

Regeneration and Economic Development Department

APPLICATION NO: 22/00348/FUL

APPLICANT: CADDICK DEVELOPMENT LTD

WARD AFFECTED: Prescott North

DEVELOPMENT: ERECTION OF 3 NO. COMMERCIAL UNITS (USE CLASS B2 OR B8) INCLUDING MEZZANINE FLOOR, ANCILLARY OFFICE AND WELFARE FLOORSPACE TOGETHER WITH SERVICE YARD, LOADING BAYS, CAR AND CYCLE PARKING, ELECTRIC VEHICLE CHARGING POINTS, DRAINAGE INFRASTRUCTURE AND LANDSCAPING TOGETHER WITH IMPROVEMENTS TO PUBLIC RIGHTS OF WAY LINKING ORMSKIRK ROAD AND KNOWSLEY LANE INCLUDING THE DIVERSION OF THE PUBLIC RIGHT OF WAY AND OTHER PEDESTRIAN ACCESSIBILITY WORKS

LOCATION OF SITE: Land bounded by East Lancashire Road, Ormskirk Road and Knowsley Lane, Knowsley, L34 9EY

BACKGROUND:

The proposal is fundamentally as considered and agreed by Planning Committee in January 2022, to approve the development as follows:

It is recommended that Planning Committee grant authority to the Assistant Executive Director Development and Infrastructure to grant planning permission under delegated powers subject to:

- (i) The conditions set out in the attached schedule of such additional or amended conditions that the Assistant Executive Director Development and Infrastructure, in conjunction with the Chair of Planning consider appropriate
- (ii) The applicant entering into a Section 106 legal agreement to secure measures set out in this report.

POLICY CONSIDERATIONS:

The proposed development was found acceptable at the meeting held on 12 January 2023, when Planning Committee resolved to approve the application, subject to conditions and the applicant entering into a Section 106 legal agreement to secure:

- (a) £17,419 to monitor implementation of the Social Value Contribution and Monitoring
- (b) £21,668.20 to mitigate the loss of the woodland and for woodland enhancement works for local woodlands to the area.
- (c) £6,500 contribution to meet the Council's costs in preparing a Traffic Regulation Order for double yellow lines along Ormskirk Road and Knowsley Lane and to reduce the speed limit along Ormskirk Road.

POST COMMITTEE OFFICER APPRAISAL:

The Section 106 legal agreement securing items listed a-c above has been agreed and is about to be signed.

In respect of the Schedule of Conditions attached as a table to the Planning Committee report, the following additions and deletions have been made:

Deletions:

Condition number	Condition description	Reason for deletion
13	Air Quality Assessment compliance	The Air Quality Assessment is an approved document
16	Archaeology	Information was provided post planning committee and a condition is no longer required
21	Protection of Birds	The information required is requested as part of condition 17
24	Implementation of noise mitigation	Information part of condition 11

Additions:

Condition number	Condition description
22	Landscaping (submitted scheme)
23	Condition requested by United Utilities
24	Lighting

In accordance with the Committee resolution, planning permission can now be granted should the Head of Planning and Chair of Planning Committee agree the changes as set out above.

RECOMMENDATION:

That planning permission be granted subject to the following conditions:

1. Time limit

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

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

2. Schedule 1 approved plans/documents

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. Materials

The development hereby permitted shall be constructed entirely of materials details of which are shown on Drawing No. 19011-FRA-V1-XX-DR-A-20-0004 Rev P7 Unit 1 'Proposed GA Elevations', Drawing No. 19011-FRA-V2-XX-DR-A-20-0004 Rev P5

Reason: In the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and the National Planning Policy Framework.

4. Visibility Splay (Vehicles)

No part of the development shall be brought into use until visibility splays of 4.5 metres by 160 metres, have been provided at the proposed (site access) junction with Ormskirk Road. The splays shall be provided clear of obstructions to visibility above the height of 0.6 metres 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: To ensure adequate visibility at the junction or site access is made and maintained, and to comply with Policy CS19 of the Core Strategy, adopted January 2016.

5. Provision of Parking (Details Submitted)

Any B2 use of the building(s) hereby approved shall not be commence until the areas indicated on the submitted plans (in relation to that building) to be set aside for servicing and vehicle parking have been surfaced, drained and permanently marked out in accordance with the following specifications: Drawing No. 19011-FRA-AV-XX-DR-A-90-1001 Rev 12 'Proposed Site Plan' (with the additional flexible parking spaces within the service yard). The parking and servicing areas shall be retained as such thereafter.

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation.

