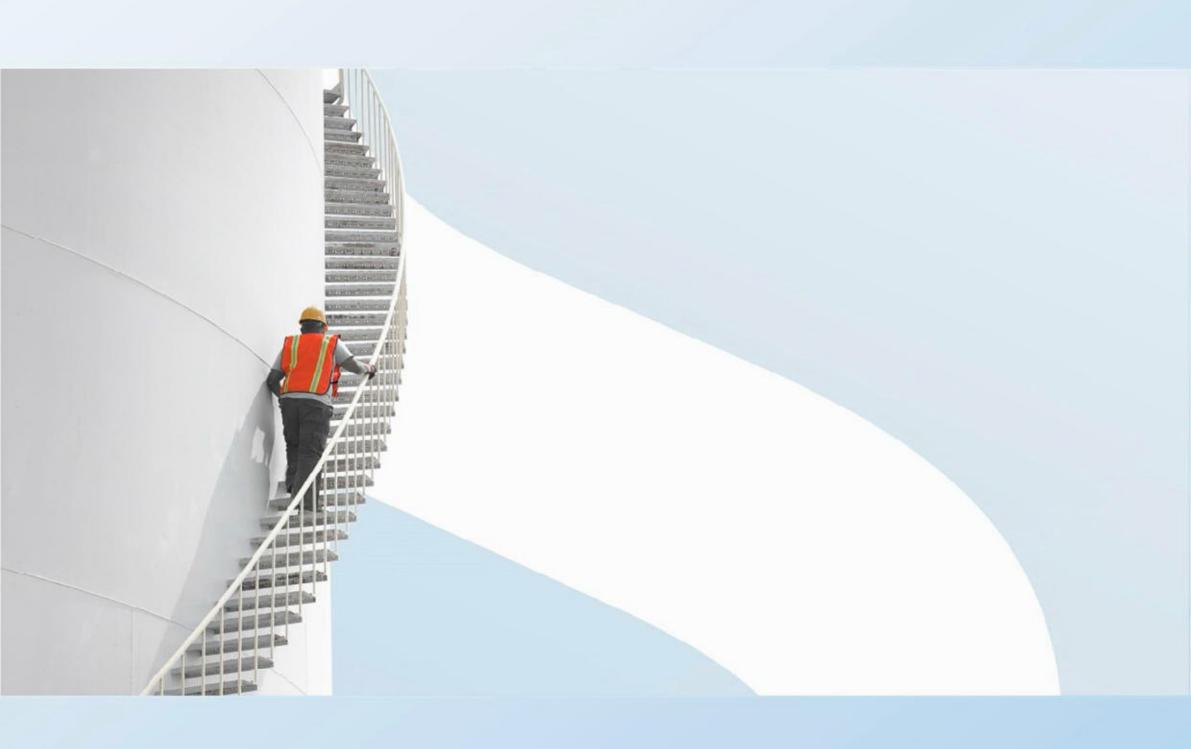


Firethorn Developments Ltd

LINK LOGISTICS PARK, ELLESMERE PORT

Planning Statement





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LINK LOGISTICS PARK, ELLESMERE PORT

Planning Statement

TYPE OF DOCUMENT (VERSION) CONFIDENTIAL

PROJECT NO. 70068394

OUR REF. NO. RPT.001.JW

DATE: MARCH 2021

WSP

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QUALITY CONTROL

Issue/revision	First issue	Revision 1	
Remarks	Draft for review	Final	
Date	03/03/2021	23/03/21	
Prepared by	AD	AD	
Signature			
Checked by	J	JW	
Signature			
Authorised by	P	NF	
Signature		N.	
Project number	7	70	
Report number	Rpt.001.JW	Rpt.001.1.JW	



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NORTH ROAD INDUSTRIAL AREA LOCAL DEVELOPMENT ORDER



EXECUTIVE SUMMARY

This Planning Statement has been prepared on behalf of Firethorn Developments Ltd (herein referred to as "the applicant") in support of an application seeking Prior Approval under the North Road Industrial Area Local Development Order (LDO) for the redevelopment of land known as the former Bridgewater Paper Mill site, North Road, Ellesmere Port (herein referred to as "the site"). A Site Location Plan is contained at **Appendix A**.

