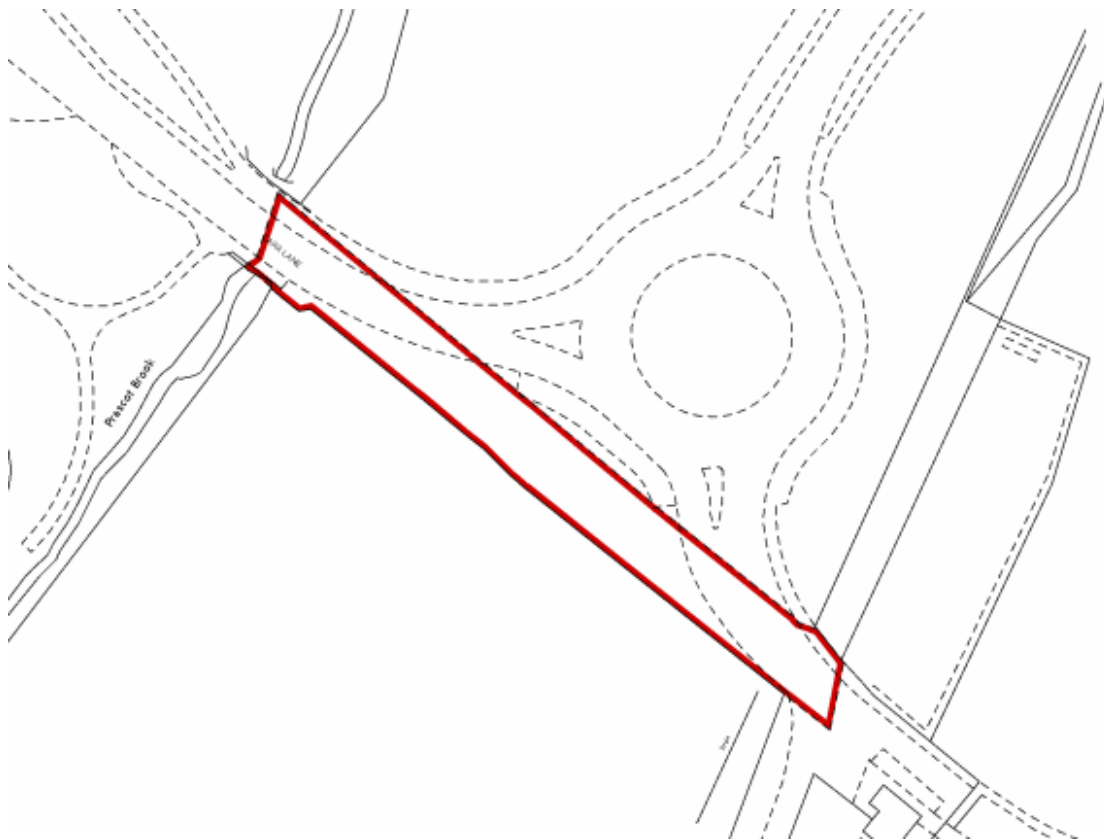
Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02



PLAN SHOWING AREA OF LAND IN 3RD PARTY CONTROL (from the objector)



PLAN TAKEN FROM CURRENT LAND REGISTRY TITLE (UU OWNERSHIP)



OTHER PLAN FROM LAND REGISTRY TITLE (UU LAND)

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

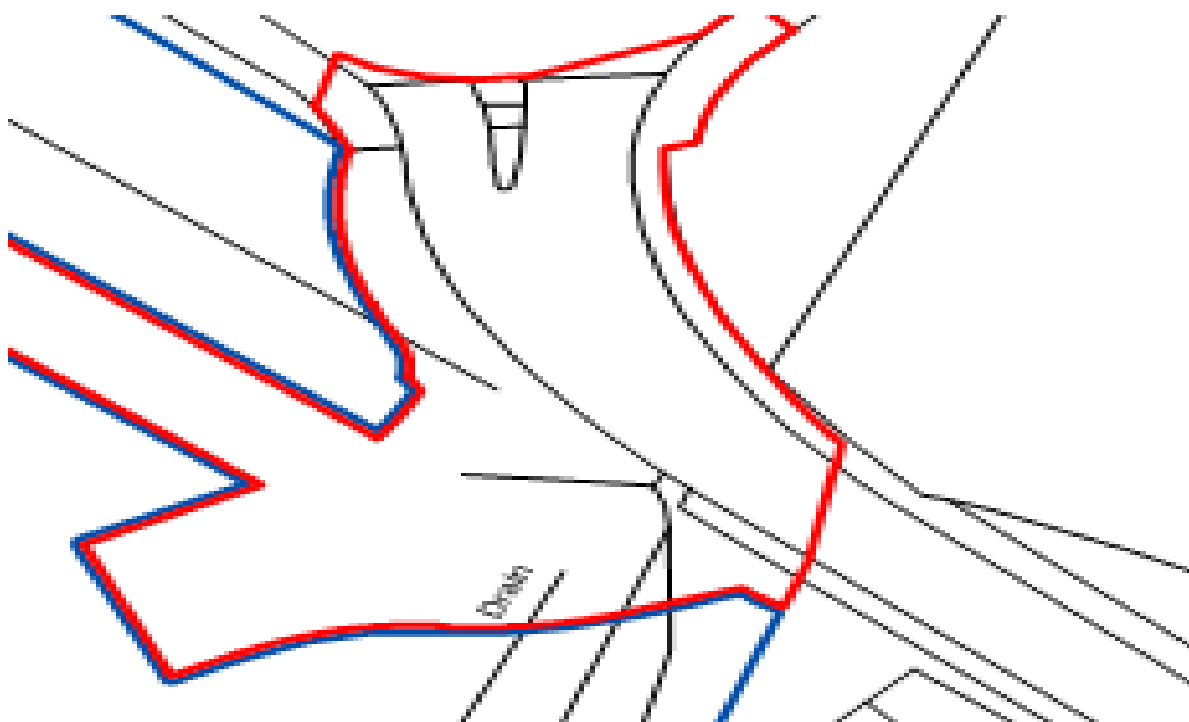
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Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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PLAN WITH CURRENT PLANNNG APPLICATION



Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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Photo of access gate and land to the south east of the application site showing numerous fenced boundary areas



Photo of the existing gated access to north / north east of proposed access

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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Photo of proposed application site showing existing gated access into the UU land



Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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