

<u>APPLICATION NO:</u>	23/02738/FUL	<u>CASE OFFICER:</u>	Andrew Hunt
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	Olympic, Fallows Way, Whiston, Knowsley, L35 1RZ		
<u>PROPOSAL:</u>	ERECTION OF EXTENSION TO MAIN BUILDING FOR USE AS A STORAGE UNIT (B8) AND ASSOCIATED WORKS		

Site Description

The application site consists of a large industrial building set within an irregular rectangular site. There is hardstanding to the north of the site, the main building in the middle and car parking to the south of the site.

There are residential dwellings to the east and south east and industrial buildings to the south west, west and north west. Stadt Moers Park is directly to the north.

Proposal

The proposal is for the erection of an extension to main building for use as a storage unit (B8) and associated works. The extension is approximately 1853sqm and would be located to the east of the main building which is currently car parking spaces. The extension would be 24.8 metres wide, 75.5 metres long and 12.9 metres high.

Consultations

Arboricultural Officer – No objection subject to a condition to provide replacement planting on a 2:1 basis at 12 -14cm girth.

Coal Authority – No objection subject to conditions to require site investigation/ mitigation measures and a signed statement by a competent person that the site is safe.

Environmental Health – No objection subject to conditions in relation to contamination, a construction management plan, construction hours, fixed plant noise and lighting.

Health and Safety Executive - Does not cross any consultation zones

Highways – On balance, it is considered that the new layout would be acceptable subject to conditions in relation to parking implementation and a construction management plan.

Lead Local Flood Authority – A flood risk assessment and sustainable drainage

system are required.

Representations

This application has been publicised by letters sent to 93 neighbours and by site and press notices. One representation has been received consisting of the following:

- On the plans for the proposed extension there is a refrigeration unit being constructed at one end. When this is operational, would it be creating a lot of noise during the evening and early hours of the morning which may disturb us residents?

Planning History

Numerous applications have been decided at the site, however none are directly relevant to the application.

Relevant Policy

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

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

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

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS4 - Economy and Employment

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

CS21 - Greenspaces and Trees

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

EC3 – Primarily Industrial Area
DQ4 - Trees and Development
ENV5 - Contaminated Land

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ISSUES AND ASSESSMENT:

PRINCIPLE OF DEVELOPMENT

The application site is situated within a Primarily Industrial Area; therefore, the development is acceptable in principle. The development is in accordance with Core Strategy Policy CS4 and UDP policy EC3.

DESIGN

Policy CS19 (Design Quality and Accessibility in New Development) in the Core Strategy sets out several criteria that developments will be expected to conform to so that they enhance local distinctiveness and the identity and accessibility of new places. The NPPF identifies that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

The proposal would be of an industrial design which is considered in keeping with its location and the character of the existing building. The colour would be grey. It would be screened to the south, north and east by the presence of trees and from the west by the existing building. The extension would therefore not be readily visible from outside the site.

Overall, the development is consistent with Core Strategy Policy CS19.

RESIDENTIAL AMENITY

Policy CS19 in the Core Strategy requires new developments to maintain a good standard of amenity for all existing and future occupants of land and buildings by avoiding unacceptable impacts on existing residents and future occupiers.

The Amended New Residential Development Supplementary Planning Document (SPD) 2018, gives guidance on the separation distances that should be maintained between residential properties to ensure that harm is not caused to amenity by overshadowing, loss of privacy or through undue dominance. The SPD sets out that:

- 22m should be provided between existing rear principal elevations and proposed principal elevations for two storey properties
- 20m should be provided between the principle elevations of two storey properties

- 12m should be provided between the principal elevation of one property and the gable elevation of another, and
- properties should have a garden depth of at least 10m.

Existing Residents

In relation to existing properties, all dwellings would be at least 22 metres away from the proposed extension with the nearest property being over 41 metres away from the nearest part of the extension. A construction management plan will be secured via condition to ensure that there would not be harm to residential amenity. In relation to noise impacts on residents, this will be mitigated by a fixed plant noise condition which will limit any noise impacts on neighbours to below that of the existing background noise levels.

Overall, the development will not harm the amenity of neighbouring properties. The development complies with Core Strategy Policy CS19.

TREES

In relation to the proposal, one tree (G1) would be lost as a result of the development. This is considered to be a condition B tree of moderate quality. However, the tree is not considered to be of such high quality that it cannot be adequately replaced. A condition to require 2 replacement trees is considered to address this issue and would result in a net gain of 1 tree.

Overall subject to the condition, there would not be harm to trees from the proposal, this is supported by the council's arboricultural officer who has no objection subject to conditions. Therefore, overall the application complies with Core Strategy Policy CS21 and UDP policy DQ4.

HIGHWAYS

NPPF para 115 states that a development should only be 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 proposal has been revised to provide an additional 35 car parking spaces over the original application proposal. There would be a reduction in parking spaces at the site, below the council parking standards, however, the supporting information demonstrates that the proposals would not see an adverse impact on the local highway network based upon usage by the current occupiers. This is reinforced by the site visit where there was a significant amount of spare car parking capacity present and by the views of the council's highways department who have no objection to the proposal subject to conditions.

Overall, there would not be significant harm to highway safety and the application complies with Core Strategy Policy CS7.

OTHER CONSIDERATIONS

A social value strategy will be secured via a section 106 agreement for the sum of £2,316.

In relation to a flood risk assessment, this is not required as the site is less than 1ha in size (0.4ha) and within flood zone 1. In relation to sustainable drainage, a planning condition is required to secure sustainable drainage.

CONCLUSION

The development is acceptable in principle and would not cause harm in relation to highway safety, design, trees, or the amenity of neighbouring properties. The proposed development complies with policies included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (saved policies 2009) and National Planning Policy Framework (2021).

RECOMMENDATION:

That planning permission be granted subject to a section 106 agreement to secure the following:

- i. The applicant entering into a Section 106 legal agreement to secure measures set out in a social value strategy.

and the following condition(s):-

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

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

- 2) Plans

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.

Pre Commencement

- 3) Contaminated Land

A Phase I site investigation shall be submitted for written approval prior to works commencing in order to establish whether there are any concerns of contamination from the current or previous use of the site or adjacent sites. This report shall include the results of a desk study, site walkover, and human health and environmental risk assessment.

If identified as necessary by the desk study a Phase 2 site investigation and remediation proposals shall be submitted for approval prior to works commencing. In any event the applicant/developer is requested to contact the Council's Environmental Protection Unit (Tel: 0151 443 4712) as soon as is practicable should previously unsuspected contamination be encountered during the development of the site. A site completion report shall be submitted for written approval prior to occupation confirming that encountered site conditions were as expected and detailing any necessary remedial actions.

Reason: In order to protect human health and avoid contamination.

- 4) Construction Management Plan

No part of the development hereby permitted shall be commenced until a Construction Management Plan has been 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. Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.
- b. Methods for dust control and suppression.
- c. Details of wheel washing facilities including location and type.
- d. The areas for the storage of plant and materials.
- e. Location of site compound.
- f. Details of relevant pest control measures
- g. A programme of works if applicable
- h. Management of deliveries

All site works shall then proceed only in accordance with the approved management Plan and remain for the duration of the construction period.

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.

5) Lighting

Prior to the commencement of development, a lighting scheme which includes the steps necessary to minimise light intrusion to local dwellings shall be submitted for the written approval of the local planning authority. The scheme shall ensure that the obtrusive light limitations suggested in the relevant guidance are met.

All works which form part of the scheme shall be completed prior to operation and shall be maintained thereafter in accordance with the agreed scheme.

Reason: In order to safeguard the residential amenity of neighbours.

6) Coal Investigation Scheme

No development shall commence until;

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

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

Reason: To ensure risks associated with mining are properly addressed.

7) Drainage Scheme

Development shall not commence until a detailed SUDS based drainage scheme based on the principles of the SUDS Manual (C753) and the criteria as set out within Liverpool City Region Combined Authority Strategic Flood Risk Assessment (Nov 23) has been submitted and approved in writing by the Local Planning Authority (LPA). The applicant should provide suitable drainage drawings and summary calculations. The works shall be implemented in accordance with the approved scheme before the development is brought into use and retained hereafter.

Reason: In order to provide sustainable drainage for the site.

Pre Occupation

8) Landscaping and Trees

Prior to the occupation of the extension a landscape scheme to replace lost trees and enhance biodiversity shall be submitted to and have been approved by the local planning authority.

The landscaping shall include native tree and plant species and shall include bird and bat nesting boxes.

The scheme shall include replacement tree planting on a 2:1 basis. The scheme should include the location, size and species of the replacement trees. The trees shall be a minimum of 12-24cm girth.

The bird and bat boxes shall be installed prior to occupation of the building and retained hereafter.

The tree planting shall be wholly implemented in its finally approved form in accordance with the approved scheme within the first available planting season following the substantial completion of development. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage.

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

9) Parking Implementation

The development shall not be brought into use until the areas identified in drawing 002 Rev A have been hard surfaced, drained within the site and permanently marked out or demarcated in accordance with the details agreed. These areas shall be retained as such thereafter.

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

10) Coal Statement

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

Reason: To ensure risks associated with mining are properly addressed.

Ongoing Conditions

11) Construction Hours

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.

Reason: In order to protect residential amenity.

12) Fixed Plant Noise

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

Reason: In order to protect residents from harmful noise levels.

<u>Signed Case Officer¹:</u>	<u>Andrew Hunt</u>
<u>Signed Authorising Officer²:</u>	<u>Jo Sheridan</u>
<u>Date:</u>	<u>30/07/2026</u>

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

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
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16/02/24	002	Rev A	Proposed Site Plan
20/10/23	006		Proposed Plans and Elevations
20/10/23	005		Proposed Elevations/Sections
20/10/23	004		Existing and Proposed Floorplans
20/10/23	001		Location Plan

INFORMATIVES

N/A