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MEETING: PLANNING (URGENT REFERRALS) COMMITTEE

DATE: 28th November 2023

TIME: 3.00 pm

VENUE: Town Hall Bootle

Member

Councillor Veidman (Chair)
Councillor John Kelly
Councillor Lynne Thompson

Substitute

Councillor Tweed
Councillor Roche
Councillor Dodd

COMMITTEE OFFICER: Ian Barton Democratic Services Officer
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E-mail: Ian.Barton@sefton.gov.uk

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A G E N D A

1. Apologies for Absence

2. Declarations of Interest

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

3. Minutes of Previous Meeting

(Pages 3 - 4)

Minutes of the meeting held on 25 August 2017.

4. Planning Application DC/2023/00722 - Atlantic Park, Dunnings Bridge Road, Netherton

(Pages 5 - 36)

Report of the Chief planning Officer.

THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"

PLANNING (URGENT REFERRALS) COMMITTEE

**MEETING HELD AT THE COMMITTEE ROOM - BOOTLE TOWN HALL,
TRINITY ROAD, BOOTLE, L20 7AE
ON 25 AUGUST 2017**

PRESENT: Councillor Veidman (in the Chair)
Councillors Michael O'Brien and Hands

6. APOLOGIES FOR ABSENCE

No apologies for absence were received.

7. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interest were received.

8. MINUTES

RESOLVED:

That the Minutes of the meeting held on 14 June, 2017 be confirmed as a correct record.

9. OUTLINE PLANNING APPLICATION (WITH DETAILS OF ACCESS) FOR RESIDENTIAL DEVELOPMENT COMPRISING UP TO 95 DWELLINGS AND PUBLIC OPEN SPACE, LAND SOUTH OF ANDREWS LANE, FORMBY (REF: DC/2016/01740)

The Committee considered the report of the Chief Planning Officer which referred to the outline proposal (application No. DC/2016/01740) for residential development on the land to the south of Andrew's Lane in Formby, which was refused under delegated powers on 22nd December 2016. Redrow Homes Ltd submitted an appeal to the Planning Inspectorate on 23rd January 2017 against the Council's decision. The Public Inquiry has been arranged for 26th September 2017.

Since lodging the appeal Redrow submitted a full planning application DC/2017/00606, which was deferred at the 2nd August Planning

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AUGUST, 2017

Committee. The report will be considered on the 30th August 2017 Planning Committee with a recommendation for approval, subject to conditions and entering into a Section 106 Agreement. It was considered that this proposal overcomes all the reasons for refusal.

The deadline for the submission of documents for the appeal was before the next Planning Committee and Counsel's advice had been sought in relation to how the Council proceed with the appeal. The advice given was that the reasons for refusal on the outline planning application had been overcome by the information provided as part of the full application, including appropriate conditions and obligations set out in a S106 agreement, and as such the Council have no case to contest at the Public Inquiry.

The report sought the authority to proceed with the Public Inquiry on the basis that the Council would not resist the appeal and the proof of evidence would be based on this approach.

RESOLVED:

That the Council would not resist the appeal against the refusal of the outline application at Andrews Lane, Formby (application No. DC/2016/01740).

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 28th November 2023

Subject: **DC/2023/00722**
Atlantic Park Dunnings Bridge Road Netherton

Proposal: Full planning permission for a multi-phased and severable warehouse development (Classes E(g)iii (industrial processes only), B2 and/or B8 permitted) with associated access, service yards, parking, acoustic fencing, external lighting and landscaping including ground enabling works to the site of the former Rolls Royce Factory. An Environmental Statement has been submitted with the application under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

Applicant: C/o Agent **Agent:** Mr Steven Healey
Royal London Property Turley
Pension Fund

Ward: Netherton and Orrell Ward **Type:** Full application - major

Reason for Committee Determination: EIA (Environmental Impact Assessment) development.

Summary

The application seeks planning permission for the erection of five industrial units of varying sizes. The units will all have their own service yards and parking areas. Access is via the existing access from Dunning Bridge Road into Atlantic Park.

The proposal also includes enabling works to the part of the site where the former Rolls Royce Factory was demolished, as well as landscaping.

The key issues for consideration include the principle of development, highway safety, the loss of open mosaic grassland, character, and appearance in the area, living conditions of nearby residents, drainage requirements and contaminated land. The proposal has also been submitted with an accompanying Environmental Statement; therefore, it also needs to be considered under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

Recommendation: Approve with conditions subject to the completion of a Section 106 legal agreement.

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Case Officer Liz Beard

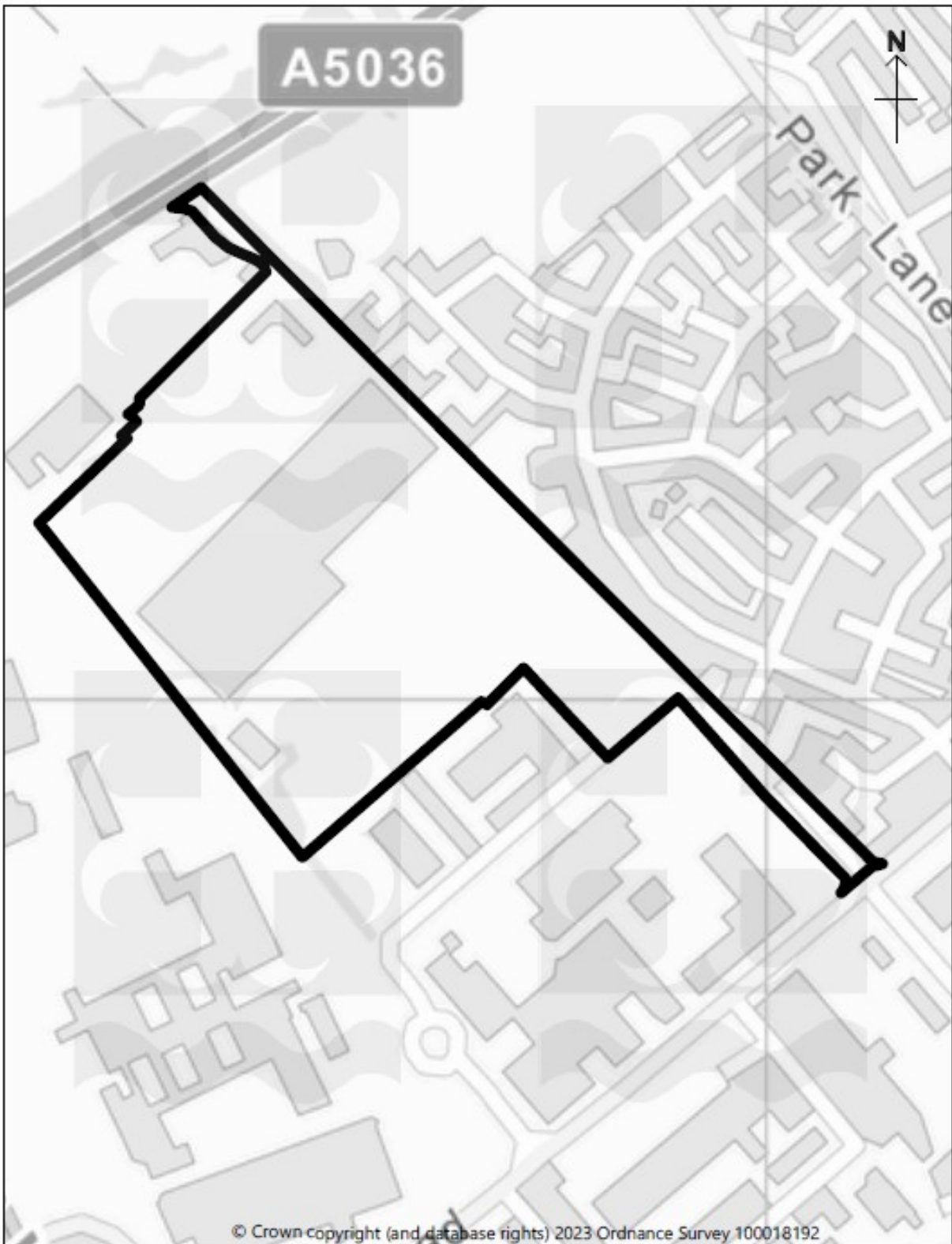
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RTMD7ZNW08000>

Site Location Plan



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The Site

The application site is located in Atlantic Park Strategic Employment Site, south of Dunnings Bridge Road (A5036). It is bounded by Dunnings Bridge Road to the north and Bridle Road to the south. To the east, beyond the employment site, there is residential development, and the Bootle Garden Allotments are located to the west of the site. There is planning permission for two units on the adjacent site, which fronts onto Dunnings Bridge Road, which were approved in June 2023, which is described in the planning history below.

