

<u>APPLICATION NO:</u>	22/00284/OUT	<u>CASE OFFICER:</u>	Mark Quinn
<u>WARD:</u>	St Gabriels	<u>PARISH:</u>	
<u>LOCATION:</u>	John Mason International Ltd , 35 Wilson Road, Huyton		
<u>PROPOSAL:</u>	DEMOLITION OF EXISTING BUILDINGS AND OUTLINE APPLICATION FOR THE ERECTION OF A LOGISTICS WAREHOUSE (USE CLASS B8) - APPROVAL SOUGHT FOR ACCESS (APPEARANCE, LAYOUT, LANDSCAPING AND SCALE RESERVED FOR FUTURE APPROVAL)		

Site Description

The application site is currently occupied by John Mason International Ltd who are an international moving company. The site is located on the eastern side of Wilson Road, Huyton on the Huyton Business Park. The site is bounded by existing industrial and commercial premises including the household waste recycling centre, Huyton Travel and to the eastern site boundary is the Logwood Mill Brook. The site is currently occupied by a two-storey building and external vehicle parking, comprising HGV's, caravans and campervans.

Proposal

It is proposed to demolish the existing buildings and to erect a logistics warehouse (Use Class B8). The application is in outline approval at this stage being sought for access with appearance, layout, scale and landscaping reserved for future approval. The vehicle access proposed from Wilson Road would utilise an existing access towards the southern site boundary.

The indicative site layout proposes a building with a gross floorspace of 19,088sqm, 184 car parking spaces, 41 trailer spaces or 22 trailer spaces and additional car parking.

The submitted parameters plan shows the building set back from Wilson Road by a minimum of 30m and a maximum building height of 20m.

Consultations

Highways England - No objections

Cadent Gas Limited - No objections in principle.

Environmental Health - Raise objections due to the likely increase in Nitrogen Dioxide levels and consequent adverse impact on air quality.

Highway Authority - No objections in principle

FUSION 21 – Social Value contributions required.

Environment Agency - No objections subject to the mitigation measures set out in the submitted Flood Risk Assessment.

Merseyside Environmental Advisory Service - No objections in principle subject to conditions

Arboricultural Officer - No objections subject to planning conditions securing a method statement and tree replacement.

The Coal Authority - No objections subject to planning conditions to secure intrusive

investigations and a signed statement confirming that the land has been made safe for development.

Merseyside Fire And Rescue Authority - No objections in principle.

LLFA/Drainage - No objections subject to a detailed drainage strategy being secured.

Public Health - Health Improvement And Health Protection - Improvements to scheme suggested to promote active travel and to promote good health and well-being.

Representations

This application has been publicised by letters sent to 27 neighbours. It has also been advertised by Site Notice and a Press Notice.

There have been 0 letters of objection, 1 letters of support and 0 letters of comment.

The letter of support provides no specific comments just in support of the application.

Planning History

None Relevant

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

CS20 – Managing the Borough's Historic Environment

CS22 - Sustainable and Low Carbon Development

CS24 - Managing Flood Risk

CS27 - Planning and Paying for New Infrastructure

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

EC3 – Primarily Industrial Areas
ENV2 - Noise and Vibration
ENV5 - Contaminated Land
DQ4 - Trees and Development
T5 - Location of Major Traffic Generating New Development
T8 - Transport Assessments
T9 - Travel Plans
EC3 - Primarily Industrial Areas

National Planning Policy Framework

Article 35 Statement

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

Assessment

Principle of Development

The site is allocated as a primarily industrial area on the Local Plan Policies Map and therefore the redevelopment of the site for a B8 (storage and distribution use) would be acceptable in principle and this would also be in accordance with Local Plan policy CS4 and Saved UDP policy EC3.

Highway Safety and Parking

Highways have no objections to the proposed development. The trip generation and subsequent modelling work demonstrates that the development will have a minimal impact upon the KMBC highway network. Whilst the Wilson Road/Cronton Road junction remains sensitive to additional traffic, the primary cause of delays at this junction rests on the operation of the Tarbock Island junction, which is in the control of National Highways. An improvement scheme for this junction has been secured through other planning permissions within the Halsnead Garden Village scheme. National Highways have considered the detailed traffic modelling examining the impact of the development on Tarbock Island and have no objections to the proposals on the basis that the proposed development is not likely to have a material detrimental impact on the strategic road network.