6. Provision of Parking (Details Submitted)

Any B8 use of the building(s) hereby approved shall not commence until the areas indicated on the submitted plans (in relation to that building) to be set aside for servicing and vehicle parking have been surfaced, drained and permanently marked out in accordance with the following specifications: Drawing No. 19011-FRA-AV-XX-DR-A-90-1001 Rev 12 'Proposed Site Plan' (without the additional flexible parking spaces within the service yard). The parking and servicing areas shall be retained as such thereafter.

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation.

7. Construction Environmental Management Plan

Prior to commencement of development a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction effects. This shall include but not be limited to the following:

- a. Location and layout of the site compound including identification of areas for the storage of plant and materials, loading/unloading and turning areas for delivery vehicles [for each phase as necessary].
- b. Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.
- c. Management of deliveries including prevention of waiting/layover of construction related traffic on the highway, measures for the control of traffic to and from the site and consideration of any temporary traffic management arrangements which may be necessary during periods of construction. Note reversing on the highway is not permitted without a Banksman.
- d. Construction staff parking arrangements
- e. Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
- f. Methods for dust control and suppression.
- g. A programme of works including phasing, if applicable.
- h. Adequate provision for addressing any abnormal wear and tear to the highway, if applicable.
- i. Vibration monitoring shall be completed once the development is in full operation, at the request of the local planning authority, should complaints be received from the nearby residents regarding vibration.
- j. 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 without the prior written permission of the Local Planning Authority.
- k. Details of the protection of surface and groundwater resources
- l. Best practice on the use and storage of fuels, oils, chemical, to remove the risk of causing pollution during construction;

All site works shall then be carried out in accordance with the approved Plan unless otherwise agreed in writing beforehand with the Local Planning Authority

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with saved Policies H5, and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and Policy CS2 of the Core Strategy, adopted January 2016.

8. Bus Stop condition

Prior to first occupation of any building hereby permitted, the existing bus stop infrastructure to the eastern footway of Ormskirk Road shall be relocated in accordance with precise scheme details that have first been submitted to, and approved in writing by, the Council as Local Planning Authority.

Reason: To establish measures to encourage more sustainable non-car modes of transport and ensure that the development is sustainable.

9. Full Travel Plan

Within 3 months of any building being brought into use a Full Travel Plan for that building will be submitted by the occupier, to be approved in writing by the Council as Local Planning Authority. The Plan shall include immediate, continuing and long-term

measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to:

- Involvement of employees.
- Information on existing transport policies, services and facilities, travel behaviours and attitudes.
- Access for all modes of transport.
- Targets for mode share.
- Resource allocation including Travel Plan Co-ordinator and budget.
- A parking and management strategy.
- A marketing and communications strategy.
- Appropriate measures and actions to reduce car dependence and encourage sustainable travel.
- An action plan, including a timetable for the implementation of each of the above.
- Mechanisms for monitoring, reviewing and implementing the Travel Plan.

The approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the building it relates to is occupied and in use.

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

10. Electric vehicle charge points

Prior to the first occupation of any building hereby permitted, a scheme illustrating the full detail of the electric vehicle charge points as detailed on the Proposed Site Plan 19011-FRA-AV-XX-DR-A-90-1001 P12 shall be submitted to and approved in writing by the Council as Local Planning Authority. The approved scheme shall be implemented in full and retained for use thereafter.

11. Noise mitigation scheme/Fixed plant noise

Prior to the first occupation of each building hereby permitted, a scheme, detailing the specific noise mitigation measures associated with that building and service yard shall be submitted to the local planning authority for approval in writing.

The scheme shall follow the recommendations of the Apex Acoustics, Noise Impact Assessment, 7th September 2022, Revision C.

For the avoidance of doubt this scheme must include, but not necessarily be limited, to the following:

- Reversing alarm beepers will not be used during the night-time.
 - The design of the acoustic barriers to control road traffic and commercial sound.
 - The erection of the acoustic fences illustrated on Drawing No. 19011-FRA-AV-XX-DR-A-90-1001 Rev 12 'Proposed Site Plan'

The following noise levels shall be met after implementation of the scheme:

Fixed plant and machinery associated with the development shall be designed to a level that is at least 5dB(A) below the existing L_{A90} background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for Rating and Assessing Industrial and Commercial Sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property.

- For other operations on site the rating level of noise shall not exceed the existing background level at the positions described above. Measurement and assessment shall be made according to British Standard BS 4142:2014.

All works which form part of the scheme shall be implemented in full in accordance with the scheme as agreed prior to the occupation of the building the measures relate to and the use of its associated service yard to the satisfaction of the Council as Local Planning Authority. Documentary evidence of the works shall be submitted to and approved in writing by the Local Planning Authority prior to first use of each building. Any deviations from the recommendations in the report must be agreed in writing with the local planning authority before the changes are made.

12. Contaminated Land

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.

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.

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.

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 and the development shall be implemented in accordance with the agreed details

Importation of Soil/Material

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

13. Bird Nesting Boxes

Within six months of the commencement of development, details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation must be submitted to and approved in writing by the Council as Local Planning Authority. The approved scheme must be implemented in accordance with the timetable as submitted prior to the first occupation of any building.

14. HRA compliance

The mitigation measures as contained within section 7 of the Habitat Regulation Assessment Report (March 2022) shall be implemented in full and prior to the commencement of development. For the avoidance of doubt, the mitigation measures include:

- Works likely to be of highest disturbance to wintering bird assemblages present using adjacent land are likely to be carried out and completed before the peak winter period starts. This is evidenced in a draft construction schedule;
- The south eastern boundary of the site will partially be lined with fencing, ranging from 1.8m to 2.5m in height. This must be in place prior to commencement of works. Retained hedgerows and scrub will be enhanced with additional planting to provide more robust boundaries.

15. Waste Planning

Prior to commencement of development, a site waste management plan or similar mechanism detailing the minimisation of waste production must be submitted to and approved in writing by the Local Planning Authority. The plan should also include details of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. The approved audit shall be implemented in full.

Reason: These details are required to be approved before the commencement of development to reduce and manage waste generated from the development in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy

adopted January 2016; Policy WM9 of the Merseyside and Halton Joint Waste Local Plan 2013.

16. Low Carbon and Renewable Energy

The low carbon and renewable energy measures for each building including:

- solar panels are to be incorporated into each unit, covering 10% of the usable roof space (which can be expanded by the owner/tenant of the unit)
- air source heat pumps

are to be implemented as outlined within Design and Access Statement (19011_02_07_01 REV P6 01.06.22, May 2022, Fletcher Rae) and Sustainability Statement (Element Sustainability, May 2022, 2022.055) prior to the first occupation of the building they relate to .

Reason: To provide renewable energy sources and to ensure compliance with Policy CS22 of the Knowsley Local Plan Core Strategy adopted January 2016.

17. CEMP

Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) document to manage and mitigate the main environmental effects during the construction phases of the proposed development must be submitted to and approved in writing by the Council as Local Planning Authority. The CEMP should address and propose measures to minimise the main construction effects of the development and, amongst other things, should include details of ecological mitigation, construction and demolition waste management, pollution prevention and soil resource management. The CEMP must include the agreed method statements to mitigate or avoid adverse environmental impacts and provide detail of the following:

- Breeding birds- no tree or scrub removal between 1 March and 31 August inclusive, unless a survey for breeding birds has been undertaken and the results, together with a scheme of mitigation and protection measures has been submitted to and approved in writing by the Council as Local Planning Authority. Should grassland clearance, tree or hedgerow felling take place between the dates stated above, the agreed mitigation and protection measures shall be implemented in full and retained through the duration of the relevant works.
- A sensitive lighting strategy for retained habitats, avoiding unnecessary light spill during construction works;
- Reasonable Avoidance Measures for protection of hedgehog (Protected Species (NERC, 2006)); and
- Reasonable Avoidance Measures for protection of common amphibian species, including common toad (Protected Species (NERC, 2006)).
 - Works likely to be of highest disturbance to wintering bird assemblages present using adjacent land are likely to be carried out and completed before the peak winter period starts. This can be evidenced in a draft construction schedule;
 - Details of the temporary fencing to the south eastern boundary of the site to be submitted. The fence should be 1.8-2.5m high temporary fence and installed prior to the commencement of works.

The approved CEMP should be compiled in a coherent and integrated document and should be 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. The approved measures must be implemented prior to the construction of the development and retained throughout the course of the construction period.

Reason: To safeguard local wildlife and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy adopted January 2016.

18. Protection of trees – construction phase:

No development shall take place until a scheme of temporary measures to provide physical protection to all trees, hedges and shrubs shown to be retained on the submitted plans, has been submitted to and agreed in writing by the Council as Local Planning Authority. The agreed scheme shall be implemented prior to the commencement of development and shall be retained for the duration of the construction phase.

The submitted details must show the provision of total exclusion zones to not less than the minimum standard contained in British Standard BS5837 (2005). The areas so defined shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of the construction phase. The LPA shall be given five working days notice before the commencement of works to enable an inspection of the tree protection measures to be undertaken.