History

Application S/2006/1165 granted a ten-year outline planning permission in May 2007 for the development of an employment park and trade park, in different zones in a masterplan approach (use classes B1, B2, B8 and sui generis) with associated areas, servicing and parking and change of use of the existing Rolls Royce plant building from B2 to B2/B8.

A reserved matters application for zone 1 was approved with conditions on December 2007 (ref: S/2007/0912), which included two office buildings. This permission was never implemented.

Application S/2009/0343 was an application for the refurbishment of the former Rolls Royce offices, which is known as Caspian House (approved with conditions June 2009). This was originally intended for demolition under the masterplan to be replaced by new units for industrial and trade counter use, but the building was considered to be suitable for re-use to offices with re-cladding and refurbishment. It is now proposed to demolish this building as part of a more recent application (ref: DC/2022/02039) approved in June 2023.

A reserved matters application was approved in December 2010 (S/2010/1294) for landscaping associated with the construction of access roads, footpaths and electricity sub-stations in connection with developing the employment park and trade park (use classes B1, B2 B8 & sui generis), servicing and parking and change of use of the existing Rolls Royce building from use class B2 to use classes B2/B8 (details pursuant to planning permission S/2006/1165 granted 17/05/2007).

Application DC/2015/00573 was submitted in March 2015 to extend the time limit and replace the outline permission S/2006/1165 for the same uses. This was approved with conditions at planning committee in June 2015 with conditions including that reserved matters should be submitted within eight years of the permission (June 2023). This has now expired.

The more recent planning history includes an EIA screening (DC/2022/01194), which was for a larger site, but included the current site where it was concluded that EIA was not required. There was also a prior notification application (DC/2022/01229) for the demolition of the Former Rolls

Royce Factory, Atlantic House and Caspian House and 2 no. electricity substations, which was granted in July 2022. The former Rolls Royce Factory has now been demolished.

The current proposals consist of two phases. Phase 1 (DC/2022/02039) included the erection of two industrial warehouses (Classes E(g)iii, B2 and/or B8) with associated access, service yards, landscaping, and drainage swales alongside the layout of an overflow car park and ground enabling works to the site of where Atlantic House is located, was approved with conditions and a S106 in June 2023. The current application is referred to as Phase 2.

Consultations

Local Plans

Proposed use is acceptable in this location. Employment and Skills Plan will need to be secured by S106 Legal Agreement.

Community Fire Officer

No objections. Comments have been provided, in relation to access for fire appliances, proximity to water supplies and compliance with Section 55 of the County Merseyside Act 1980. These issues can be dealt with under different legislation.

Contaminated Land Manager

The findings in the preliminary risk assessment and recommendation for a ground investigation are agreed with further conditions recommended.

National Highways

No objection.

Air Quality Manager

No objection. Recommended a Construction Environmental Management Plan (CEMP) is secured by condition, prior to commencement.

Environmental Health Manager

No objection. Recommended a CEMP, Demolition Environmental Management Plan (DEMP), details of final design of acoustic barriers and details of final lighting schemes are secured by condition.

Flooding & Drainage Manager

No objection. Recommend a condition to secure the details of the Drainage Construction Management Plan.

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Highways Manager

No objection. Conditions recommended in relation to highways improvements, measures associated with construction traffic, sustainable methods of transport and restrictions on the quantum and future use of the units.

United Utilities

No objection. Recommended a condition to secure principles as set out in the drainage strategy.

Merseyside Environmental Advisory Service (MEAS)

No objection. Environmental Statement satisfies the requirements under the Environmental Impact Assessment (EIA) Regulations. Recommended conditions for amended landscaping scheme, habitat management and monitoring plan and financial contribution for off-site habitat creation, which can be secure as part of a Section 106 legal agreement.

Active Travel England

No objection.

Natural England

No objection.

Environment Agency

No objection. Recommend conditions in relation to additional site investigations and verification, piling and to secure principles set out in the drainage strategy.

Neighbour Representations

There has been one letter received on behalf of mobile telecoms operators (MBNL) in relation to there not being any mention of the planning consent for the telecoms mast and access provisions in this application. They object to the planning application and request that provision is made as part of this application.

Royal London objected to the application DC/2022/01562 and stated that they were willing to work with MBNL to find a suitable location for the telecoms mast, which would not impact on the construction and operation of the units on Atlantic Park.

This will not have an impact in relation to the decision making of this proposal and is something that can be dealt with between the parties involved.

Policy Context

The application site lies within an area designated as a Strategic Employment Location (site MN2.48a Atlantic Park) in the Sefton Local Plan which was adopted by the Council in April 2017. There is also a site designated for waste development 'F3-Site North of Farriers Way, Sefton' as

part of this site under Policy WM3 'Allocation for District Level Sites' of the Joint Waste Local Plan, which was adopted in 2013.

Assessment of the Proposal

The key issues for consideration include the principle of development, highway safety, the loss of open mosaic grassland, character, and appearance in the area, living conditions of nearby residents, drainage requirements and contaminated land. The proposal has also been submitted with an accompanying Environmental Statement; therefore, it also needs to be considered under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

Environmental Impact Assessment

An Environmental Impact Assessment (EIA) screening opinion was submitted (DC/2022/01194), where it was concluded that EIA was not required. However, an Environmental Assessment was provided as part of the application, therefore it is required to be assessed under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017

The Merseyside Environmental Advisory Service (MEAS) have reviewed the Environmental Statement and advise that, subject to the satisfactory receipt of any additional information under paragraph 25 of the EIA Regulations, it satisfies these requirements and can be used as a basis for determination of the application.

Paragraph 25 provides the legislation in relation to supplement an ES with additional information, which is directly relevant to reaching a reasoned conclusion on the likely significant effects of the development. Additional information was submitted, which satisfies these requirements and further consultation was carried out accordingly. The Council's constitution requires decisions on planning applications for EIA development to be delegated to Planning Committee.

Background Information

Royal London, the applicants acquired the leasehold of the Atlantic Park site in 2003. It states in the Planning Statement that they acquired the leasehold with a view to bringing forward development at this Strategic Employment Location, however the global recession hindered progress on site following the granting of the 10-year outline permission in 2006. There have been subsequent extensions to the permissions, as set out in the planning history above, but Royal London are now seeking to bring forward a different proposal, providing floorspace in logistics and advanced manufacturing, for which they state there is clear national demand.