In principle the proposed site access is considered to be acceptable subject to a detailed design of the site access junction which can be secured by planning condition. Whilst the layout is indicative it is considered that it has been demonstrated a sufficient amount of car parking and manoeuvring space can be accommodated on site which can be assessed further in the reserved matters applications.

To ensure that the development is sustainable and to encourage travel by other means than the private car a Travel Plan would be required which can be secured by planning condition.

In conclusion the proposal would have no adverse effects on the highway network and would be in accordance with Local Plan policy CS7 and saved UDP policy T9 subject to the necessary planning conditions.

Design and Layout

Given the proposal is in outline there are no elevations to assess at this stage. However, an indicative site layout plan and a height parameters plan have been submitted for assessment. The proposed building height has resulted in prolonged discussions between the applicant and the LPA in order to minimise any adverse impacts on the street scene and visual amenity. The parameters plan originally proposed a maximum building height of 23m which taking account the existing building heights and the surrounding environment was considered to be too excessive and detrimental to the visual amenity of the area. A height of 17m was then suggested by the LPA as being more appropriate. Photomontages were then submitted by the applicant to justify the building heights, however the LPA still had concerns about the visual impact.

The applicant subsequently revised the maximum height to 20m which although an improvement the LPA still had a concern in respect of the north-western corner of the building was too close to the Wilson Road site boundary for a 20m high building. The LPA have now negotiated that the building be set back from the 17m originally shown on the indicative layout to a minimum of 30m on the revised indicative layout at a maximum building height of 20m. These details are also shown on the revised parameters plan which indicate the zone where the building has a maximum height of 20, outside this zone the maximum building height would be 17.5m. The applicant has also confirmed (by way of a design code) that the reserved matters application in respect of appearance would ensure the building is constructed incorporating cladding panels of different coloured banding (darkest cladding at the bottom). This would mitigate the scale and appearance of the building. This can be secured by planning condition.

On balance the scale and appearance of the building could be made acceptable subject to the use of appropriate materials and colours and would ensure compliance with Local Plan policy CS19.

Ecology Considerations

The application is supported by an ecology appraisal and a bat survey report. The report states that no evidence of bat use or presence was found. Two of the buildings on site have low suitability for roosting bats and this habitat would be lost to facilitate the development. In mitigation bat box provision is therefore required and can be secured by planning condition to ensure compliance with Local Plan policy CS8.

The Council's ecologist also advises that a Construction Environmental Management Plan is required to mitigate the environmental effects during the construction process. This would include such matters as pollution prevention to Logwood Mill Brook, reasonable avoidance measures for the protection of hedgehog and measures to prevent invasive species being spread on and off site. This can be secured by way of a planning condition.

Archaeology Considerations

There are four non-designated heritage assets recorded on the Merseyside Historic Environment Record within the proposed development site.

The archaeological desk-based assessment submitted with the application has fully reviewed the site and its archaeological potential. It suggests that there is high potential for archaeological deposits dating to the post-medieval period (1514 to 1914) and early modern periods.

The report concludes that any adverse impact to buried archaeological features as a result of the implementation of the development proposals would be permanent and irreversible in nature. This potential adverse effect could be reduced through the implementation of an appropriate scheme of archaeological mitigation, in accordance with Local Plan policy CS20 and guidance in NPPF. This can be secured by way of a planning condition.

Waste Considerations

The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. This can be secured by way of planning condition.

Low Carbon and Renewable Energy

The applicant's planning statement commits to low carbon and/or carbon neutral energy being installed to power the site. This is to include a combination of photovoltaics and air source heat pump technologies to heat the building. The provision of these measures can be secured by way of planning condition to ensure the proposal complies with Local Plan policy CS22.

Trees and Landscaping

The application is supported by the required arboriculture reports. It is proposed that 8 trees would be removed due to the development. 3 further trees and two groups are being removed, due to potential damage to existing boundary fence line, not for the development. A method statement would be required and replacement tree planning in mitigation on a 2:1 basis. This can be secured by planning condition to ensure compliance with Saved UDP policy DQ4.

Flood Risk and Drainage.

The application is supported by a flood risk assessment. This concludes that the site is at low risk of flooding from overland surface water, groundwater sources and from rivers and seas.

The Environment Agency have raised no objections in principle to the development however they have stipulated that the development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) and the mitigation measures set out section 7 of the FRA.

The Lead Local Flood Authority have raised no objections in principle subject to a detailed drainage strategy being submitted for approval prior to the commencement of development. This can be secured by way of planning condition to ensure compliance with Local Plan policy CS24.

Environmental Considerations

The application is supported by a preliminary risk assessment and coal mining risk assessment report. This confirms that intrusive works are necessary to determine the land contamination risks associated with the site. Therefore, the standard contaminated land condition would be required to establish any risks from contamination and to ensure the site is remediated to an acceptable standard in accordance with Saved UDP policy ENV5.

The application site falls partly within the defined Coal Authority Development High Risk Area; therefore, within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The planning application is accompanied by a Desk Study/Preliminary Risk Assessment and Coal Mining Risk Assessment Report. Based on a review of relevant sources of coal mining and geological information, the submitted report considers that it is possible that unrecorded shallow workings, surface workings and/or mine entries could be present at the site, which may affect surface stability.

The report makes appropriate recommendations for the carrying out of intrusive ground investigations, including rotary boreholes, trial pits and trial trenches are carried out to further assess the identified potential risks and to inform any necessary remedial works required. The results of the investigations should be used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development.

The Coal Authority concurs with the recommendations of the report and have recommended pre commencement planning conditions to secure intrusive investigations are undertaken and mitigation measures implemented to address any land instability issues. They have also recommended a signed statement is submitted confirming that the land has been made safe for the development.

Air Quality

The application has been supported by an air quality assessment.

The modelled information states the development will not have a significant effect on the area. The information provided stated that mitigation measures were not required for the vehicle fleet using the site as with the “general vehicle emission improvements in the area from now until 2024 as the “with improvement” scenario for assessing NO2 objectives will be met”. The Councils environmental health officers do not believe that this is the case and are still concerned that the development within the area will have an adverse impact on the air quality.

Poor air quality is linked to ill health and the local authority is required to take steps to ensure that air quality meets the National Air Quality Objectives, as far as possible. In 2016, a report by the Royal College of Paediatrics and Child Health and the Royal

College of Physicians estimated that 40,000 deaths per year are attributable to outdoor air pollution in the UK. Poor air quality has been linked to cancer, asthma, stroke and heart disease, diabetes, obesity, and changes linked to dementia.

Environmental Health officers have concerns with the air quality in the Cronton Road / Whitefield Lane area. Air quality monitoring results in 2021 in this area demonstrated that the Air Quality Objective (AQS) for nitrogen dioxide is being breached at three monitoring sites with a further three with NO₂ levels increasing to within 10% of the 40µg/m³. This data was analysed within the Air Quality Annual Status Report 2022 (ASR) and it was found that the area did not reach limits for an Air Quality Management Area to be required, however continued monitoring is required. Diffusion Tube data for 2022 within the area is showing increasing levels. The application site is very close to other major developments such as Halsnead Garden Village and Beacon 62 development and therefore cannot be considered in isolation. Any further impacts that could worsen the pollution levels, no matter how small, needs to be avoided.

Environmental Health believe this development will contribute to the air quality issue in the area and therefore the Environmental Health Team has raised an objection to this application.

Air quality impacts from a development are a material planning consideration and therefore need to be given appropriate weight and considered in the planning balance among all other material considerations and benefits of the proposal. It must be taken into account that the site is currently in use as an international moving company with a significant amount of vehicle movements to and from the site each day. It is very likely that if this proposal did not go ahead and the existing use continued then the nitrogen dioxide levels would still be in excess in the Cronton Road/Whitefield Lane area.

With the gradual increase in electric vehicles on the road replacing petrol/diesel vehicles it would be expected that over time the nitrogen dioxide levels would gradually decrease to within acceptable limits. The Local Planning Authority do not consider that there is sufficient justification to refuse permission for this proposal.

In this instance taking into account the existing use of the site in an area allocated for industrial and commercial development and the regeneration benefits the development would bring to the Huyton Business Park notwithstanding the objection from Environmental health it is considered that the proposal can still be recommend for approval.

Planning Obligations

A social value strategy to provide training programmes and delivering social value during construction and end use phases of the development is required to be submitted prior to the commencement of development.

In accordance with the adding social value to development SPD a social value contribution is required which is used towards supporting the provision of social value delivery and towards the costs of monitoring the implementation of the Social Value Strategy. Both the social value strategy and contribution can be secured by a S106 legal agreement.

Conclusion

The site is allocated as a primarily residential area on the Local Plan policy map and therefore a new logistics warehouse would be acceptable in principle. The proposed development would be acceptable in terms of highway safety, design and layout, ecology considerations, tree loss, flood risk and drainage and environmental issues and would be in accordance with the relevant Local Plan and saved UDP policies listed above.

Air Quality is clearly an issue in the area nearby to the application site with nitrogen dioxide levels either breaching the required maximum level or very close to the maximum level. However, this issue needs to be weighed in the planning balance and it is not considered that in this instance the proposal could be refused on air quality impacts for the reasons set out above.

Recommendation

That outline planning permission be granted subject to the following conditions:

- 1) Before any part of the development hereby granted permission is commenced, approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely (the layout, scale, appearance, and landscaping). The reserved matters applications in respect of appearance and scale shall follow the principles set out in the Design Code document ref 12156-AEW-RP-A-0520 REV P2 received 08/02/23.

Reason: The application is in outline form only.

- 2) Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3) 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.

- 4) No part of the development hereby permitted shall be occupied until a scheme for the design and layout of the site access junction has been submitted to and approved in writing by the Local Planning Authority. The site access junction shall be implemented in accordance with the approved details and shall be available for use prior to occupation. The access shall be kept available for use at all times.

Reason: To ensure the provision of safe and adequate means of access to the development in the interests of highway safety and amenity and to comply with Policy CS19 of the Core Strategy, adopted January 2016

- 5) Within six months of the building coming into occupation a Travel Plan shall be submitted to and approved in writing by the 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:

- o Involvement of employees.
- o Information on existing transport policies, services and facilities, travel behaviours and attitudes.
- o Access for all modes of transport.
- o Targets for mode share.
- o Resource allocation including Travel Plan Co-ordinator and budget.
- o A parking and management strategy.
- o A marketing and communications strategy.
- o Appropriate measures and actions to reduce car dependence and encourage sustainable travel.
- o An action plan, including a timetable for the implementation of each of the above.
- o 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 any part of the development 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 the development for a period of 5 years. The report shall include a review of the Travel Plan measures, monitoring data and updated action plan.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable and to ensure compliance with saved policy T9 in the Knowsley Replacement Unitary Development Plan, adopted 2006.

- 6) Any gate or other form of barrier across the access shall be positioned at least 17 metres back from the highway boundary of Wilson Road and shall be constructed to open into the site only.

Reason: To permit vehicles to pull clear of the Highway when entering the site, in the interests of highway and pedestrian safety and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016

- 7) No part of the development hereby permitted shall be occupied until details of the number and location of bat boxes to be incorporated into the scheme have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved details prior to the first occupation of the building and shall be retained at all times thereafter.

Reason: In the interests of biodiversity conservation and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 8) Prior to the first occupation of the development hereby permitted a scheme for the provision of lighting for the site shall be submitted to, approved in writing by the Local Planning Authority and fully implemented accordingly.

For the avoidance of doubt, the scheme shall include drawings of the lighting and lighting columns, a site layout indicating positions of the lighting, isolux and luminosity details and manufactures specifications.

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

- 9) No part of the development hereby permitted, including any works of demolition, shall be commenced until a Construction Environmental Management Plan that details the means of mitigation of construction effects has been submitted and agreed in writing by the Local Planning Authority. This shall include the following:
- a) Methods for the mitigation of noise and vibration from building works, including a method statement for 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) Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
 - d) The areas for the storage of plant and materials.
 - e) A programme of works, including phasing
 - f) Location of site compound, including any loading/unloading areas, turning areas for delivery vehicles and construction staff parking arrangements.
 - g) Scheme for recycling/disposal of waste resulting from demolition and construction works
 - h) Adequate provision for addressing any abnormal wear and tear to the highway.
 - i) Proposed hours of construction (the following is usually acceptable: 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday and not at all on Sundays/Public Holidays).
 - j) Pollution prevention measures to prevent impacts to Logwood Mill Brook (in line with paragraph 5.6 of the submitted Ecological Appraisal).
 - k) A five metre buffer zone to be marked out and maintained along Logwood Mill Brook to prevent impacts to water vole .
 - l) Reasonable Avoidance Measures for protection of hedgehog , in line with paragraph 5.13 of the submitted Ecological Appraisal.
 - m) Measures to prevent invasive species being spread on and off site including a validation report confirming the treatment carried out and that the site has been free of the invasive species for 12 consecutive months.

All site works shall then proceed only in accordance with the approved management 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 the National Planning Policy Framework; 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 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 10) No development or demolition shall take place until the applicant or their agents has secured the implementation and submission of a report on a programme of archaeological works. That programme of archaeological works should be undertaken in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority prior to works taking place. The WSI must include:
- o A phased programme and methodology of site investigation and recording;
 - o A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest;
 - o Provision for appropriate publication and dissemination of the archaeology and history of the site;
 - o Provision for archive deposition of the report, finds and records of the site investigation; and
 - o Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

Reason: In the interests of archaeological investigation or recording and to comply with Policy CS20 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

- 11) The reserved matters applications relating to appearance and layout shall include full details of commercial and industrial waste storage and collection arrangements. The approved arrangements shall be implemented in full before the use of the building commences and be retained thereafter.

Reason : To ensure adequate waste storage and collection arrangements are provided on the site in accordance with Policy WM9 of the Merseyside and Halton Waste Local Plan.

- 12) The reserved matters applications shall include full details of the low carbon/ carbon neutral energy technologies which are being installed to power the site. The approved arrangements shall be implemented in full before the use of the building commences and be retained thereafter.

Reason: To ensure the provision of low carbon and renewable energy technologies in compliance with Policy CS22 in the Knowsley Local Plan Core Strategy.

- 13) Prior to the implementation of any landscaping or the removal of trees from the site a scheme for replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include tree replacement for individual and groups of trees on a 2:1 basis at a minimum of 12-14cm. The scheme should include the location, size and species of the replacement trees.

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: In the interests of visual amenity and to ensure the development complies with Saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 14) Prior to the commencement of development hereby submitted an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include all protective measures required to retain the health and stability of all retained trees and/or hedges on or adjacent the site including; fencing, designated washing and mixing areas, designated site cabin areas, access in and out the site, special surfaces and site supervision.

All works identified in the method statement shall be in accordance with British Standard documents No's 3998:2010 and 5837:2012.

Reason: To ensure that the proper protection of trees has been carried out 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 saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 15) The development shall be carried out in accordance with the submitted flood risk assessment (Farrow Walsh Consulting/April 2022/ref: FW2197_FRA_001 V1) and the following mitigation measures it details:

- o As stated in section 7.1.2, the design and placement of the development will be confined to the Flood Zone 1 outline.
- o As stated in section 7.1.3, mitigation measures mentioned in this section are to be included within the design of the development.
- o As stated in section 7.3.1, finished floor levels shall be set no lower than 300mm above existing site levels.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason : To reduce the risk of flooding to the proposed development and future occupants and to ensure compliance with Policy CS24 Local Plan Core Strategy adopted June 2016.

- 16) The development hereby permitted shall not be commenced until a scheme for the provision and implementation of a surface water regulation system to manage the risk of flooding from both overland flow and from the sewer network, has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

The surface water drainage scheme should be consistent with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Reason: To prevent increased risk of flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to comply with saved Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

- 17) A Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development through an appropriate legally binding agreement shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- (i) The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by a management company.
- (ii) 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.
- (iii) Details for planned maintenance and a mechanism for remedial and urgent repair works.
- (iv) Means of access for inspection and maintenance purposes.
- (v) The plan shall be implemented in accordance with the timeframes contained within it.

Reason: To ensure effectiveness of the flood risk measures during the lifetime of the development policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy (January 2016).

- 18) Contaminated Land

A. Risk Assessment

No development (except demolition works) 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,
 - 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.

D. 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.

E. 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. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: In the interests of safety, to prevent pollution of the water environment and to comply with Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 19) No development shall commence (excluding the demolition of existing structures and site clearance) until;
- a) a scheme of intrusive 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 satisfactory investigations are undertaken and appropriate mitigation measures are undertaken due to the coal mining legacy of the site in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

- 20) Prior to the first occupation of the development hereby permitted 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 and approved in writing by the Local Planning Authority. 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 the safety and stability of the development in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

- 21) Prior to the first occupation of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The scheme shall be based on the results of a noise assessment which suitably characterises the noise climate at nearby residential dwellings both prior to and following the first operation of the development permitted.

All works which form part of the scheme shall be implemented in full in accordance with the scheme as agreed. Documentary evidence of the works shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development.

Reason: To safeguard local residents from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 22) Prior to the installation of any external plant or machinery full scheme details, including the acoustic specification should be submitted to and approved in writing by the local planning authority. The information should also include the results of a noise assessment to confirm that any fixed plant or machinery associated with the development achieves 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 the boundary of the closest affected noise sensitive property.

Reason: To safeguard local residents from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
09/05/2022	12156-AEW-XX-XX-DR-A-0502 REV P1		SITE LOCATION PLAN
02/03/2023	12156-AEW-XX-XX-DR-A-0518_Access Plan P1		SITE ACCESS PLAN
09/05/2022	12156-AEW-XX-XX-DR-A-0007 REV P2	-	DEMOLITION PLAN
09/05/2022	12156-AEW-XX-XX-SK-A-0001 REV P2	-	TREE FELLING PLAN
08/02/2023	12156-AEW-RP-A-0520 REV P2	-	DESIGN CODE

09/05/2022	12156-AEW-XX-XX-SK-A-0003 REV P2	-	TREE CONSTRAINTS PLAN
22/11/2022	22036-MA-XX-XX-RP-D-TN03	-	TECHNICAL NOTE TRIP GENERATION
09/05/2022	TA01 REV C	-	TRANSPORT ASSESSMENT
09/05/2022	FW2197_FRA_001 V1	-	FLOOD RISK ASSESSMENT
09/05/2022	MARCH 2022	-	TREE CONSTRAINTS REPORT
23/05/2022	VERSION 2	-	ARBORICULTURE IMPACT DOCUMENT
01/03/2022	12156-AEW-XX-XX-DR-A-0503 REV 4		REVISED PARAMETERS PLAN

Signed Case Officer¹: **Mark Quinn**

Signed Authorising Officer²: **K Foster**

Date: **3 March 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

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Informatives

- 1 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 will require the developer to enter into an agreement under s278 of the Highways Act 1980 with the Council. The applicant is advised to contact the Site Development Team at SiteDevelopment@knowsley.gov.uk to discuss the matter further.
- 2 Breeding birds are protected under the general provision of Section 1 of the Wildlife and Countryside Act 1981 as amended. Whilst the nest is being built or is in use, the eggs, young and nest are protected against intentional and reckless taking, damage and destruction. No tree, scrub or hedgerow felling, management and/or cutting operations should take place during the period 1 March to 31 August inclusive to protect breeding birds.
- 3 In relation to condition 9 the following details are required in relation to the invasive species.

- o Toolbox talk so that contractors are aware of the locations of the Japanese knotweed and how to correctly identify the plant (see Appendix F of Ecological Appraisal);
- o Marking off all stands of the plant with hi-visibility fencing, including a buffer zone of 7 metres;
- o Access to infected areas should be avoided until the plant has been successfully eradicated from the area in line with best practice; and
- o Biosecurity measures to be implemented whilst on site to prevent cross contamination. This involves the cleaning of footwear and machinery, prior to, and on completion of each working window to ensure that Japanese knotweed is not taken off site.

A validation report is then required confirming the remediation treatment carried out and that the site has been free of the invasive species for 12 consecutive months for approval in writing by the Local Planning Authority.

- 4 Environmental permit - advice to applicant
The site location is within 8 metres of Logwood Mill Brook which is designated a statutory main river. The Environmental Permitting (England and Wales) Regulations

2016 require a permit or exemption to be obtained for any activities which will take place:

- o on or within 8 metres of a main river (16 metres if tidal)
- o on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- o on or within 16 metres of a sea defence
- o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- o in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits>
or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

- 5 Please see attached consultation response from Cadent GAS
- 6 Please see attached consultation response from the Fire Authority
- 7 Pursuant to condition No 16 the submitted drainage scheme shall include the following :

(i) Evidence and justification will be required to demonstrate that in selecting drainage features for post-development situation the surface water drainage discharge hierarchy taking into account the site geological and topographical characteristics has been followed. As requested by National Planning Practice Guidance applications should aim to discharge surface water runoff as high up the following hierarchy of drainage options as reasonably practicable:

- o into the ground (infiltration)
- o to a surface water body
- o to a surface water sewer, highway drain, or another drainage system, and
- o to a combined sewer.

To assess the feasibility of infiltration techniques, evidence must be provided to show that a suitable number of soakaway tests have been completed across the whole site within different geology and to a suitable depth (i.e. a similar depth to the proposed infiltration devices). The tests should be completed according to the BRE 365 method and their results should be submitted with the full application.

(ii) A SuDS aims to minimise the impacts from a proposed development on water quantity and quality and maximise amenity and biodiversity. In designing an appropriate set of SuDS techniques for a development site, the LLFA will therefore be expecting above ground, green SuDS to be prioritised to promote water quality, amenity and biodiversity. In the outline planning application, no above ground and green SuDS have been considered.

(iii) The exiting drainage system on the site has not been surveyed and it is not clear whether or not it will/can be used for post development situation. As part of the survey, the existing connection points to public sewer system(s) or outfall(s) to the Logwood Mill Brook should be determined.

(iv) Should the surface water from the proposal is to connect to the public sewer system or the Logwood Mill Brook, provision of evidence that the site has an agreed discharge point and rate for post-development situation from responsible authorities (Untied Utilities and Environment Agency respectively) will be required.

(v) At a number of points the site is crossed by public sewers, the developer is advised that they will need to consult United Utilities and obtain agreement for building over, easement width, or diversion of the public sewer.

(vi) The proposed greenfield Qbar runoff rate from the post development site is acceptable. Where the post development maximum discharge rate is set to the greenfield Qbar, the attenuation storage must be estimated using the 1 in 100 6 h duration plus 40% CC event. Depending on the infiltration feasibility on the site and taking the 1 in 100 6 h duration plus 40% CC event for the estimation of attenuation storage, the type, size and placement of attenuation storage adopted may alter.

(vii) Drainage system network proposals should be designed to cope with events up to the 1 in 100 plus 40% CC events. We note that the 1 in 30 event has been considered in designing the surface water drainage network, Should this event magnitude is considered for the final design, the proposed system should be simulated using the 1 in

100 plus 40% CC event and results should be able to demonstrate that at what points surcharges and floodings occur, what would be the volume of flood water, where the flood water flows and/or pools, and what is maximum flood water depth and velocity during such an event. It should be demonstrated that the flood water during the 1 in 100 plus 40% CC event will be retained within the site boundary, and not affect the buildings, and the site will be operational at such a time.

viii) Water quality should be taken into account as part of the proposed drainage design. It will be required to 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).

(ix) In Section 5.6.2 of the FRA report, it has stated "Leicestershire". To be amended.

(x) In Sections 5.6.6 and 5.6.7 of the FRA report, features of catchpits, filter drains, Type C permeable paving, treatment trenches and cellular crates have been mentioned. If they are retained in the final design at the full planning application, their full construction details will be required.

(xi) Exceedance routes of surface water should be provided for the post development situation. It is recommended that based on the exceedance routes and flow depth produced, finished floor levels for proposed building, access roads and car parking to be set. A 1 in 200 years plus 40% event would normally be considered as the Exceedance event and expected that where manholes are surcharged to be identified, and volume and maximum depth of flood water and where the flood water pools or flows to be determined.

(xii) 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.

(xiii) An updated Model Information (Micro Drainage or similar approved) considering above points will be required. Results showing all the modelling criteria and summary network results including attenuation mechanism for 1 in 2 years, 1 in 30 years and 1 in 100 years plus 40% CC storm events at critical durations along with maximum water level, flow and velocity and details of any surface flooding anticipated will be required.

(xiv) Detailed Drainage Scheme Plan will be required showing the layout of the proposed drainage network, post development impermeable area, post development catchment areas to each SUD feature, SUDs features adopted for interception of first 5mm of rainfall, the location of the storage within the proposed development, connection points and how these relate to the submitted calculations, including any chamber, pipe numbers, direction of flow, invert and cover levels, gradients diameters and dimensions.

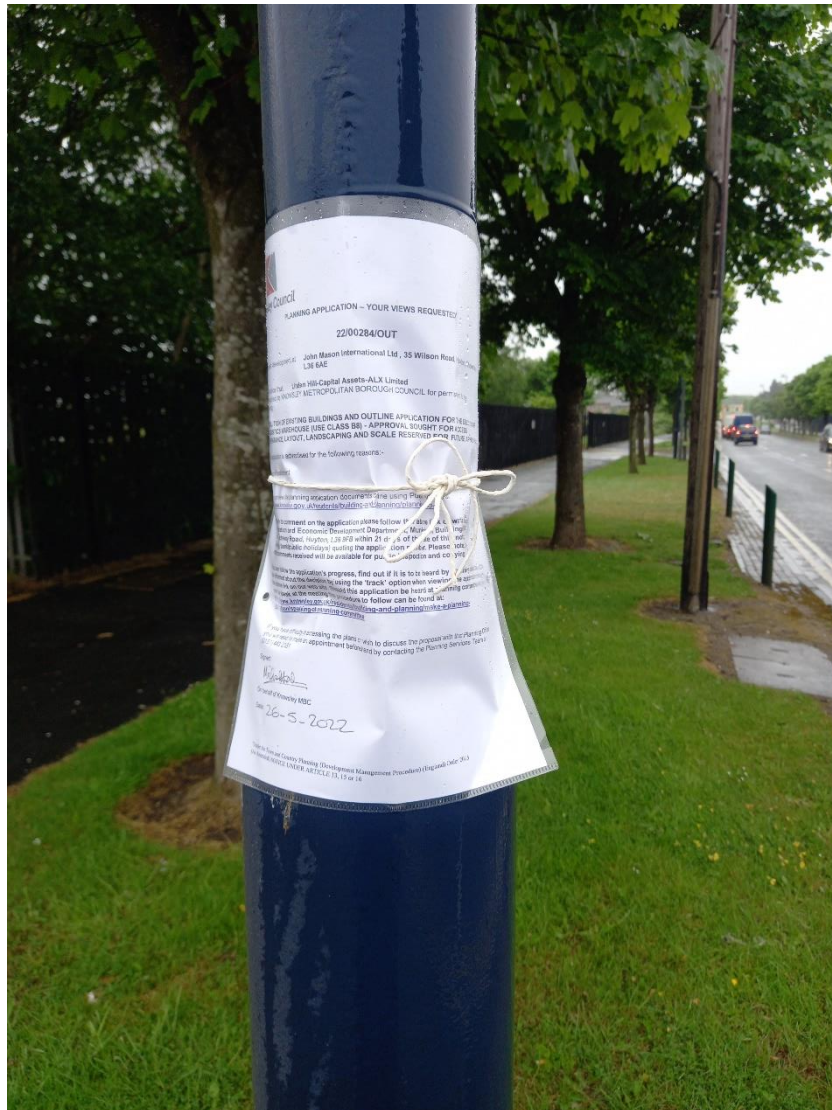
(xv) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.

(xvi) A timetable for implementation of the drainage works including an assessment of any phasing of the development if applies.

8. Pursuant to condition 9 the method statement for any piling works shall include the following:-

- a. Details of the method of piling
- b. Days / hours of work
- c. Duration of the pile driving operations (expected start date and completion date)
- d. Vibration monitoring details, including the number of monitors and the monitoring location(s).

Appendix 1 – Site Photographs



PLANNING APPLICATION - YOUR VIEWS REQUESTED

22/00284/OUT

Applicant: John Mason International Ltd, 35 Wilson Road, London E15 4AE

Applicant: John HSI Capital Assets ALX Limited

Applicant: Merton Metropolitan Borough Council, for planning

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