
<u>APPLICATION NO:</u>	22/00470/FUL	<u>CASE OFFICER:</u>	Mark Quinn
<u>WARD:</u>	Halewood North	<u>PARISH:</u>	Tarbock Parish Council
<u>LOCATION:</u>	Woodend, Sterling Inks UK , Netherley Road, Tarbock Green		
<u>PROPOSAL:</u>	ERECTION OF 10 NO DWELLINGS AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE		

Site Description

The application relates to the former Sterling Inks factory on Netherley Road, Tarbock, it includes buildings to the east of the site and areas of hardstanding, the site has an area of around 0.8ha. The site is mostly unused, but the application confirms that a small section is still utilised by Sterling Inks.

The site is well screened by mature tree planting to the western, eastern and part of the southern site boundary. To the west is a dwelling, to the east is a riding school and waste processing site and to the north is unused land, which is under the control of the applicant. To the south is Netherley Road and open countryside and Tarbock Village hall on the opposite side of Netherley Road.

Proposal

It is proposed to erect 10 dwellings comprising 2 detached dwellings and 8 semi-detached dwellings.

Consultations

Tarbock Parish Council - No Comments Received

Arboricultural Officer - No objections subject to the submission of a method statement , tree mitigation including a contribution for off site planting.

Environment Agency - No objections in principle subject to a remediation strategy.

Merseyside Fire And Rescue Authority - No objections in principle

Environmental Health - No objections in principle subject to planning conditions covering noise mitigation, contaminated land and construction management.

LLFA/Drainage - No objections subject to conditions requiring a detailed drainage scheme and maintenance and management plan.

Highway Authority - No objections in principle.

Merseyside Environmental Advisory Service No objections subject to details of bat mitigation measures to be submitted.

Conservation & Design Officer - No objections in principle subject to various amendments

United Utilities Water Ltd - No objections subject to planning conditions requiring a CEMP and surface water drainage scheme.

James Towers - Landscape Architect - No objections

ESS Parks And Green Spaces - POS off site contribution required.

Waste Management KMBC – The private road construction should be capable of accommodating a 7.5 tonne bin wagon

Representations

This application has been publicised by letters sent to 33 neighbours. It has also been

advertised by Site Notice and a Press Notice.

There have been 2 letters of objection and 1 letter of support. The representations are summarised as follows:-

Objection Grounds

1. The main road is extremely busy, more traffic will result in more accidents.
2. No sewers in the area more septic tanks cannot be good.
3. No amenities in the area results in greater use of the motor vehicle.
4. The loss of light will upset the set up of the community.
5. On behalf of the adjacent landowner (BEEVA Composting & Waste Management Facility) raise concerns with the accompanying reports. The supporting documentation has not fully assessed the consented operations and surveys have not been undertaken with the appropriate notice/times which could result in misleading conclusions with the more sensitive residential receptor now proposed.
6. The introduction of 10 additional dwellings could lead to significant operational and mitigating control requirements on the waste management facility and could lead to complaints from residents in the future that should have been foreseen and considered.
7. The landscape and visual appraisal document and contaminated land assessment do not refer to the adjacent waste processing site.
8. The noise report makes no specific reference to the adjacent waste management site. The dates of the assessment were during a period of down time or minimal processing. Due to the recent sale of the site this may not be a true reflection of the noise impact from the mobile equipment used at the site.
9. The above documents should be re-considered/ re assessed to consider the operational use of the adjoining land.

Support Grounds

1. The design of the dwellings is sympathetic to the conservation area and existing properties in Tarbock Green.
2. The additional volume of traffic would be negligible
3. The development will bring new families to the village – entirely support the proposal.

In respect of the objection on behalf of the adjacent landowner - BEEVA Composting & Waste Management Facility the Local Planning Authority can provide the following response.

With regard to the permitted machinery on the waste management site there is no mention of a crusher in the planning permission for the site. The description of the development on the adjacent site was amended to read "Use of site for mixed use comprising landscape contractor's depot, storage and grading of topsoil, storage of manure and the processing and composting of green waste, together with the erection of a storage building and the laying out of a concrete yard area for the storage of compost." They also stated in the Appeal Decision document that the equipment to be used comprised a soil grader, a timber shredder, 2 loading grabs, a tractor with front end bucket and a tractor driven saw bench.

Further to the comments made on the frequency and timings of the noise assessment. The applicant for this site could only assess what was happening at the time. A site visit was also made by an officer from Environmental Health and no noise of concern was heard during the visit. Regarding noise from the waste management facility, we are not aware of any complaints.

The operation of the 'composting and waste management facility' on the adjacent site also must comply with the condition in their planning decision notice which is 55dB LAeq 1 hour between 0800-1800 hours as measured at the nearest noise sensitive properties.

The use is also limited to 0800-1800 Monday to Friday and 0800-1300 Saturdays (although skips can unload up until 1800 hours on Saturday).

In respect of the Noise impact Assessment not referring to the waste management facility Section 1.2 of the report refers to "and an industrial open site to the north east" which is the waste management facility however it doesn't specifically say waste management operations.

In terms of the noise management position closest to the objector's land the report concluded that noise sources at this location were dominated by road traffic noise from Netherley Road, birdsong and infrequent commercial sounds'. This is what was reported, and based on the Environmental Health officers visit to the area the LPA has no reason to dispute it.

In addition to the noise assessment carried out in April 2022 a noise assessment was also carried out in March 2020 as part of a previous application. The monitoring took place over 9 days (Monday 2nd March 2020 to Tuesday 10th March 2020) and no activity was reported for 5 of those days). The LPA therefore have no reason to believe the site operated differently.

The adjacent site is also mentioned in the Site model, within the contaminated land assessment where it considers contamination from the waste management facility – only accepts green waste. The waste management facility is mentioned in the phase 1 report and refers to the potential risk.

A full contaminated land condition has also been suggested should permission be granted as we are aware of the potential risk the site poses due to its previous use, including "ink manufacturing". There is no evidence put forward by the objector that any contamination that has occurred on the waste management site, which could impact the proposed residential site.

In conclusion whilst the owners/operators of the adjacent site may have changed they must still adhere to the planning permission granted on appeal and consequently after considering the representation made it is not considered that the noise assessment needs to be updated or amended.

Planning History

19/00640/FUL – ERECTION OF 14 DWELLINGS - REFUSED 24.12.20 (APPEAL SUBSEQUENTLY DISMISSED)

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
CS5 - Green Belt
CS8 – Green Infrastructure
CS17 - Housing Sizes and Design Standards
CS19 - Design Quality and Accessibility in New Development
CS21 - Greenspaces and Trees
CS24 - Managing Flood Risk
CS27- Planning and Paying for new infrastructure

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

DQ4 - Trees and Development
ENV2 - Noise and Vibration
ENV5 - Contaminated Land
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

Green Belt

The application site is allocated as Green Belt on the Knowsley Local Plan, Policies Map. Policy CS5 in the Core Strategy states that inappropriate development will not be permitted in the Green Belt except in very special circumstances where it has been demonstrated that the harm to the Green Belt (including any harm to its openness, purposes or to its visual and recreational amenities) would be clearly outweighed by other considerations.

Paragraph 149 in the National Planning Policy Framework states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt unless certain exceptions apply. One of the exceptions relates to the redevelopment of previously developed land, that exception states that the following is not inappropriate development:

limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would:
- not have a greater impact on the openness of the Green Belt than the existing development or

-not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The application site is previously developed land in the Green Belt and includes buildings and areas of hardstanding. Therefore, provided that the proposed development does not have a greater impact on the openness of the Green Belt, it would be appropriate development.

In terms of volume, the existing buildings on site measure approximately 8,076 cubic metres whereas the proposed dwellings would have a volume of around 4,770 cubic metres. The proposed development would therefore lead to a reduction of around 41% in the overall volume of buildings on site. Some of the proposed dwellings would be up to 1m taller than the existing building (8m rather than 7m), however this would not be considered to have a significant effect on openness.

In visual terms, the built form of the proposed development would cover more of the site than the existing buildings which are concentrated in the east of the site. However, the lawful industrial use of the site does not have any controls which prevent open storage and there is historic evidence that this occurred on the hard standings to the west of the buildings. Should the use or an alternative industrial use recommence then it is likely that this would happen again and taken as a whole along with the reduction in volume on the site, it is not considered that the proposed development would have a greater impact on the openness of the Green Belt. Accordingly, the proposed development would comply with Policy CS5.

Loss of Employment Land

Policy CS4 in the Core Strategy seeks to support sustainable economic growth and meet the development needs of employment sectors by providing sufficient land to meet employment needs to 2028.

Part 7 of the policy states that land which is currently in use or allocated for employment use will be safeguarded from changes to other types of development, except where there is no current or likely future demand for employment uses on the land or where other uses would bring wider regeneration, environmental and amenity benefits.

The application site is not allocated as employment land; however, its lawful use is as a printworks along with associated storage and distribution.

The applicant's agent has set out that the company who operated from the site, Sterling Inks, has shrunk, leaving some of the buildings vacant. The applicant's agent submits that the site is relatively isolated from other employment allocations and developments in Knowsley, that the surrounding land uses are residential and agricultural, and that the continuation of an employment use would conflict with these surrounding uses.

The applicant has not marketed the site for employment uses, but the supporting information states that they have considered the viability of retaining the land for its continued use and that given the site's location - outside of any major employment zones - they consider this is not the best location for the continuation of a business use.

The applicant's agent states that the redevelopment of the site will lead to multiple benefits both to the area and the site itself. They submit that the site has been used for fly tipping which the applicant has had to deal with and that the continuation of the site's use as employment land could have detrimental impacts to the area as it attracts potential anti-social behaviour and trespassing due to the buildings being largely vacant.

Taking the applicant's arguments into account, they have provided little evidence that convincingly demonstrates that there is no current or likely future demand for employment uses on the site. However, given the rural location of the site (and associated difficult access to the motorway network and local labour), the condition of the buildings on the site and the likely cost of rebuilding industrial buildings, to meet the needs of an occupier, it is broadly accepted that the site would not be attractive to the majority of industrial end users.

The site comprises an area of approximately 0.8 ha and it is not considered that the loss of this site would have a significant effect on the supply of industrial land in Knowsley, particularly given the availability of more attractive locations for industrial development, such as Huyton and Knowsley business parks.

On balance, it is considered that the proposal would accord with Local Plan policy CS4 as a whole.

Principal of residential development

Policy CS1 in the Core Strategy states that the spatial development of Knowsley to 2028 will be achieved by maintenance of the existing settlement hierarchy, including the role of Huyton/Stockbridge Village, Kirkby, Prescott/Whiston and Halewood as larger suburban centres, and of Cronton, Tarbock and Knowsley Village as rural villages. The Spatial Vision for Knowsley identifies that the character and quality of Knowsley's rural villages of Cronton, Tarbock and Knowsley Village will be protected.

Policy CS2 in the Core Strategy states that new development in Knowsley will be expected to meet needs for new housing. Policy CS3 in the Core Strategy states that provision will be made for 8,100 new dwellings in Knowsley between 2010 and 2028 at an annual average of 450 dwellings per annum.

The application proposes a residential development of 10 homes in Tarbock; Tarbock is a village and therefore, the principle of a residential development on previously developed land in the village is acceptable. However, as set out in Policy CS1 and in the Spatial Vision for Knowsley, new build development needs to ensure that it maintains the settlement hierarchy and the character and quality of the village.

Knowsley currently has a 5-year housing land supply and is delivering a sufficient supply of homes. Furthermore, the applicant has not provided any evidence of unmet demand for the number and type of homes proposed in Tarbock. The benefits that the applicant has ascribed to the delivery of 10 dwellings on the site and the contribution that they would make to housing delivery can therefore only be given limited weight.

Design and Heritage

Policy CS2 in the Core Strategy states that new development will be expected to enhance local character and promote quality of place by understanding and respecting the character of places and landscapes, protecting the historic environment, promoting good quality design and ensuring that development respects its settings.

Policy CS19 in the Core Strategy states that new developments in Knowsley will be expected to respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment.

Policy CS20 in the Core Strategy states that development proposals should preserve and enhance the Borough's historic and architectural assets, including Conservation Areas; and that the Council will require preservation of local distinctiveness and character of historic assets through sensitive design of new development including appropriate integration with their surrounding landscape.

The NPPF identifies that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. It states that planning decisions should ensure that developments function well and add to the overall quality of an area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging innovation or change (such as increased densities), optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

One of the reasons for refusal on the previous application stated :- *The proposed development as a result of its design, character, density, layout and built form would adversely affect the character and quality of Tarbock and the setting of the nearby Conservation Areas of Tarbock Green and Tarbock. As such, the proposal would be contrary to Policies CS2, CS19, CS20 in the Knowsley Local Plan, Core Strategy adopted January 2016, Saved policy DQ5 in the Knowsley Replacement Development Plan, adopted June 2006 and guidance in NPPF.* This reason for refusal was in the main upheld by the planning inspectorate.

This current application has a reduced density (from 14 to 10 dwellings) and is far less suburban in nature with the design and layout taking cues from a farmstead setting. Rural key buildings and design elements have been considered to influence the layout of the scheme such as Farmstead , a coach house, farm house , courtyards, barns and stables.

Courtyard plans are very common within farmstead layouts, as the working buildings are located around one or more yards. The layout of the buildings are either loose/dispersed or linear. The applicant has opted for a dispersed plan layout.

To the front of the site to the right of the entrance is a woodland/orchard planted area which would assist in screening the proposed dwellings (The Barns) from the frontage. The proposed development seeks to re-establish a planted hedge along the frontage with an estate timber post and rail fence line which is intended to respond positively to the characteristic of the area.

To the rear of the site is proposed as the Farm House and farmstead style buildings arranged around a courtyard which would have a gravel hard standing. Planter and raised beds would break up the space into public and semi private. The coach house property to the front of the site would comprise a private walled garden area to the rear of the plot and a semi-private garden area to the Netherley Road frontage.

The individual dwellings would comprise the following features, feature coach doors with stone arch, slate roofs, stone gables, feature brick English bond pattern, feature entrance porch with timber supports, feature glazing, stone surrounds to windows, brick vents, conservation style rooflights, feature brick chimney stack and feature coach house door.

Various amendments have been undertaken to the design of the dwellings so they are more in keeping with a traditional farmstead design for example to simplify the external finishes and roof design, adding brick arched features to windows, ventilation features and the omission of render.

The design and layout is a significant improvement on the previous application and would be more in keeping with the character of the surrounding areas and the nearby conservation areas located to the west and east of the application site. On the whole the development would have a more rural appearance not dissimilar to the nearby Tarbock Hall development and would be far less suburban in nature. On balance the proposal would be in compliance with policies CS2, CS19 and CS20 in the Knowsley Local Plan, Core Strategy.

Residential Amenity

An application for 14 dwellings on this site was previously submitted and was refused in December 2020 on the grounds of the impact the proposal would have on the character of the area and insufficient information on the impacts of noise from the adjacent waste management site. The applicant appealed the decision, but the decision was upheld.

The applicant has reconfigured the proposed layout of the site and carried out further noise monitoring. As part of the monitoring exercise (which was done over a 5-day period), audio recordings were taken when the noise exceeded a set value. This helped to identify what was causing the maximum noise levels. The outcome of the monitoring and subsequent assessment was that the noise from the adjacent commercial site was infrequent, although there was some, a lot of the maximum noise levels were due to road traffic and birdsong. An officer from environmental health attended the site with the noise consultant, before further monitoring was carried out, and at the time of the site visit there was no noise from the adjacent site or major noise issues identified.

The LPA is satisfied with the noise assessment and the proposed mitigation measures. Although there is some noise from the commercial site which is unpredictable in its nature, given the further monitoring that has been done, colleagues in Environmental Health no longer consider that there is sufficient evidence to object to this application on the grounds of noise. The layout now proposed, and the mitigation measures suggested, would help reduce the impact of the noise for future residents. A suitably worded condition is included on any permission granted to ensure that the mitigation measures proposed in the report are implemented and retained at all times.

Another concern from the previous application was for flies / odour from a manure heap located in the southeast area of the riding school site to the west of the application site. The previous site layout had this backing onto a resident's garden. In the latest layout this is less of a concern, as the area next to the manure heap is an area of open space and no gardens are now backing onto this.

The proposed separation distances in between the new dwellings would exceed the minimum space standards as set out in New Residential Development Supplementary Planning Document and all dwellings would have a satisfactory amount of private amenity space. The closest dwelling to the application site is Oaklands sited to the west of the site. The closest plot to Oaklands is Plot 1 sited 12.7m away.

Plot 1 would be sited further forward (between approximately 2-4m) that the front elevation of Oaklands, however given the separation between the two dwellings plot 1 would fall outside of the 45 degree angle from the closest main habitable room window in Oaklands.. Therefore no loss of amenity would occur to the occupiers of Oaklands.

Any impacts associated with the demolition and constructions work can be mitigated through a construction management plan which would be secured by planning condition.

In terms of residential amenity the proposal would be in compliance with Local Plan policy CS19 and guidance within the New Residential Development SPD.

Highway Safety & Parking

The application site would be accessed directly off Netherley Road. The proposed entrance off Netherley Road and visibility splays along Netherley Road are considered to be acceptable. The applicant has confirmed that the road would be privately owned and will therefore not be offered up for adoption by Highways. Details of the proposed maintenance of the road and all communal areas outside the curtilage of dwellings would be secured by planning condition. The lighting within the site would also have to be maintained under a private contract and the Council's street lighting provider would not install lighting on highways which are not adopted. The details of the street lighting for the site and future maintenance can also be secured by planning condition.

With regards to the internal layout whilst the highways would not be offered for adoption sufficient pedestrian visibility splays would be required at the end of each driveway. The access to plots 1, 2 and 3 is currently substandard however satisfactory visibility splays can be secured by planning condition.

Details of the highway infrastructure for the site access junction with Netherley Road can be secured by planning condition.

In conclusion subject to the above planning conditions the proposal would be in compliance with Local Plan policies CS7 and CS19.

Drainage

The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The site is located within Flood Zone 1 and Environment Agency mapping indicates that there is a low surface water risk to the site. The FRA concludes that the impact on the development on flood risk is considered to be low.

The proposed development would reduce the impermeable area across the site from 7,221sqm to 4,540sqm thus improving surface water run off rates. The discharge of surface water to Greensbridge Lane Brook via the nearest available public/private sewer appears to be the most practical option.

Attenuation storage will be required on site in the form of permeable paving or an underground attenuation tank, this will need to be confirmed once a detailed drainage survey has been undertaken. Foul flows from the site should be discharged to the nearest accessible public sewers or by way of a private sewage treatment plant with treated effluent discharged to Greensbridge Lane Brook.

The LLFA and United Utilities have no objections in principle subject to a detailed drainage strategy being submitted for approval prior to the commencement of development. This shall be designed so the maximum discharge rate off site does not exceed 7.42l/s as set out in the submitted FRA.

A management and maintenance plan for the sustainable drainage system is also required to be submitted prior to the first occupation of the development. Both the drainage strategy and management and maintenance plan can be secured by planning conditions to ensure compliance with Policies CS2 and CS24 in the Knowsley Local Plan Core Strategy .

Contaminated Land

The submitted Phase 1 Contamination Assessment indicated the following potentially contaminating historic land uses:

- Chemical works since 1955 – Ink Production, product storage and waste storage
- Road tanker repairs, service, and fuel storage – with anecdotal evidence of road tanker being emptied to ground in the southern part of the site
- Underground fuel tanks
- History of fire to the industrial buildings.
- Fly tipped wastes including industrial waste of known and unknown chemical content
- Previous site investigations found hydrocarbon and solvent contamination in soil and groundwater.

The site environmental setting is drift of glacial till which is classified as secondary aquifer overlaying sandstone, classified as a principal aquifer. The site is located within Source Protection Zone 2 and 3 for a public water supply abstraction within 500m of the site.

Based on the information received the site is considered to have a high risk of contamination present in soil and groundwater on site and the impact on the principal aquifer need careful consideration. The desk study report concludes that further site investigations are required to characterise the soil and groundwater chemistry on site.

The Phase 3 Investigation Report (Prepared by Peak Associates, dated 2015) refers to a previous site investigation by Woodford Industries Ltd in 2000 which reported that the site was previously used as a fuel filling station, with four underground storage tanks for diesel and petrol.

This report refers to a Peak Associates Phase 2 investigation (dated May 2015) which identified elevated concentrations of petrol range hydrocarbons and concentrations of solvents associated with site processes. The requirement for additional site investigation to determine the extent of the contamination is the reason for this Phase 3 Site Investigation Report.

The site conceptual model sources have not been derived using the DoE Industry Profile for chemical works coatings (paints and printing inks) manufacturing works. Therefore, it is unclear whether all the contaminants of concern associated with the ink manufacturing process were included in the analysis.

The phase 3 report identified a shallow groundwater plume of hydrocarbon contamination all exploratory locations were shallow up to 3m bgl with no information regarding the thickness of the drift and depth to rockhead. The extent of the plume is not delineated and the risk of entry to the principal aquifer has not been assessed.

The site investigation data is 7 years old, with the site in use in the intervening time, therefore updated site investigation data is required. An additional assessment that considers all potential contaminants of concern associated with previous land use and to characterise the current soil and groundwater conditions on site would be required.

The previous use of the proposed development site as chemical works, fuel filling station and road tanker servicing and repair presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within a source protection zone 2 and located upon a principal aquifer.

The application's Phase 1 Land Contamination Assessment (Prepared by Peak Associates, dated March 2020) demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. This further information can be secured by planning condition.

In light of the above, the proposed development will be acceptable if a condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with the National Planning Policy Framework (NPPF).

Subject to a further site investigation and remediation strategy the proposal is considered to be in compliance with Saved policy ENV5 in the Replacement Unitary Development Plan.

Ecology

The applicant has submitted an ecology report in accordance with Local Plan policy CS8 (*Ascerta. May 2022. Preliminary Ecological Appraisal, Nertherley Road, Tarbock Green*) which meets BS 42020:2013.

Bats

The initial bat survey submitted had significant limitations and therefore additional nocturnal surveys were required to be undertaken in the bat roosting season.

These surveys have now been undertaken however given that Building B2 is considered to be used as day roost by a small number of common pipistrelle bats details of bat roost mitigation are required prior to determination. These details have now been submitted and approved and include 6 bat bricks and 7 bat boxes, this is considered to be adequate mitigation for the loss of the day roost and would be in compliance with Local Plan policy CS8.

Hedgehog

The habitats on site are suitable for hedgehog which is a Priority Species and Local Plan policy CS8 applies. Reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them this can be secured by way of planning condition (within the Construction Management Plan condition)

Great Crested Newts (GCN)

A habitat suitability index assessment for two waterbodies in close proximity to the site has been undertaken. This has concluded the waterbodies have poor suitability for Great Crested Newts. It is considered that GCN are unlikely to be present within the site and will not be impacted by the proposals. No further surveys or mitigation are required for GCN.

Breeding Birds

Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected and Local Plan policy CS8 applies. The applicant will be informed that no tree felling, scrub clearance, vegetation management and/or building works should take place during the period 1 March to 31 August inclusive unless all buildings, trees, scrub, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

The proposed development will result in the loss of bird breeding habitat and Local Plan policy CS8 applies. To mitigate for this loss, 8 bird nesting boxes are proposed within the site which is considered to be adequate mitigation for the loss of any bird nesting habitat

Habitat Regulations Assessment

The development site is near to several national and international sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan policy CS8 applies: The proposals and the possibility of likely significant effects on national and international sites using the source-pathway-receptor model have been considered and it is concluded that there is no pathway that could result in likely significant effects on the national and international sites and the proposals do not warrant a Habitats Regulations Assessment primarily due to the distances between the application site and the closest sites at Mersey Estuary and Sefton coast.

In this instance there would be no conflict with Local Plan policy CS8.

Treatment and Disposal of Waste from Demolition/Building works

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 (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require 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. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by planning condition.

Trees & Landscaping

The application is accompanied by a tree survey and an arboriculture impact assessment.

The proposed development would result in the loss of nine individual trees and part of tree groups G1 & G2 to the north of the application site.

Prior to development commencing an arboriculture impact assessment would be required to demonstrate how damage will be prevented to the root systems of T1 and T2 and the other groups to be retained.

Mitigation for those trees to be removed would include replacement planting on site on a 2:1 basis girth 16-18cm for the individual trees to be removed. This can be secured by planning condition. The mitigation for the loss parts of groups G1 and G2 would need to be compensated through an off site financial contribution which would be used for woodland improvement works in the Halewood area.

With the arboricultural impact assessment and mitigation works the proposal would ensure compliance with Saved UDP policy DQ4 and Local Plan policy CS21.

Affordable Housing

In accordance with Local Plan policy CS15 and more recent guidance in NPPF, proposed developments of 10 dwellings and over are required to provide 10% of the dwellings on site as affordable homes.

However, paragraph 63 of the NPPF also states that to support the use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

The existing floorspace of buildings on the site which are currently vacant amount to 1,656sqm and the proposed floorspace is 1,606sqm. Given that the existing vacant floorspace is greater than the proposed floorspace then it is considered that 'vacant building credit' can be applied and that in this instance no affordable housing would be required..

Planning Obligations

Public Open Space

In accordance with Policy CS27 and the Developer Contributions SPD, an assessment has been made of the need for a contribution towards off site provision of public open space. The closest 'Substantial Residential Area' to the site is SRA 34 – Court Farm in Halewood.

This SRA is in deficit for all open space typologies (parks and garden, provision for children and young people and allotments) except amenity greenspace. It is therefore considered appropriate to request an off-site commuted sum (if planning permission is granted) to either contribute to new open space projects in the SRA or contribute to enhance existing open spaces.

The financial contribution required would be £26,412.30, which can be secured through a S106 legal agreement, and subject to such a legal agreement the proposed development would comply with Policy CS27.

Tree Mitigation

In accordance with the Developer Contributions SPD mitigation for the tree loss would be required by replacement tree planting and also an off site financial contribution towards woodland improvement works in the Halewood area which is the nearest SRA. The sum of £5,142.20 can be secured by way of a S106 legal agreement.

Conclusion and Reason for Decision.

The site layout and design is a considerable improvement on the previous planning application in 2020 and now takes its cue's from a farmstead like setting. There would be no adverse impact on the nearby conservation areas or the street scene. The proposal would be acceptable in terms of highway safety and residential amenity. Matters such as drainage, contaminated land and mitigation tree planting can be secured by planning conditions.

In terms of noise impacts from the waste composting use to the north east the loudest activities and machinery appear only to be used intermittently although it is noted that the site has recently been taken over however, there are conditions attached to the original planning permission for the waste use which specifies the types of machinery that can be used and also a condition specifying noise levels from the waste use. These conditions together with noise mitigation measures (uprated glazing and ventilation and acoustic fencing) would in effect mean the noise impacts are within acceptable limits and would not

now warrant a reason for refusal.

The proposal would be in compliance with the relevant saved UDP policies and Local Plan Core Strategy policies listed above.

Recommendation.

That planning permission be granted subject to the satisfactory resolution of the outstanding ecology matters, the completion of a s.106 agreement to secure contributions towards public open space and tree mitigation and to the following conditions [and any additional conditions recommended by MEAS in relation to the outstanding ecology issue after the date of this report]. **See additional conditions in red below.**

- 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) 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) Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out only in accordance with the agreed schedule of materials.

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

- 4) No part of the development shall be brought into use until visibility splays of 2 metres by 2 metres have been provided on each side of the driveway access at plot 1. The depth shall be measured from the back of footway/verge into the site and the width measured outward from the edges of the access. 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 provide the driver of a vehicle using the access and other users of the public highway with adequate inter-visibility and to comply with Policy CS19 of the Core Strategy, adopted January 2016.

- 5) No part of the development shall be brought into use until visibility splays of 2.4 metres x 25 metres have been provided at the driveway accesses to plots 2 and 3. 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.

- 6) No part of the development shall commence until details of the development's highway infrastructure, including its site access junction with Netherley Road, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved scheme details prior to first occupation of the development.

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.

- 7) No part of the development shall commence until a scheme for provision of lighting of private communal areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure it protects ecology and does not result in excessive light spill in line with paragraph 180 of the National Policy Framework. For the avoidance of doubt, the scheme shall include drawings of the lighting and lighting columns, a site layout indicating positions of lighting, isolux and luminosity details, manufacturers specifications and a maintenance strategy to ensure its future operation. The scheme shall be implemented in full accordance with the approved scheme details prior to first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the impacts of the lighting on ecology are mitigated and to ensure the provision of safe and adequate means of access to the development in the interests of the safety and amenity of residents and visitors. To ensure compliance with Policy CS8 of the Knowsley Local Plan Core Strategy adopted January 2016, Saved policy ENV8 in the Knowsley Replacement UDP and guidance in NPPF.

- 8) No part of the development hereby permitted, including any works of demolition, shall be commenced until a Construction 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 demolition/ 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) Methods that can be put in place quickly, should odour control be required. (There is potential for odour from the historic use of the site, particularly when ground excavations take place).
 - d) Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
 - e) The areas for the storage of plant and materials.
 - f) A programme of works, including phasing
 - g) Location of site compound, including any loading/unloading areas, turning areas for delivery vehicles and construction staff parking arrangements.
 - h) Scheme for recycling/disposal of waste resulting from demolition and construction works

- 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) The following Reasonable Avoidance Measures (RAMS) should be put in place to ensure that there are no adverse effects on hedgehogs.
 - o A pre-commencement check for mammals.
 - o All trenches and excavations should have a means of escape (e.g., a ramp).
 - o Any exposed open pipe systems should be capped to prevent mammals gaining access.
 - o Appropriate storage of materials to ensure that mammals do not use them.
- k) The following Reasonable Avoidance Measures (RAMS) should be put in place to ensure that there are no adverse effects on amphibians
 - ☐ Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians present to move away from the affected areas.
 - ☐ The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them.
 - ☐ Any open excavations (e.g., foundations / footings / service trenches etc.) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar to prevent amphibians from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians.
- l) The following measures shall be included to prevent any adverse effects on Brickwall Covert Local Wildlife Site (LWS)
 - ☐ Standard pollution control measures (dust suppression and prevention of run-off (water (clean or dirty), fuel, oil etc.))
 - ☐ Details as to how the LWS will be protected from physical damage (vehicles, personnel, and materials (including storage and spillage) during site clearance and construction.
 - ☐ Details of any protocols that will be adopted to avoid the importation of materials containing invasive species, such as Japanese knotweed, onto the site.

All site works shall then proceed only in accordance with the approved management plan.

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 Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 9) Prior to the construction of the properties, a scheme, detailing the specific noise mitigation measures that will be implemented throughout the site, shall be submitted to the local planning authority for approval in writing.

The scheme shall follow the recommendations of the e3p Noise Impact Assessment report for Land at Woodend, Netherley Road, Tarbock Green. Reference 50-528-R1-1, date March 2022.

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

- o The window glazing specification that will be installed in each property.
- o The ventilation specification for each property.
- o The design of the acoustic barrier to control road traffic and commercial sound

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

10) A. Risk Assessment

No development shall take place until an assessment of the risks posed by any contamination has been submitted to, and approved in writing by, the Local Planning Authority.

Prior to any further ground investigations taking place, the scope of works for these investigations must be agreed, in writing, with the local planning authority.

The assessment must also 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 (where relevant):

- (i) a survey of the extent, scale and nature of contamination including a site investigation scheme, based on desk study.
- (ii) an assessment of the potential risks to all receptors that may be affected, including those listed below, and those off-site:
 - 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. The verification plan must provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. 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. Any changes to the agreed remediation strategy and/or the verification plan require the written consent of the Local Planning Authority.

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. 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.

F. 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 , to protect groundwater quality within the principal aquifer to ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete , to ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. and to comply with Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and the National Planning Policy Framework.

- 11) The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out on the Bat and Bird Box Plan (Ascerta. August 2023. Drawing No. P.1622.23.06. Revision A) and in Section 5 of the Bat Nocturnal Survey Report (Ascerta. August 2023. Revision B) which detail the methods for maintaining the conservation status of bats,

Reason : To mitigate for the loss of the daytime bat roost and to ensure compliance with Policy CS8 in Knowsley Local Plan, Core Strategy adopted January 2016.

- 12) Prior to the commencement of development the local planning authority shall be provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead.

Reason : Bats are a protected species under the provisions of the conservation of habitats and species regulations 2017.

- 13) Prior to the occupation of the development hereby permitted a scheme to demonstrate how household waste and recycling will be stored and collected from the site has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented prior to first occupation of the development hereby approved and shall remain in place thereafter.

Reason: To ensure that household waste and recycling can be safely and conveniently collected from the site 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.

- 14) Prior to the commencement of development hereby permitted an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement will need to demonstrate how damage to the root systems of trees T1, T2 , W1 and all the other tree groups to be retained will be prevented . The development shall be implemented in full accordance with the approved method statement.

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 hereby permitted 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 Knowsley Strategic Flood Risk Assessment (SFRA, Levels 2), has been submitted and approved in writing by the Local Planning Authority (LPA). The applicant should provide suitable drainage drawings, summary calculations and results of all investigations detailing the surface water drainage works as set out below. The maximum rate of discharge, off-site, shall not exceed 7.42l/s, and be in line with the drainage strategy as set out within the Flood Risk Assessment and Drainage Strategy dated March 23 unless otherwise agreed in writing with the LPA. The drainage scheme shall also include :-

i) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

ii) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

iii) Foul and surface water shall drain on separate systems.

The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details and retained thereafter for the lifetime of the development.

For avoidance of doubt, Infiltrating-based SuDS features should be discounted due to the presence of contaminations in ground and shallow groundwater.

Reason: To ensure a satisfactory drainage system is provided to serve the site in accordance with Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy (January 2016).

- 16) Prior to the first occupation of the development, 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:

- o The arrangements for adoption by an appropriate public body or statutory undertaker
 - or details of provision for management and maintenance by a resident's management company.
 - o A schedule for on-going inspections relating to performance and condition.
 - o Details for planned maintenance and a mechanism for remedial and urgent repair works.
 - o Means of access for inspection and maintenance purposes.
- 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).

- 17) Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied and prior to the construction of any hard surfaces including roads until full details, footways and access tracks 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, (it should be demonstrated that the roads can accommodate a 7.5 tonne wagon)
- 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 including mitigation tree planting on a 2:1 basis minimum 16-18cm for all those trees to be removed (excluding Tree Groups G1 and G2)
- d) existing plants / trees to be retained
- e) A detailed regime for the ongoing and longer term maintenance of all soft landscaping and hard landscaping areas including the roads/footpaths is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority.

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

- 18) Notwithstanding the details submitted, prior to installation, details of all means of enclosure (including walls, fences and gates) have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure indicated on the approved scheme shall be constructed in accordance with that scheme before the dwellings on the plots to which they relate are first occupied.

Reason: To ensure satisfactory privacy for occupants of the proposed dwellings, in the interests of visual amenity and to comply with Policies CS2, CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 19) No dwelling shall be occupied until it has been provided with an outdoor, weatherproof electric vehicle charging point readily accessible from a dedicated parking space.

All chargepoints shall be:

- a. A minimum of 7KW, and
- b. at Least Mode 3 or equivalent, and
- c. untethered, and
- d. located in order to comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M.

All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/travel planning advice

Reason: In the interests of air quality, promoting sustainable travel opportunities and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and NPPF Para 110.

- 20) No dwelling hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the development has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior to occupation and made available for use immediately on occupation of any dwelling in accordance with the approved details.

Reason: To ensure that every dwelling has a full fibre broadband connection in accordance with paragraph 112 of the National Planning Policy Framework

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
09/08/2022	19-112-10	-	EXISTING SITE LOCATION PLAN
09/08/2022	19-112-13 REV A	-	EXISTING BUILDINGS ELEVATIONS WITH EXISTING AREAS
09/08/2022	19-112-14	-	EXISTING BUILDING GROUND FLOOR PLAN
11/11/2022	19-112-16	B	PROPOSED SITE PLAN - INDICATIVE LEVELS
19/10/2022	19-112-200	-	PROPOSED SITE PLAN
03/03/2023	20-0008.01_	-	REVISED FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY
02/08/2022	P.1622.22	-	PRELIMINARY ECOLOGICAL APPRAISAL
02/08/2022	20-0008.03	-	
02/08/2022	50-528-R1-1	-	NOISE IMPACT ASSESSMENT
23/09/2022	19-112-55	B	PLOT 10 THE STABLES - PROPOSED PLANS & ELEVATIONS
07/12/2022	19-112-54	D	PLOTS 08 & 09 THE FARM HOUSE - PROPOSED PLANS & ELEVATIONS
23/09/2022	19-112-53	B	PLOTS 06 & 07 FARMSTEAD NORTH - PROPOSED PLANS & ELEVATIONS
23/09/2022	19-112-52	C	PLOTS 04 & 05 FARMSTEAD EAST - PROPOSED PLANS & ELEVATIONS
02/08/2022	19-112-32	-	SHELTER PROPOSED PLANS & ELEVATIONS
23/09/2022	19-112-51	C	PLOTS 02 & 03 THE BARNs - PROPOSED PLANS & ELEVATIONS
23/09/2022	19-112-50	B	PLOT 01 THE COACH HOUSE - PROPOSED PLANS & ELEVATIONS
02/08/2022	19-112-31	-	PLOT 03 GARAGE - PROPOSED PLANS & ELEVATIONS
02/08/2022	19-112-30	-	PLOT 01 GARAGE - PROPOSED PLANS & ELEVATIONS
02/08/2022	19-112-13	X	EXISTING BUILDINGS ELEVATIONS WITH EXISTING AREAS
02/08/2022	19-112-10	X	EXISTING SITE LOCATION PLAN
08/11/2022	NOVEMBER 22	-	AMENDED ARB IMPACT ASSESSMENT
28/09/2023	P1622.23.06A		BAT MITIGATION
08/08/2023	P 1622 22B		NOCTURNAL BAT SURVEY

Signed Case Officer¹:

Mark Quinn

**Signed Authorising
Officer²:**

Alan Kilroe

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

Date:

15/9/23

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

Informatives

- 1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

- 2 It is an offence to carry out any works within the public highway without the permission of the Highway Authority. This permission requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Prior to the commencement of any works, the applicant is advised to contact the Council's Maintenance Contractor Tarmac on 0800 023 2334 or Knowsley.highways@tarmac.com

- 3 The road serving the permitted development is to be designated a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). It is incumbent on the developer to undertake the appropriate measures to ensure that the future maintenance and management of the private street is established and continued in perpetuity. For example: through the establishment of a Maintenance or Management Company, whose terms of reference are secured by means of a planning condition, as well as the developer formally seeking exemption under Section 219 of The Highways Act 1980. All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Further information can be obtained by contacting SiteDevelopment@knowsley.gov.uk

- 4 It should be noted that the Council operates the Advance Payments Code in accordance with Sections 219 - 225 of the Highways Act 1980. This Code applies wherever a new building is to be erected which will have a frontage onto a new section of road which is to be declared a private road. Failure to deposit or secure monies with the Highway Authority prior to the commencement of building work, in accordance with the Code, is an offence, which could lead to the suspension of construction and may lead to prosecution and a fine.

- 5 With regard to condition 10 (Contaminated Land) please see the following comments from Merseyside Environmental Advisory Service.

i. The latest report (Phase 1 Land Contamination Assessment dated March 2020) refers to a Phase 2 report dated May 2015, unfortunately this has not been submitted with this planning application. MEAS advise all relevant information should be provided to enable a comprehensive assessment of the site to be undertaken. This includes the final copy of the Phase 3 report which is stated as being in draft.

ii. Peak Associates Phase 1 report provides an update on the condition of the site including areas of fly tipping, contaminated surface water and information that road tankers were emptied in the southeast corner. As well as these additional sources of contamination large

areas of the site are yet to be investigated. These lie predominantly in the east, including beneath the main building and in the area of the assumed tank farm. MEAS agree with the conclusion of the Phase 1 report that additional intrusive works will be required once these areas become accessible. The scope of any further works should be agreed in advance with the Local Planning Authority. This should include further testing for Volatile Organic Contaminants (VOCs), hydrocarbons (TPH) and asbestos.

iii Ground gas monitoring, and if necessary, vapour monitoring, will be required to determine what protection measures are needed. I advise that the reliance on gas or vapour protection measures without supporting monitoring data will not be acceptable on this site.

iv. MEAS advise that confirmation is required as to whether the Petroleum Officer has been contacted to ascertain information on the underground storage tanks on site which were reportedly slurry filled in 1986.

v. A plan showing potential source areas would be beneficial i.e., bunds, chemical storage as well as fly tipping.

6 Please see comments from Merseyside Fire Authority. Received 12/10/22

7 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.

8 With regard to condition 8 (CEMP)

A waste audit or similar mechanism provides a mechanism for managing and monitoring construction, demolition and excavation waste. This is a requirement of WLP policy WM8 and the National Planning Policy for Waste (paragraph 8); and is advised for projects that are likely to produce significant volumes of waste (nPPG, paragraph 49). Implementation of such mechanisms may also deliver cost savings and efficiencies for the applicant. The following information could be included within the waste audit (or similar mechanism) as stated in the Planning Practice Guidance:

o the anticipated nature and volumes of waste that the development will generate;
o where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development;
o the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities; and
o any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

Information to comply with policy WM8 could be integrated into a Construction Environment Management Plan (CEMP) if one is to be produced for the development. This would have the benefit of ensuring that the principles of sustainable waste management are integrated into the management of construction on-site to improve resource efficiency and minimise environmental impacts.

Guidance and templates are available at:

o <http://www.meas.org.uk/1090>

o <https://www.gov.uk/guidance/waste>

o <http://www.wrap.org.uk/>

http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8983

- 9 With regard to condition 14 (Drainage) - No drainage systems for the infiltration of surface water to the ground are permitted due to the potential for mobilising contaminants in the subsurface.
- 10 Please refer to informatives contained within response from Environment Agency dated 24th November 2022.
- 11 Please see response from United Utilities dated 25/04/2023.