The application is submitted to Chester and Cheshire West Council (herein referred to as "CWCC" or "the Council") for consideration and determination as the Local Planning Authority.

SCHEME OVERVIEW

The application site boundary extends to approximately 17.4ha. The site falls within the North Road Industrial Area Local Development Order (LDO) in Ellesmere Port; a designation which grants planning consent, subject to specific criteria, for new employment development (Use Class B) within the area.

The redevelopment proposals comprise the creation of a substantial employment development to accommodate up 71,663sqm (771,381sqft) GIA of B2/B8 floorspace including ancillary offices and associated works. The built form will comprise 3 separate warehouse units accessed via new and existing access points on North Road. Landscaping in the form of tree planting is proposed across the site with an area of habitat creation and attenuation pond to the north west of the site.

The description of development is thus:

"Erection of 3no. storage and distribution units/general industrial with ancillary offices, associated parking, service yards, landscaping and ancillary structures, and new access from North Road"

ACCORDANCE WITH THE LDO

The application is supported to by a suite of technical reports to demonstrate that the proposed development is acceptable in planning terms. The proposal does not conflict with any of the LDO criteria under Category A, in terms of scale, height or technical matters. As such, the proposed development is acceptable in principle.

The proposed layout has been worked up in detail to provide modern, fit for purpose warehouse units which responds to the site constraints, proposing 3 units which are acceptable in both height and scale. A series of parameters and massing plans accompany the submission providing further details on the proposed scale and massing, demonstrating compliance with the LDO criteria.

A landscaping scheme has been prepared which proposes a variety of tree planting, mainly street trees lining the main internal road and defining the car parking areas for each unit, whilst softening the appearance of the buildings and areas of hardstanding. Landscaping will be introduced to the front of the site, adjacent to North Road, creating a welcoming gateway entrance for employee and visitors.



Whilst it is acknowledged under the terms of the LDO that the assessment of the majority of technical matters can be reserved by planning condition, such is the applicant's commitment to delivering this exciting development as soon as possible, this extensive suite of technical documents is submitted at Prior Approval stage with the aim of avoiding pre-commencement planning conditions, where possible, and in doing so facilitate the start of construction works as soon as possible following determination.

ACCORDANCE WITH PLANNING POLICY AND GUIDANCE

Given the provisions of the LDO, the principle of employment development (Class B) at the site has already been established.

It is not the place for this Statement to submit, nor is it appropriate for the Council to request, further justification in respect of the principle of development. Rather, this Statement demonstrates that the proposal is policy compliant in design and technical terms and sets out the substantial benefits the scheme will deliver to the area.

In accordance with Local Plan Policy STRAT 1 and paragraph 11 of the NPPF, this proposal for sustainable development should be fully supported by the Council and approved without delay to realise the full development potential of the site.

THE SCHEME WILL DELIVER SUBSTANTIAL BENEFITS TO THE BOROUGH

The proposal will deliver significant socio-economic benefits which are clearly a material consideration in the determination of the application, including

- Redevelopment of an allocated brownfield site in a sustainable location which has lain vacant for a number of years;
- Creation of approximately 186 temporary jobs during construction and 1,170 permanent full time jobs once operational;
- Delivering substantial socio-economic benefits to the locality including additional GVA to the local economy in form of £1.2 million during the construction phase (annually) and £62.6 million annually once operational;
- An additional spent of £15,869 in the local economy annually during the construction phase and £977,184 once operational;
- Providing enhancements in the form of landscaped areas, tree planting and habitat creation;
- Promoting cycling, walking and use of sustainable transport modes; and
- Incorporating high quality design and sustainability standards in the development.

PLANNING BALANCE

For the reasons set out above, the proposed development clearly accords with the provisions of the LDO and CWCC development plan as well as the overarching planning guidance contained in the NPPF.

The principle of development is acceptable, and the extensive technical assessments demonstrate that the proposed development clearly constitutes sustainable development.

There are no material considerations that would prevent the grant of consent and the identified scheme benefits further tip the planning balance heavily in favour of granting Prior Approval.



1 SITE CONTEXT

1.1 THE SITE

- 1.1.1. The site is situated approximately 12km north of Chester and falls within the jurisdiction of Cheshire West and Chester Council ("CWCC").
- 1.1.2. The site is bound by the Manchester Ship Canal to the north, North Road to the south, which provides a link to the M53, existing industrial development to the east with a wooded area to the west. The site is located towards the western edge of Ellesmere Port, to the north of the M53 and to the north of Ellesmere town centre. A Site Location Plan can be found at Appendix A.
- 1.1.3. The site extends to approximately 17.4ha in size and comprises vacant brownfield land which housed the former Bridgewater Paper Mill.
- 1.1.4. The site is predominantly flat as a result of its former use. Trees and vegetation are located along the site's boundaries.
- 1.1.5. Access is currently provided via an existing access point off North Road. A new access point will be created through the construction of a new junction further along North Road to the west. North Road itself meets the M53 at Junction 7 a short distance to the south of the site.
- 1.1.6. The site falls within Flood Zone 1, in accordance with the EA Flood Maps and is not in a sensitive flood location. The site does not lie within a conservation area and there are no heritage assets nearby.

Figure 1-1: Site context (source: Google)



1.2 SITE SURROUNDS

1.2.1. The site lies adjacent to multiple industrial and commercial units, which stretch east along North Road, adjacent to the M53, occupying land between the motorway and the Manchester Shipping



- Canal. There are a mix of uses the west, on the other side of North Road, including commercial, business and industrial. Uses associated with Ellesmere Port form the sites wider context.
- 1.2.2. Neighbouring operators include a recycling plant, metal dealership, freight operations and an engineering firm.
- 1.2.3. Open space borders the site to the north and north west with the River Mersey beyond.
- 1.2.4. A range of local facilities, services and public transport options within Overpool and Ellesmere can be reached within easy walking distance.

1.3 SUSTAINABLE LOCATION

- 1.3.1. The North Road Industrial Area LDO is a strategic location for B2/B8 development.
- 1.3.2. The LDO area is located close to a cluster of other B2/B8 development, including Pioneer Business Park to the south east as well as on the doorstep of the M53 motorway. The M53 leads south to meet the M56 just north of Chester and north towards the Wirral connecting the site to the major centres of Liverpool and Manchester. The Port of Ellesmere and Overpool and Ellesmere Port railway stations are also located nearby.
- 1.3.3. The site is located within walking and cycling distance of Ellesmere Port Town Centre and Overpool. Both Overpool and Ellesmere Port rail stations provide Merseyrail links to Liverpool City Centre.
- 1.3.4. Off-site improvements to the North Road footpaths are proposed to provide a connection with the existing footway/cycleway south of the M53 which will facilitate better links to Ellesmere Port and beyond.
- 1.3.5. The site therefore presents a highly sustainable location for warehousing development, particularly for manufacturing, storage and distribution industries.

1.4 PLANNING HISTORY

1.4.1. The site has a long planning history owing to its historic use as Bridgewater Paper Mill and other industrial developments in the vicinity. Table 1.1 provides a selective summary of the most recent planning history at the site.

Table 1-1 – Planning History

Reference	Reference Description	
13/00014/COU	Change of use from general industrial to port	Approved - April 2013
P/97/101/WE/679	Erection of Substation	Approved - Feb 1998
P/97/101/WE/7	Office Accommodation with Linkway to existing buildings	Approved - Feb 1997
P/96/101/WE/458	Two Storey Office Gate House and Associated External Works	Approved – Oct 1996
PH/3/12.721	Extension to Water Treatment Plant	Approved – Aug 1990



2 PROPOSED DEVELOPMENT

2.1 OVERVIEW

- 2.1.1. The redevelopment proposals comprise the creation of a substantial employment development to accommodate up 71,663sqm (771,381sqft) GIA of B2/B8 floorspace including ancillary offices and welfare floorspace and associated works.
- 2.1.2. The built form will comprise 3 separate warehouse units. Demolition of an existing structures on site is required to facilitate the redevelopment.
- 2.1.3. A copy of the Proposed Site Plan is contained at Appendix B.
- 2.1.4. The description of development is as follows:

"Erection of 3no. storage and distribution units/general industrial with ancillary offices, associated parking, service yards, landscaping and ancillary structures, and new access from North Road"

2.2 LAYOUT

- 2.2.1. A Design & Access Statement has been prepared by AEW Architects and is submitted with this application. Full details of the design and access arrangements are included within. A summary of these is provided below to inform the policy appraisal in subsequent chapters.
- 2.2.2. The proposed layout has been worked up in detail to work with the site constraints and provide modern, fit for purpose warehouse units which responds to current market conditions in terms of height and scale.
- 2.2.3. As illustrated at Figure 2.1 below, the layout and proposed siting of the buildings will ensure that staff and visitor parking is provided to the front of each building and service yards are located to the sides, with separate accesses for cars and HGVs and, in the case of the larger units, bespoke gatehouses into each service yard.
- 2.2.4. Units 1 and 2 are situated to the west of the site and are the larger units; Unit 3 is the smaller warehouse to the east.
- 2.2.5. Access is currently provided via an existing access point off North Road. A new access point will be created through the construction of a new junction further along North Road to the west. The proposed access will serve units 1 and 2 and the existing access will serve unit 3, albeit, an internal service road will connect both access points and all three units.
- 2.2.6. Access to the units themselves will be provided by an internal east to west spine road with access points for each individual unit. A controlled and secure gatehouse entrance will monitor access from the spine road into the units and car parking areas.
- 2.2.7. Areas of landscaping and tree planting are proposed along the site's boundaries including to front of site, adjacent to North Road. Significant additional tree planting is proposed to the north west which is the indicative location of an attenuation pond.
- 2.2.8. Internally the site will also benefit from additional tree and hedge planting providing a pleasant entrance into the site and individual units for vehicular and pedestrian users.
- 2.2.9. A new sub-station to facilitate all three units is proposed at the southern boundary of the site.



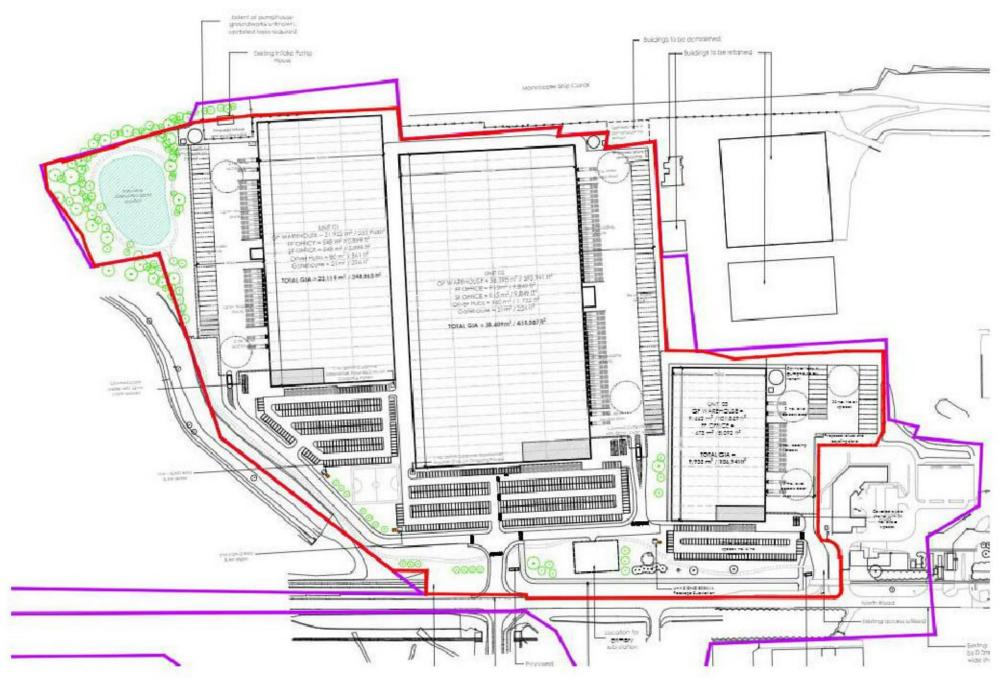


Figure 2-1 - Excerpt from the Proposed Site Plan

2.3 SCALE

- A breakdown of the proposed 71,663sqm floorspace to be provided across the three units is provided below (in GIA);
 - Unit 1: 23,119sqm;
 - