

<u>APPLICATION NO:</u>	24/00369/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Northwood	<u>PARISH:</u>	
<u>LOCATION:</u>	Atlas Sheds Store, 9 - 8 Draw Well Road, Knowsley Industrial Park		
<u>PROPOSAL:</u>	REMOVAL OF CONDITION NO. 13 (TREE INSPECTION FOR BATS) ATTACHED TO PLANNING PERMISSION 23/02741/FUL		

Site Description

The application relates to a change the use of a former ammunition storage bunker associated with the former munitions' factory to a B2 General Industrial and B8 Storage and Distribution use for the manufacture and storage of metal engineered goods. The facility will be linked to an existing manufacturing facility nearby at a facility on Kirkby Bank Road which produces materials handling equipment such as conveyors, stillages, barriers, platforms, trolleys etc, and the neighbouring converted bunker at 9/10 Draw Well Road (21/00915/FUL). No drawings were required as the location plan for the application to remove a condition from planning permission 23/02749/FUL defaults to the location plan of that said planning permission.

Proposal

The proposal is for the removal of Condition 13 of planning permission 23/02741/FUL. Condition 13 of that permission states the following:

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

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

No details of a qualified ecologist were forwarded to the local planning authority and as far as can be ascertained a qualified ecologist did not inspect the trees before they were felled.

Consultations

NA

Representations

This application has been publicised by letters sent to 16 neighbours. No representations have been received.

Planning History

23/02741/FUL - CONVERSION OF VACANT MAGAZINE BUNKER TO COMMERCIAL/INDUSTRIAL PREMISES FOR THE MANUFACTURING AND STORAGE OF METAL PRODUCTS. Granted: 23.05.2024.

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

CS8 - Green Infrastructure

The above policies are applicable to the consideration of the proposed removal of condition 13 of planning application 23/02741/FUL. All other policies as noted in the consideration of that planning application are still relevant to the overall development as approved in accordance with planning permission 23/02741/FUL.

Article 35 Statement

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

Assessment

The roof has been cleared so the condition cannot be undertaken, and therefore the

application to remove the relevant condition of planning permission 23/02741/FUL, Condition 13 of that permission, has been submitted as the condition cannot be complied with in that a qualified ecologist did not inspect the trees before removal, as Condition 13 stipulated.

23/02741/FUL planning application was supported by a Preliminary Ecological Appraisal by Tyrer Ecological Consultants Ltd, dated March 2024. The Council's ecology consultant noted that several immature trees were present on the roof of the bunker. Whilst it was considered that the presence of roosting bats was not reasonably likely, as it was not possible for the trees to be closely inspected during the survey due to roof access not being available a precautionary approach was advised to be undertaken with regards their removal. The ecology consultant advised that a pre-removal inspection of the trees by a suitably experienced, and licensed ecologist, was undertaken and that this was secured by a suitable planning condition, leading to Condition 13 of planning permission 23/02749/FUL.

Given the site features and industrial estate location, the immature windborne seeded trees on the roof, the lack of depth of the soil on the roof (the roof being concrete with topsoil added and grassed to provide camouflage from planes during WWII when the ammunition bunker storage of the site was in use) and the comment of the ecology consultant that the presence of roosting bats was not reasonably likely the reasonable conclusion is that the trees did not harbour bats or bat roosts. With the roof clearance having been undertaken there is no evidence to suggest otherwise and there is no benefit to retain the condition. The condition was attached for the benefit of species and habitat conservation, and installation of bat boxes is a requirement of the landscape condition attached to planning permission 23/02741/FUL, which would benefit biodiversity and bat habitat.

Conditions:

Condition 1 - Time limit has not been repeated as development has commenced.

Condition 4 – Ground gas condition has not been repeated as the condition was discharged under 23/02741/FUL with no gas protection measures required.

Condition 7 – Hours of construction condition has not been repeated as the works to the unit have mostly been completed.

Condition 9 - Archaeology has been discharged and will not be repeated.

Conclusion

There is circumstantial evidence that bat roost potential was unlikely and thus was advised by the Council ecology consultant. Bat roosts are required to be installed within the site for biodiversity and bat roost provision by way of the landscape condition attached to the planning permission. As such and given the removal of the roof vegetation site, and the unlikelihood of bat roosts as noted in the report it is considered that the removal of condition 13 of planning permission 20/02741/FUL would not conflict with Policies CS2 and CS23 of the Core Strategy and there is no benefit to not remove the condition.

Recommendation

That planning permission be granted subject to the following conditions:

- 1) The development hereby permitted shall not be brought into use until the areas indicated on Site Plan Drawing 106 Rev A approved under planning permission 23/02741/FUL within the site set aside for parking, servicing, vehicular manoeuvring have been surfaced, drained and permanently

marked out / demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter. For the avoidance of doubt, this does not include the spaces demarcated on the plan which fall outside the site boundary on Draw Well Road.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2 and CS7 of the Core Strategy, adopted January 2016.

- 2) In the event that contamination is found at any time when carrying out the approved development 23/02741/FUL that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development being brought into use.

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

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

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

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

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

- 5) Notwithstanding any submitted details submitted with planning application 23/02741/FUL the development shall not be used until full details of both

hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- a) Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- b) Hard surfaced areas and materials,
- c) Planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
- d) Any existing plants / trees to be retained
- e) A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

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

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

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

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

- 6) The cladding to be used on the external walls, including colour shall be in accordance with cladding details approved under planning permission 23/02741/FUL Condition 11 discharge only.

Reason: In the interests of visual amenity and to comply with saved Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 7) Prior to installation the roller shutter doors of the unit shall be powder coated in accordance with details approved under planning permission 23/2741/FUL Condition 12 discharge.

Reason: In the interests of visual amenity and to comply with saved Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 8) No external lighting, notwithstanding any details submitted with planning application 23/02741, shall be installed until a scheme of external lighting of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include drawings of the lighting and lighting columns, a site layout indicating positions of the lighting, an isolux drawing, luminosity details and manufactures specifications, and the submitted scheme shall take into account Bat Conservation Lighting Guidelines, and Secure by Design principles and detail such. The external lighting shall only be installed in accordance with the agreed scheme and shall be retained as such at all times that it is on site.

Reason: In the interests of amenity, security and ecology and to comply with Policies CS2, CS8 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

Signed Case Officer¹: Lee Osborne

Signed Authorising Officer²: Jo Sheridan

Date: 18/06/2025

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

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