Reason: In the interests of local amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and Saved policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

19. Surface water drainage scheme

Prior to the commencement of development, further details regarding the drainage design proposal shall be submitted to and approved in writing by the Council as Local Planning Authority. The following information is specifically required:

- (i) Demonstrate that adequate water quality of the off-site surface water flows (draining into a sewer, watercourse and ground) in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved. In this case that an industrial yard is proposed, water quality risk to surface water bodies and groundwater should be assessed (screening risk or detailed risk assessment) and mitigation measures to be adopted to ensure that risk to both surface water bodies, and groundwater are effectively managed (see Table 26.1 of the SUDS Manual).
- (ii) An evaluation of impact of potential failure of the drainage system should be provided. The risk assessment should include for blockage of pipes, blockage of outlet structures and risk of impediments across planned flood routing paths. The drainage design should be supported by a designer's risk assessment that identifies key points of failure of the system and what means have been considered to limit risk of failure. This will also inform the maintenance plan with regards to corrective actions needed should a failure occurs.

- (iii) Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event. Flow routes need to be considered when all on site drainage systems have been overwhelmed by an event of greater intensity than the design scenario. The impact of exceedance flows from and on adjacent land should also be considered. The duration of flooding, maximum depth and the route of flood flows shall be established and managed so as to mitigate the flood impact to people and property. For the assessment of an exceedance event impact, it would be expected to consider the 1 in 200 rainfall event plus climate change.

In addition, as the discharge destination is an ordinary watercourse, an Ordinary Watercourse Consent will also be required.

The approved schemes shall also be in accordance with the Non-Statutory Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement of National standards).

Prior to the occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

20. Sustainable drainage management and maintenance plan

Prior to the occupation of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Council as Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by the occupiers management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
- c. Details for planned maintenance and a mechanism for remedial and urgent repair works
- d. Means of access for inspection and maintenance purposes

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

21. Implementation of the site access and other highway works

Except for site clearance and remediation no development shall commence until a scheme for the design and construction of highway improvement works, including

timetable for implementation, has been submitted to and approved in writing by the Council as Local Planning Authority. For avoidance of doubt, the works shall include:

- i. Widening of the carriageway of Ormskirk Road to facilitate new deceleration lane, junction radii and footway provision to the principles of Drawing No. P20066-001L 'Proposed Access Strategy.'
- ii. Resurfacing of footway of Ormskirk Road contiguous with the development site frontage to provide a continuous palette of material
- iii. Replacement/upgrade of street lighting necessary as part of the detailed design.
- iv. Drainage works necessary to facilitate the highway works.

The approved scheme shall include Road Safety Audit and subsequently be implemented prior to first occupation of the development hereby approved.

Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.

22. Landscaping (submitted):

The landscaping scheme shown in drawing numbers

UG45_LAN_GA_DRW_06 Rev P08

UG45_LAN_GA_DRW_07 Rev P08

UG45_LAN_GA_DRW_08 Rev P08

UG45_LAN_GA_DRW_09 Rev P08

And the Biodiversity Enhancement Management Plan shall be implemented in full prior to occupation of the final unit of the scheme hereby approved.

Should the development be brought forward in phases the landscaping proposals relevant to each individual unit will be agreed in writing with the Local Planning Authority.

Any planting which within a period of 5 years of implementation dies, is removed, or becomes seriously damaged or diseased shall be replaced during the next planting season with others of a similar size or species, unless the Council as Local Planning Authority gives written consent to a variation.

Should replacement planting be necessary, the Council shall be notified in writing at least 7 days prior to the planting taking place. Notification shall include details of the problem with the implemented scheme and the specification and timing of the replacement planting.

The Biodiversity Enhancement Management Plan management plan states that habitats will be maintained by a management company for a minimum period of 30 years, with full condition assessments each five years to inform ongoing maintenance.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and to comply with, Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

23. UU condition

No development shall commence (including any earthworks) until details of the means of ensuring the water main that is laid within the site boundary are protected from damage as a result of the development have been submitted to and approved in writing by the Council as Local Planning Authority. The details shall include a survey of the exact location of the water main and outline potential impacts on the water main from construction activities and the impacts post completion of the development and identify mitigation measures to protect and prevent any damage to the water mains both during construction and post completion of the development. Any mitigation measures shall be implemented in full accordance with the approved details.

Reason: In the interest of public health and to ensure the protection of the public water supply.

24. Lighting

The proposed lighting scheme for the completed development will be brought forward in accordance with the following:

External Lighting Strategy for Planning, Crookes Walker Consulting, Ref 2553-R001, Date:01.04.22

External Lighting Strategy Plan, Crookes Walker Consulting, Ref 2553-EX-6301

Should the development be brought forward in phases, a lighting strategy for that particular phase will be submitted to approved in writing by the Council Local Planning Authority and the approved scheme shall be implemented prior to the occupation of that phase of development.

Reason: To protect residential amenity and to comply with Policy H5 of the of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

Signed Case Officer¹:

J Sheridan

**Signed Authorising
Officer²:**



Date:

12 May 2023

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