The Proposed Development

There are five units proposed, for E(g)iii (industrial processes capable of being carried out in a

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residential area former B1 use), B2 (general industrial) or B8 (storage or distribution) uses, which include their own service yards and associated parking, shown as the following sizes, Unit 3: 12,483 sqm, Unit 4: 10,986 sqm, Unit 5: 16,583 sqm, Unit 6: 19,510 sqm and Unit 7: 4,994 sqm

This is 'phase 2' of the development of the site, where the previously approved 'phase 1' (located to the north) included two units, for the same uses, which included their own service yards and parking and an overflow car parking area. It also included enabling works to the site of Atlantic House and this proposal includes enabling works to the part of the site where the former Rolls Royce Factory was demolished and landscaping.

Principle of Development

The site is located in a site allocated as a Strategic Employment Location in the Sefton Local Plan, known as Atlantic Park, which forms part of site MN2.48 'Dunnings Bridge Road Corridor, Netherton'. Strategic Employment Locations are allocated for new office and light industrial (B1 use, now E(g)iii use), general industrial (B2 use) and storage and distribution uses (B8). Therefore, the proposed uses are acceptable in principle.

Part 10 of Local Plan Policy MN2 'Housing, Employment, and Mixed Use Allocations' sets out that Strategic Employment Locations must provide high quality business parks and new development on these sites should maximise job outputs, including job opportunities for local people, as well as incorporating good quality design and layout compatible with adjacent uses.

Paragraph 6.30 of the Local Plan also goes on to state that Strategic Employment Locations should provide for a high quality business park to attract significant local and inward investment. In particular, this should include good job outputs in relation to regional job to floorspace averages, a high standard of built development, a quality landscape setting (both within and at the periphery of the Business Park) and management arrangements to ensure that landscaping is maintained to a high standard.

The application has been supported by an Economic Benefits Statement. There will be a range of jobs, which will be predominantly full-time, the estimate is that around 1,125 jobs can be accommodated on the site. In addition to this there will be a temporary boost to the economy during the construction period with an estimated 140 jobs directly or indirectly supported for Sefton residents in each year of construction.

To secure local job opportunities it is recommended that should permission be granted an Employment Skills and Development Plan be secured as part of a Section 106, which will ensure that the applicant works jointly and collaboratively with Sefton Council to maximise the access for local people to jobs and skills opportunities, the provision of trainee places, the advertising of employment opportunities for local residents, ensure that the appointed contractor will aim to provide trainee places and ensure opportunities are provided for local individuals and local businesses created while the new development is being built as well as once the development is completed.

With the inclusion of the Employment Skills and Development Plan in a Section 106 the proposal complies with part 6 and part 10 of Local Plan Policy MN2 'Housing, Employment and Mixed Use Allocations'.

There is also a site designation for waste development 'F3-Site North of Farriers Way, Sefton' in the Joint Waste Local Plan, which was adopted in 2013. This area is located in the area of the site, which backs onto Farriers Way and part of the former Santander site. The Planning Statement provided with this application provides reasoning for the development of a high-quality employment park and why the applicant no longer considers the waste application as a realistic proposition. The argument provided is that there is an overriding need for high quality employment/logistics uses. In addition to this very few waste uses have come through on site allocations and there are still sites available to be developed. Therefore, if the waste allocation is no longer available, it will not harm the objectives of the Waste Local Plan.

The Merseyside Environmental Advisory Service (MEAS) acknowledges that this satisfies the reasoned justification for Policy WM3 'Allocation for District Level Sites' and that any planning permission, if constructed, will result in the loss of the waste allocation, but it will not harm the objectives of the Waste Local Plan as there are other sites available.

Highway Safety

National Highways (NH) have been consulted as the proposal is accessed via the A5036 Dunnings Bridge Road that forms part of the Strategic Road Network. They assessed the information provided to determine the potential impact that this development may have on the operation of Dunnings Bridge Road and their formal recommendation is that they have no objection.

There has been a Transport Assessment (TA), Technical Notes (TNs), accident analysis, TRICS assessment, Minimum Accessibility Standards Assessment (MASA) and a chapter in the Environmental Statement (ES) provided and also assessed by Sefton's Highways Department. Further information and modelling were provided at the request of the Council's Highways Manager.

Traffic Impact

The TN states that the development will result in 4 units being B2/B8 use with 2 units limited to B8 use only. The B2/B8 units have been assessed as B2 use as this represents the worst-case scenario with B2 use having a higher traffic and parking demand than B8 use.

The TA states that Alaska House is the only existing occupied unit on the site. The TA confirms that there would be a total floor space of 73,544 sqm for both Phases 1 and 2 which would be split into 49,040 sqm B2 use and 24,504 sqm B8 use. Therefore, a planning condition is needed to limit the maximum B2 use of the whole Atlantic Park development site (both phases 1 and 2) to no more than 49,041sqm B2 use and no more than 24,504 sqm B8 use which the applicant has agreed.

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The applicant has referenced the previous consented uses of the site in the traffic analysis and had regard to the proposed uses. The methodology used in the TN was reviewed with the traffic analysis and modelling and is considered acceptable.

The TN states that the Bridle Road/Park Lane signalised junction would be within capacity in both the AM and PM peak hours for the development opening year of 2025 and the future forecast year of 2030 with the development in place. The capacity of the junction would be up to 50% which is well below the 90% threshold for when a junction is approaching capacity.

For the Bridle Road/Atlantic Park signalised junction the capacity would be up to 38% in all scenarios with the development in place. The Bridle Road/Netherton Way signalised junction would be up to 87% in all scenarios with the development in place. These modelling results demonstrate that there should be no capacity issues on the local highway network along the Bridle Road corridor as a result of the development.

The junction modelling results in the TA showing that at least some of the signal junctions on the strategic highway network for which NH are responsible are over the 90% permitted threshold of capacity with the development traffic in place in the development opening and future years. However, the applicant has proposed mitigation measures to address this, and this has been accepted by NH. The improvements to Dunnings Bridge Road/Atlantic Park are to include pedestrian and cycle improvements and a new 50m long left turn lane from Dunnings Bridge Road to accommodate traffic queuing to access the Atlantic Park site. Whilst it is acknowledged that National Highways are responsible for the strategic network of Dunnings Bridge Road, Sefton Highways operate the signal junctions along it on their behalf.

The TN states that units 1 – 4 will be ready for occupation in 2024 with units 5 – 7 completed in 2025. The TN proposes that the highway improvements for the site access junctions onto Atlantic Park Drive will be operational prior to the use of the third building (unit 5) within phase 2 which is due to be completed in 2025. The Highways Manager has suggested that this is unacceptable as the highway mitigation measures need to be fully delivered by the applicant under a s278 agreement prior to the occupation of any of the units on phase 2. This is to ensure, based on the information provided, that the proposal would not result in capacity issues throughout the build process. This matter has been discussed with the applicant who has confirmed that they would be in agreement to deliver the highway improvement works within the timeframes suggested by the Highways Manager. They have also agreed that this could be secured through a section 106 legal agreement.

The proposed highways improvements are part of a wider Sefton Highways scheme, however this is not committed and even if funding was obtained it would not be deliverable until 2025 which is outside the timescale for this planning application. The TN states that the key aspects which are critical for access to Atlantic Park will be provided by the development. This will need to be via a s278 highway agreement as this will not be undertaken by the Local Highways Authority. The Section 106 can include an obligation to ensure that s.278 agreements are entered into, as specified.

The traffic impact analysis has been based on the currently proposed floor spaces and therefore there must be no permitted development rights to provide or extend mezzanine floor space over and above that already included in the current proposals as this would require a new planning application with an updated TA to account for the additional traffic and parking demand that would be generated. A condition can be included to restrict the installation of mezzanines.

Access

The existing road through the development site (Atlantic Park Drive) would remain as private as at present. A S278/S38 would be required to facilitate the adoption of the full Bridle Road/Atlantic Park Drive signal junction to allow Sefton Highways to maintain and operate it as the junction is only partially adopted at present. A s278 agreement with National Highways (NH) would be needed for changes to the Dunnings Bridge Road/Atlantic Park Drive junction.

Vehicle, cycle and pedestrian access to the development would be via both Dunnings Bridge Road and Bridle Road. No HGVs would be permitted to use the Bridle Road access as such vehicles should not divert from the major routes. A planning condition would be needed to ensure there is no HGV access to the development apart from via Dunnings Bridge Road (for either permanent or construction vehicles) which the applicant has agreed to.

The proposed site masterplan (drawing no. 12749-3-110 revision F) and the TN show access from Bridle Road will be restricted by retaining the existing barriers and will include a new height restriction preventing HGV access but with a facility to remove the height restriction if a HGV incorrectly arrives at the Bridle Road access so it can turn around within the site rather than having to reverse back onto the highway.

The TN states that the footway/cycleway between units 1 and 2 to Dunnings Bridge Road will be provided as part of the phase 1 works and implemented prior to the occupation of any unit within phase 2. This can be secured via a planning condition and would be required on the basis that a Phase 2 unit could potentially be occupied before a Phase 1 unit as the Atlantic Park Drive site access road is already in place.

The existing footpath on the southwest side of Atlantic Park Drive is proposed to be widened to a 3m wide segregated footway/cycleway along its full length. A scheme of signage, road markings and dropped kerbs with tactile/corduroy paving is required as part of a planning condition to ensure that there are accessible linkages for pedestrians and cyclists through the site and across the junctions within the site.

The TN states that the cycle route could not be located on the northeast side of Atlantic Park Drive, rather than being part of the shared footway/cycleway on the southwest side, as it would impact on the proposed noise barrier.

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Minimum Accessibility Standard Assessment (MASA)

The minimum accessibility scores are met for walking, cycling and parking but not the public transport element, which only scores 3 not the required 5 as claimed. There are up to 2 bus services per hour not 4 as required and the train station is more than 400m from the site so train services/access cannot be considered as accessible to the development site. To address the shortfall in public transport accessibility, additional measures are required to encourage, and support increased public transport use. The applicant has agreed to upgrade the bus shelters to mitigate the shortfall in the MASA score which can be secured via a planning condition and would need to be delivered via a s278 agreement. This would be subject to the approval of Merseytravel/Liverpool City Region Combined Authority and National Highways.

Site Layout

The proposed site masterplan (drawing no. 12749-3-110 revision F) includes the recently consented Phase 1 approved planning layout showing the interface between the two phases and how the pedestrian and cycle routes would link together.

As raised in the previous highway response, the servicing area for unit 5 is of an inadequate size to facilitate HGV turning movements adjacent to some of the loading/unloading bays due to the presence of HGV parking spaces opposite i.e., parked HGVs in some of the parking spaces will prevent HGV access to/from some of the loading bays. Swept path analysis for 16.5m length HGVs has been provided to demonstrate that HGVs can access and egress the service yards of all the units.

Drawing no. 12749-3-110 revision F shows landscaping between the 3m wide shared footway/cycleway and the carriageway adjacent to unit 5 which is unacceptable to Highways. This arrangement would screen and separate the footway/cycleway from the carriageway and can discourage its use by pedestrians and cyclists as the footway/cycleway is not as overlooked and is less safe in terms of personal security, particularly during the hours of darkness, which can reduce pedestrian and cycle use especially if the vegetation grows higher over time and is not very regularly maintained. This is contrary to sustainable travel use and associated policies and therefore a planning condition is required to remove this landscaping, or have it repositioned behind the footway/cycleway and directly adjacent to unit 5.

The inclusion of dropped kerbs or tactile paving to facilitate pedestrian and cycle access across internal junctions within the site is required and can be secured via a planning condition together with signage and road markings for the footway/cycleway.

Some of the cycle parking is not suitably located within the site and cannot be accessed by cyclists. At unit 7 the cycle parking is located behind the car parking bays and there is no cycle route to it, or adequate width footpath to it, that cyclists could use to access the cycle parking. A planning condition is therefore needed to specify and amend the locations of the cycle parking as necessary and agree the type of cycle parking to be provided which must be covered and secure.

Parking

The applicant has assessed the parking based on the higher B2 parking standard for units which could be for B2 or B8 use which is appropriate. The car parking standard for B2 use is 1 space per 60sqm and for B8 use 1 space per 120sqm. The car parking provision for each unit is listed below:

- Unit 3 (B2 / B8) – 208 spaces (to standard)
- Unit 4 (B2 / B8) – 183 spaces (to standard)
- Unit 5 (B2 / B8) – 276 spaces (to standard)
- Unit 6 (B8) – 166 spaces (standard is 163 spaces)
- Unit 7 (B8) – 42 spaces (to standard)

For unit 6 there is an over provision of 3 spaces which is deemed acceptable. The other units all meet the car parking standard. The car parking would be allocated to individual units. The applicant has previously stated that the overflow car park formed as part of the Phase 1 planning application is to be retained for use by Phase 1 units only and not Phase 2, hence it was excluded from the application red line boundary.

The minimum standard for disabled parking for the proposed site uses is 5% of the total car parking capacity. The following level of disabled parking has been allocated to each unit:

- Unit 3 (B2 / B8) – 12 spaces out of 208 spaces
- Unit 4 (B2 / B8) – 9 spaces out of 183 spaces
- Unit 5 (B2 / B8) – 14 spaces out of 276 spaces
- Unit 6 (B8) – 9 spaces out of 166 spaces
- Unit 7 (B8) – 2 spaces out of 42 spaces

The disabled parking provision meets the standard for all units and is deemed acceptable.

The motorcycle and cycle parking provision for each unit is as follows:

- Unit 3 (B2 / B8) – 60 cycle and 12 motorcycle spaces (1 space per 208sqm and 1,040sqm)
- Unit 4 (B2 / B8) – 48 cycle and 11 motorcycle spaces (1 space per 229sqm and 998sqm)
- Unit 5 (B2 / B8) – 72 cycle and 18 motorcycle spaces (1 space per 230sqm and 921sqm)
- Unit 6 (B8) – 72 cycle and 20 motorcycle spaces (1 space per 270sqm and 975sqm)
- Unit 7 (B8) – 20 cycle and 3 motorcycle spaces (1 space per 249sqm and 1,665sqm)

The standards require cycle parking to be provided at 1 space per 450sqm for B2 use and 1 space per 850sqm for B8 use. The provision of at least 1 space per 270sqm in more than the standards and is acceptable.

The motorcycle parking standard is 1 space per 1,000sqm for B2 and 1 space per 2,000sqm for B8. The motorcycle parking is at or more than the standard for all units which is acceptable.

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Travel Plan (TP)

An Interim Travel Plan for the site has been submitted which is generally acceptable although it requires further detail on monitoring, the inclusion of an action plan and how the Travel Plan Coordinator for the whole site will be appointed and work with the Travel Plan Coordinators for each unit/business on the site. It details the benefits and temporary aims/objectives of the TP, but these are generic, and it is essential for them to be tailored to the development in the Full Travel Plan.

A web-based approach is recommended as part of a Full Travel Plan, so future staff and visitors can view the information online before deciding how to travel. Moving forward this can be the platform for the TP making it easier to update and be made available to all staff and visitors. This would complement paper versions of maps etc. This web-based approach has been agreed by the applicant. The Full Travel Plan can be secured as an obligation within the Section 106 legal agreement.

Taking into consideration the comment from National Highways and the Highways Manager it is considered that the proposal is acceptable in highway safety terms. Subject to the inclusion of appropriate conditions and securing a Travel Plan and s.38/s.278 agreement for various highway improvement works via a Section 106 legal agreement, the proposal complies with Local Plan Policy EQ3 'Accessibility'.

Impact on Adjoining Occupiers and Residents

There have been various reports and drawings submitted with this application relating to noise, vibration, light spill, and glare. An air quality assessment has also been submitted to assess the impact on air quality. The issues have all be assessed within the relevant chapter of the Environmental Statement (ES), which accompanies this application.

Noise

The proposed works are described as having a short-term effect; however, this is still a significant length of time for sensitive receptors to be affected by these activities. The early installation of acoustic fencing would mitigate some of the noise impact of the demolition and construction phases. Furthermore, a Demolition and Construction Environmental Management Plan could be conditioned to mitigate, manage and monitor noise and vibration associated with demolition and construction activities.

In relation to the noise mitigation of the plant and equipment associated with the individual units, it is recommended that a similar condition is included, as attached to the permission for phase 1. This included that a noise impact assessment detailing any mitigation and noise control for any plant and equipment is installed and approved prior to the plant and machinery being brought into operation. This would also be appropriate for this proposal as the end users of the individual units are unknown.

It is also recommended that a condition is included to request a Delivery and Service Management Plan for each unit, which details of the types of vehicles, how deliveries will take place and the frequency of deliveries, prior to the occupation of each unit.

Lighting

The contents and finding of the External Lighting Impact Assessment Report dated 8th March 2023 is acceptable. However, with the end users being unknown at this stage, it is recommended that a condition is including requesting a scheme detailing the light spill and glare limits for individual units prior to occupation.

Air Quality

An Air Quality Assessment (AQA) has been carried out and the ES has also assessed the impacts of Air Quality, from the demolition and construction activities. The future traffic movements associated with the operation phase of development have also been assessed.

The modelling carried out has determined that within the opening year of the proposed development the impact of additional traffic related emissions will be negligible, and levels of Nitrogen Dioxide (NO₂) and particulate matter will be well within the national air quality standards.

There was amended traffic data requested, which needed further assessment in air quality grounds. Further modelling works were carried out and following a review of this it has been confirmed that there will be a 4% reduction in the daily traffic flows compared with those used in the ES, with reductions of 5% in the AM peak and 3% in the PM peak. This in effect means that the AQA within the ES provides a more conservative estimate of air quality.

The AQA has identified potential temporary air quality impacts associated with the demolition and construction phases, if they are not controlled effectively, namely dust emissions. It is recommended that a dust management plan is submitted prior to commencement, or it can be included as part of a CEMP, which has also been recommended to cover noise issues and mitigation associated with demolition and construction activities.

Height and Location of Buildings

Units 3, 5 and 7 are located closest to residents. Unit 3 is 18 metres at the highest point but is located just over 50 metres away from the nearest residents, with a landscape buffer and acoustic fence, which will provide some mitigation. Unit 5 is one of the largest units, which is also 18 metres in height at the highest point. It has been designed with a different orientation to the other units and the distance between the building and the site boundary closest to the residents is approximately 50 metres away, with the building being around 90 metres away from the nearest dwelling. An acoustic barrier is proposed between the service yard and Atlantic Park Drive, with a 9m deep landscape buffer bunded to the acoustic wall.

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Unit 7 is the smallest unit, which is 13 metres in height, at the highest point. There is an acoustic barrier to be provided to the northern boundary of the service yard and there is an additional acoustic barrier to be installed along Atlantic Park Drive. This unit is located around 30 metres from the rear elevation of the nearest residential dwelling.

Unit 4 is 18 metres in height and is located closest to the allotments, with a gap of around 25 metres between the building and the boundary of the allotment. Unit 6 is also 18 metres in height and backs onto part of the allotment, former Santander site and the industrial units on Farriers Way.

The Environmental Health Manager has not raised any objections, but has recommended conditions, as discussed above. Considering all the above, the potential impacts have been assessed and there are appropriate mitigation measures, that can be accommodated to reduce the identified impacts on nearby residents, workers, and allotment users in the area. These can be dealt with by the imposition of appropriate conditions. The proposal complies with Local Plan Policies EQ4 'Pollution and Hazards', EQ5 'Air Quality' and part 2c. of EQ2 'Design'.

Design and Character of the Area

The proposed development would introduce a further five units onto Atlantic Park, which will have a visual impact. The nature and function of industrial units makes them difficult to enliven with windows and bespoke features like other buildings, but the use of modern minimalist panelling in different colours and glazing to the first floor will add interest to the elevations. The overall layout has been designed to create an active open frontage along North Atlantic Drive.

The precise occupancy levels are not known at this stage; however, the supporting documentation, states that the scheme has been designed to institutional standards and current building regulations.

Unit 3 is 12,483 sqm and will be accessed off the newly formed estate road with two separate access points, one into the car park and one into the service yard. Unit 4 is 10,986 sqm and will also have two access points. The access into the service yard is from the new estate road and there is a further access proposed into the car parking area, which will be from a T-junction shared with unit 6 at the end of the new access road. It is proposed that these units will either be B2 or B8 uses.

Units 5 and 6 are the two largest units. Unit 5 is 16,583 sqm and has been designed to have flexibility for B2 and B8 uses. Unit 6 is 19,510 sqm and has been designed as a fixed B8 use, therefore has fewer car parking spaces. These units have been designed with a different orientation to the other units, so that the offices and principal elevations are overlooking the new access road. An acoustic barrier and 9m deep landscape buffer is proposed to reduce the impact on both Atlantic Park Drive and any residents. This will also provide some visual interest along Atlantic Park Drive.

Unit 7 is the smallest unit at 4,994 sqm. It has been designed with direct access to the car park from Atlantic Park Drive and access to the service yard from the re-aligned access road. This unit has also been designed for B8 use.

The height of the buildings for Units 3-6 are 18m at the highest point and Unit 7 is 13m at the highest point. All these buildings are lower in height than the recently demolished BifFT2 building. They are of an appropriate scale for this type of development.

Landscaping

The proposed ornamental tree planting to the car parks and access road will fit in with the existing landscape provided on Atlantic Park and provide an element of visual screening. The trees will be at a minimum height of 2m to ensure sight lines are maintained from the access road and promote natural surveillance. However, there is an area of exception to this, where the Highways Manager has recommended the removal or relocation of landscaping specifically between the carriageway and footway/cycleway adjacent to unit 5, due to there being poor surveillance in this location. This has been given consideration and officers are satisfied that the landscaping can be appropriately managed via the landscaping management plan, in order to provide acceptable levels of surveillance whilst not necessitating the removal of landscaping from the proposal.

A mixture of plant species has been selected also to fit in with the existing landscaping, but also where appropriate retain some of the Open Mosaic Habitat within existing landscaping areas.

The landscape will be maintained in accordance with a maintenance management plan for the estate, but as there is Priority Habitat included within areas of landscaping areas, across Atlantic Park, there is also a requirement for a full and detailed Habitat Management and Monitoring Plan, to be submitted, which covers management of habitats within the site for 30 years to be provided, which can be included in a Section 106 legal agreement.

Energy Efficiency and Sustainability

There has been an Energy and Sustainability Assessment carried out for each of the proposed units. It includes that the first approach to reducing carbon emissions will include improving the building fabric and insulating it. The development is aiming for a BREEAM excellent rating. The ES concludes that there will be a moderate adverse impact from the release of greenhouse gases during both the construction and operational phase. A low zero carbon study has been undertaken for each unit, photovoltaics has been identified as being feasible and allowances have been made to accommodate renewable technologies for future tenants at the fit-out stage. Electric vehicle charging points will also be installed to promote the use of zero emissions vehicles. The proposal complies with Local Plan Policy EQ7 'Energy Efficient and Low Carbon Design'.

The proposal is considered to be acceptable in design terms and complies with Local Plan Policies EQ2 'Design' and Part 7 of EQ9 'Provision of Open Space, Strategic Paths and Trees'.

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Ecology

The Merseyside Environmental Advisory Service (MEAS) have confirmed that the information and methodologies to prepare the Environmental Impact Assessment (EIA) and Environmental Statement (ES) are considered to be acceptable.

Significant Effects-Loss of Open Mosaic Habitat on Previously Developed Land

The effects that are considered significant as part of the EIA Scoping Report and within the ES include the direct loss (Phase 1 and Phase 2) of Open Mosaic Habitat on Previously Developed Land Priority Habitat referred to an 'Open Mosaic Habitat'. The presence of this Priority Habitat is a material consideration and the principles of appropriate compensation for any loss is required to be agreed with the Council prior to determination, as set out in Local Plan Policy NH2 'Nature'.

The Open Mosaic Habitat dominates a significant proportion of the EIA study area, occupying four undeveloped plots. The proposed scheme will result in the loss of 8.35 ha of Open Mosaic Habitat from the EIA study area. The habitat has been considered to be poor habitat type, has relative limited functional value and is based on contaminated substrate. MEAS agree with how the condition of the habitat is defined within the ES and the ecological appraisal report is acceptable.

Mitigation for the loss of Open Mosaic Habitat is proposed in line with the Mitigation Hierarchy and hierarchy of sites identified within Local Plan Policy NH2 'Nature', as requested by MEAS in January 2023. No primary (i.e., retention) mitigation is proposed within the ES for the loss of Open Mosaic Habitat within Phase 1 of construction. Primary mitigation, in relation to this application, includes the retention of Open Mosaic Habitat within existing landscaping areas on the north-eastern boundary and proposed habitat creation within the landscaping areas along the southern and western boundaries. The updated landscaping plans detail all the changes to accommodate the enhancements and can be accepted as approved drawings.

In addition to this there is a requirement for a detailed Habitat Management and Monitoring Plan to be provided, which covers management of habitats within the site for a minimum of 30 years. The detailed requirements can be included as part of any Section 106 Legal Agreement.

It is also agreed that a financial contribution is to be provided for the loss of Open Mosaic Habitat on the site. There will be a financial contribution of £539,400 provided in two phases, which is 50% prior to commencement and the remaining contribution paid upon 50% occupation. This will allow Sefton Council and MEAS to deliver 26.97 units of habitat within the Borough. This will be included as part of the Section 106 Legal Agreement. This is acceptable in line with the hierarchy of sites outlined in Local Plan Policy NH2 'Nature'.

Other Ecological Requirements

In addition to the above the ecological appraisals detail that the site offers suitability for breeding bird species, including some habitats on site, which are suitable for lapwing. MEAS have deemed that the habitat is not sufficient to support more than one breeding pair, and due to external pressures surrounding the site, the loss of suitable habitat for this species is deemed negligible. There are built features and habitat that may provide nesting opportunities for breeding bird; therefore, it is recommended that no hedgerow removal, vegetation or ground clearance works take place during the period 1 March to 31 August inclusive. However, if it is necessary then all the building, hedgerows, scrub, and vegetation should be checked first by an appropriately experienced ecologist to ensure that no breeding birds are present. This could be conditioned.

There are bat and bird boxes proposed to be provided throughout the development, with the number and specification outlined within the report being acceptable. However, a detailed bat and box scheme should be provided to ensure that they are sited in appropriate locations, this can be secured by a condition.

Bat surveys have been undertaken, which conclude that the buildings demolished under the consented scheme, for phase 1 offer negligible suitability for roosting bats. The retained habitats and proposed landscaping may provide foraging and commuting habitat for bats and lighting for the development may affect the use of these areas. A lighting scheme should be designed to protect ecology as well as protect the light spill for adjacent residents. It has already been recommended that a condition is included in relation to the request for a lighting scheme.

The site is suboptimal for amphibian and reptile species, however their presence on or within the proximity to the site cannot be ruled out. MEAS advise as a precaution that an Environmental Management Plan is provided, which includes Reasonable Avoidance Measures (RAMs) during the construction phase. This can be included as a condition.

Therefore, taking the above into account the proposal complies with Local Plan Policy NH2 'Nature'.

Flood Risk and Drainage

The Flood Risk Assessment (FRA) submitted with the application, provides a detailed assessment of the flood risk from fluvial, tidal, reservoirs, surface water, ground water, public sewers, highway infrastructure and ponds, which concludes that the risk from these is low. Discharge to the ground was not found to be viable due to ground condition constraints and a high-water level. Rimrose Brook is the nearest watercourse, however a direct connection into the brook would result in a substantial amount of construction works within a highly trafficked Dunning's Bridge Road, so this has been discounted.

The applicant has submitted a number of documents in support of the surface water management proposals, including a section in the ES confirming that the surface water drainage strategy

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includes on-plot attenuation, by swales and sub-storage, which will discharge to the existing combined public sewer system. In addition to this there will be rainwater harvesting and permeable paving introduced within the scheme. The proposed discharge rates are to be limited to the equivalent pre-development greenfield runoff rate for all rainfall events up to and including the 1 in 30-year event; plus 30% climate change allowance.

Section 5.2 of the FRA states in the draft drainage strategy that surface water run-off will be discharged into the combined public sewer and the rate in each plot within Phase 2 will be limited to 5 l/s. An agreement via the Lead Local Flood Authority (LLFA) will be required for this point of discharge, but a condition can be included specifying the limited rate to 5l/s.

The Drainage Construction Management Plan has been reviewed by the LLFA, where they agree that it is acceptable. It is recommended that a condition is included securing the implementation of the plan.

United Utilities (UU) have reviewed the Drainage Strategy and confirmed that the proposals are acceptable. UU have recommended that the Drainage Strategy is secured by condition.

Therefore, taking the above into account the proposal complies with Local Plan Policy EQ8 'Flood Risk and Surface Water'.

Contaminated Land

A Phase 1 Preliminary Risk Assessment has been submitted, which presents an accurate appraisal of the site history, the current use, including the land around the site and a review of previous ground investigation reports. There have been significant sources of on-site contamination, which include Made Ground associated with previous construction and demolition works, potential contamination from the former engineering works identified. This includes a broad range of metals, acids, alkalis, solvents, asbestos, and oils. There is also potential radioactive tin slag to be present. The risk assessment recommends that a radiological monitoring and assessment should be undertaken as part of the ground investigation by a specialist.

The preliminary assessment has also identified gas generation from the deposition of Made Ground during previous construction and demolition works and in filled ponds on the site. The assessment recommends that gas monitoring will be undertaken over a two- and three-month period.

The Contaminated Land Manager agrees with the preliminary risk assessment and recommendation for further ground investigations. It is recommended that standard conditions in relation to a preliminary investigation, site characterisation, a remediation strategy, the reporting of unexpected contamination and a verification report, are provided some of which are required prior to commencement.

The Contaminated Land Manager has not raised any objections, but has recommended conditions, are included, as set out above, therefore the proposal complies with Local Plan Policy EQ6 'Contamination'.

Mineral Safeguarding

A Mineral Assessment has been provided as part of the application, which has been completed in accordance with the Council's guidance note on Development in Minerals Safeguarding Areas, adopted in September 2017. While the presence of deposits has been confirmed, the report concludes that it would not be feasible to practically extract these deposits in an economical or environmental manner. MEAS have reviewed the assessment and are satisfied with the conclusion. The proposal complies with Local Plan Policy NH8 'Minerals'.

Section 106 Legal Agreement Requirements

A legal agreement will be required to ensure that an Employment Skills and Development Plan is provided, as well as a Travel Plan which shall be provided and updated accordingly. A s278 agreement shall also be required.

Mitigation or compensation will be required for the loss of this Priority habitat, as explained above. As the loss of this habitat cannot be compensated for on site, then an off-site contribution to provide and manage habitat elsewhere has been agreed, which includes a financial contribution of £539,400. There is also a requirement for a detailed Habitat Management and Monitoring Plan to be provided, which covers management of habitats within the site for a minimum of 30 years.

Planning Balance and Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The development plan for Sefton comprises the Sefton Local Plan and the Merseyside and Halton Waste Plan.

The use of the land for employment purposes has been identified for a long time within Sefton Council's development plan, both through the previous Unitary Development Plan (UDP) and the adopted Local Plan. There have also been various proposals and applications submitted over the years, with only a few plots from the original masterplan being developed.

The applicant (Royal London) acquired the leasehold for Atlantic Park in 2003 with a view to bringing forward development on this site. However, as set out in the planning statement they say that the global recession hindered progress on the site following securing the outline planning permission in 2006. It states in the planning statement:

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'Royal London is now seeking to bring forward new proposals for Atlantic Park given promising market indicators and a clear national demand for employment floorspace in logistics and advanced manufacturing.'

The proposal will bring economic benefits, through the creation of jobs during the construction and operational phases and the development of this Strategic Employment Site, which has been largely derelict for decades.

The development would have an impact on the local highway network, however, subject to mitigation, including various highways improvements, it is considered that the proposal would not cause detrimental harm to highway safety.

The proposal would be an acceptable design that would not negatively impact on the character of the application site or wider area, or significantly impact on the living conditions of neighbouring residents. The development would not give rise to flooding concerns.

The proposal does include the permanent loss of Priority habitat, Open mosaic habitat of previously developed land. However, with the securing of an off-site contribution of £539,400 for the provision of 26.97 units of habitat within the Borough (including the maintenance), this loss is acceptable.

The proposal also causes the loss of a waste development site; however, it will not harm the objectives of the Waste Local Plan as there are other sites available.

The proposal has also been submitted with an accompanying Environmental Statement; therefore, it also needs to be considered under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. The ES and additional information required by the Council under paragraph 25 of the EIA regulations satisfies the requirements and was used as the basis for the recommendation for this application. The impacts and likely significant effects have been assessed and can be appropriately mitigated, to conclude that there will not be any significant effects on the environment.

Overall, the proposal complies with adopted Development Plan Policy, and, in the absence of any other material considerations, the application is recommended for approval subject to the conditions and the completion of a Section 106 agreement.

Equality Act Consideration

Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

Recommendation - Approve with conditions subject to the completion of a Section 106 legal agreement.

Time Limit for Commencement

1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

2) The development shall be carried out in accordance with the following approved plans and reports:

- Location Plan 12749-3-100 Revision A
- Proposed Site Plan 12749-3-110 Revision F
- Proposed Site Plan Units 3 and 4 Revision E
- Proposed Site Plan Units 5 and 6 Revision C
- Proposed Site Plan Unit 7 Revision C
- Proposed GA Plan Unit 3 12749-3-(PL) 130 Revision F
- Proposed Upper GA Plan Unit 3 12749-3-(PL) 131 Revision C
- Proposed Roof Plan Unit 3 12749-3 (PL) 132 Revision C
- Proposed Elevations Unit 3 12749-3-(PL) 133 Revision E
- Proposed GA Plan Unit 4 12749-3-(PL) 140 Revision E
- Proposed Upper GA Plan Unit 4 12749-3-(PL) Revision C
- Proposed Roof Plan Unit 4 12749-3-(PL) Revision B
- Proposed Elevations Unit 4 12749-3-(PL) Revision D
- Proposed GA Plan Unit 5 12749-3-150 (PL) Revision B
- Proposed Upper GA Plan Unit 5 12749-3-(PL) 151 Revision A
- Proposed Roof Plan Unit 5 12749-3-(PL) 152 Revision A

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- Proposed Elevations Unit 5 12749-3-(PL) 153 Revision A
- Proposed GA Plan Unit 6 12749-3-(PL) 160 Revision C
- Proposed Upper GA Plan Unit 6 12749-3-(PL) Revision A
- Proposed Roof Plan Unit 6 12749-3-(PL) 162 Revision A
- Proposed Elevations Unit 6 12749-3-(PL) 163 Revision A
- Proposed GA Plan Unit 7 12749-3-(PL) 170 Revision C
- Proposed Roof Plan Unit 7 12749-3-(PL) 171 Revision B
- Proposed Elevations Unit 7 12749-3-(PL) 172 Revision B
- Proposed Site Sections 12749-3-114 Revision A
- Proposed Typical Acoustic Wall 12749-3-(PL)-115
- Landscape Masterplan Phase II 12749-3VL_L01 Revision G
- Landscape Plan Unit 5 12749-3VL_L04 Revision C
- Landscape Plan Unit 6 12749-3VL_L05 Revision C
- Landscape Plan Unit 7 12749-3VL_L06 Revision C
- Landscape Plan-Eastern Boundary 12749-3VL_L08
- Soft Landscape Specification 12749-3VL_L07 Revision A
- Drainage Strategy 080535-CUR-02-XX-D-C-92000 Revision P01
- Drainage Strategy Sheet 1 080535-CUR-02-XX-D-C-92001 Revision P01
- Drainage Strategy Sheet 2 080535-CUR-02-XX-D-C-92002 Revision P01
- Drainage Strategy Sheet 3 080535-CUR-02-XX-D-C-92003 Revision P01
- Access Improvements Bridle Road 5219216-ATK-HGN-MAT-DR-D-P201E Revision P01
- Access Improvements Dunnings Bridge Road and Atlantic Park Drive Junction 5219216-ATK-HGN-MAT-DR-D-501B Revision P05
- Whole Site Overarching Interim Travel Plan 31697-HML-XX-XX-RP-U-780002 Issue 2 5th July 2023
- Air Quality Impact Assessment Issue 1 31697-HML-XX-XX-RP-840002 8th March 2023
- Arboricultural Impact Assessment Issue 1 31697-HML-XX-XX-RP-U-950002 8th March 2023
- Ecological Appraisal Issue 3 31697-HML-XX-XX-RP-U-850002 17th March 2023
- Energy Strategy Report Unit 3 Issue P01 31697-HML-U3-XX-RP-V-790001 10th March 2023
- Energy Strategy Report Unit 4 Issue P01 31697-HML-U4-XX-RP-V-790001 10th March 2023
- Energy Strategy Report Unit 5 Issue P01 31697-HML-U5-XX-RP-V-790001 10th March 2023
- Energy Strategy Report Unit 6 Issue P01 31697-HML-U6-XX-RP-V-790001 10th March 2023
- Energy Strategy Report Unit 7 Issue P01 31697-HML-U7-XX-RP-V-790001 10th March 2023
- External Lighting Impact Assessment Issue 01 31697-HML-XX-XX-RP-V-820001 8th March 2023
- Flood Risk Assessment Revision P01 080535_200-CUR-02-XX-T-C-00001 10th February 2023
- Phase 1 Preliminary Risk Assessment Revision P03 080535-CUR-00-XX-RP-GE-001 18th April 2023
- Whole Site Overarching Interim Travel Plan Issue 01 31697-HML-XX-XX-RP-U-780002 10th March 2023
- Waste Management Strategy Issue 01 31697-HML-XX-XX-RP-U-920001 6th March 2023
- Environmental Statement
- Environmental Statement Non-Technical Summary

Reason: For the avoidance of doubt.

Before the Development is Commenced

3) No development shall commence until a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

Reason: This is required prior to the commencement of development in order to ensure the safety of highway users. If the details are not approved prior to commencement, it will prejudice the safety of highway users.

4) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority. The CEMP shall include:

- The proposed times when construction and demolition work shall take place.
- Details of demolition and management of the activities associated with any demolition works.
- Wheel washing/road sweeping measures.
- Measures to control the emission of dust and dirt during construction and demolition.
- Measures to control the emission of noise and vibration during demolition, slab break-up, piling and construction activities.
- Details of external lighting to be used during construction and demolition.
- The name and contact details of person(s) accountable for air quality and dust issues.
- A programme for issuing information on demolition and construction activities to the occupiers of nearby dwellings.
- A site waste management plan.
- Details of any piling and the days and times when piling activity is proposed.

The approved CEMP shall be implemented throughout the period of site remediation and construction.

Reason: To safeguard the living conditions of local residents, protect the amenity of the workforce on the adjacent site and safeguard the conservation of protected species.

5) Prior to the commencement of development a preliminary site investigation must be prepared in accordance with best practice and current guidance. The report must include:

- Desk study
- Site reconnaissance
- Data assessment and reporting
- Formulation of initial conceptual model
- Preliminary risk assessment

If the Preliminary Risk Assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment

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methodologies, must be prepared by a competent person (as defined in the National Planning Policy Framework September 2023). The contents of the scheme and scope of works are subject to the approval in writing of the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

6) Prior to the commencement of development the approved scope of works for the investigation and assessment must be undertaken by competent persons and a written report of the findings must be produced. The report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks for workers, neighbours and other offsite receptors.

7) Prior to commencement of development a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks and the relevant pollutant linkages identified in the approved investigation and risk assessment, must be prepared and is subject to the approval in writing of the Local Planning Authority.

a) The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and roles and responsibilities. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 on completion of the development and commencement of its use.

b) In the event that the proposed remediation scheme involves the provision of a ground cover system a plan indicating the existing and proposed external ground levels on the application site shall be submitted for approval to the Local Planning Authority.

c) The development shall proceed in accordance with the external ground levels approved under (b) unless the Local Planning Authority gives its prior written approval to any variation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological

systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8) Prior to construction works commencing should piling be necessary a methodology, which provides justification for the method of piling chosen and details of noise and vibration suppression methods proposed, must be submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented throughout the course of development.

Reason: In order to safeguard the living conditions of neighbouring residents and occupiers during the course of construction.

During Building Works

9) The following reasonable avoidance measures shall be put in place during the construction to ensure not adverse effects on amphibians, reptiles and priority species:

-Existing vegetation on the site will be gradually cut and removed during the active amphibian/reptile period (April to October) under ecological supervision to encourage any amphibians/reptiles present to move away from the affected areas, works should avoid amphibian/reptile hibernation period (November to March);

-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/reptiles from seeking shelter or protection within them; and

-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/reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar in the earliest opportunity, so as to remove any hazard to amphibians/reptiles.

Reason: To safeguard conservation of species/habitats.

Before the Development is Occupied

10) The drainage for the development hereby approved, shall be carried out in accordance with the principles set out in the submitted Flood Risk Assessment, including the Drainage Strategy Ref: 080535_200-CUR-02-XX-T-C-0001 dated 10/02/2023 and for the avoidance of doubt the surface water must drain at 5 l/s for any storm event. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent undue increase in surface water run-off and to reduce the risk of flooding.

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11) Prior to the occupation of development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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

12) The development shall not be occupied until a detailed scheme of on and off-site highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- An additional new pedestrian/cycle link from Dunnings Bridge Road to the footway/cycleway.
- A scheme of signage, road markings and dropped kerbs with tactile/corduroy paving to provide links for pedestrians and cycles across the junctions within the site, including amendments to the footway and cycleway on Atlantic Park Drive.
- Removal or relocation of landscaping between the carriageway and footway/cycleway adjacent to unit 5.
- Upgrade the bus stop infrastructure on Dunnings Bridge Road and Bridle Road
- Highway improvements for the Atlantic Park junctions with both Dunnings Bridge Road and Bridle Road, including additional and improved cycle and pedestrian facilities at the junctions and on the Dunnings Bridge Road and Bridle Road corridors.

No part of the development shall be occupied until the required highway works have been constructed in accordance with the approved details.

Reason: To ensure to ensure the safety of pedestrian and highway users.

13) No unit shall be occupied until areas for vehicle parking, turning and manoeuvring specific to that unit have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.

Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.

14) No unit shall be occupied until facilities for the secure storage of cycles for that unit have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity thereafter.

Reason: To ensure that enough cycle parking is provided for the development in the interest of promoting non-car based modes of travel.

15) Prior to the occupation of each unit a noise impact assessment detailing any mitigation and noise control for any plant and equipment to be installed to serve that unit shall be submitted and approved in writing by the Local Planning Authority. The approved mitigation and scheme shall be implemented before the plant and machinery is brought into operation and the approved noise control measures shall be retained in perpetuity thereafter.

Reason: To safeguard the living condition of nearby properties and the wider locality.

16) Prior to the first occupation of each unit a Delivery & Service Management Plan, which includes:

- details of the types of vehicles
- details of how deliveries will take place
- details of the frequency of deliveries

shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to avoid conflict between service delivery vehicles.

17) Prior to the occupation of each unit a scheme detailing the proposed lighting, the light spill and the glare limits to serve that unit shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To limit the impact of light pollution from artificial light on local amenity for surrounding residents and users.

18) Prior to the conclusion of the first planting season following the commencement of development a landscape management plan, including the long term design objectives, management responsibilities and maintenance schedules for all the landscaped areas shall be submitted and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual amenity.

19) No part of the development shall be occupied until a Habitat Management and Monitoring Plan, which covers the management of the habitable for a minimum of 30 years including:

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- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site, which may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- Personnel responsible for implementation of the plan;
- Confirmation of funding and the ownership and
- Details of a programme of monitoring and remedial measures triggered by monitoring.

The details shall be submitted to and approved in writing by the local planning authority and shall be retained in perpetuity thereafter.

Reason: In the interests of biodiversity.

20) No units shall be occupied until details of the bird nesting and bat boxes to include the number, type and location on an appropriately scaled plan as well as the timing of installation, shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable for installation.

Reason: To protect bat and bird habitats.

Ongoing Conditions

21a) In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

b) Following completion of the remedial works identified in the approved remediation strategy, verification of the works must be included in the verification report.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

22) HGV access to and from the development hereby approved, Phase 2, is only permitted via Dunnings Bridge Road.

Reason: In the interests of highway safety and residential amenity.

23) Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

24) No hedgerow removal, vegetation management or removal, ground clearance and building works are to take place during the period of 1st March to 31st August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To protect birds during their breeding season.

25) The units shall be used for use classes B2 and/or B8 classes & class E(g)iii only and for no other use as set out in the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason: To ensure that the uses are acceptable in the surrounding area and location.

26) No materials, goods, plant or equipment shall be stored externally (i.e outside the confines of the building) within the site at any time.

Reason: To safeguard the living conditions of the nearby occupiers and to safeguard the character and appearance of the area.

27) There shall not be any mezzanine floorspace included, at any time, in any Unit other than already included on the approved plans.

Reason: In the interests of highway safety.

28) For the whole Atlantic Park development site (both phases 1 and 2) there shall be a maximum of 49,041sqm B2 use and a maximum of 24,504 sqm B8 use.

Reason: The traffic analysis has been based on these floor areas and uses.

Informatives:

1)The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4569 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.

2)The applicant is advised that an agreement under section 278 of the Highways Act 1980 will be required for the changes to the adopted highway network. All works to the adopted highway must

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be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.

3)No development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 7 above have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition 9 has been complied with in relation to that contamination. Contaminated land planning conditions must be implemented and completed in the order shown on the decision notice above.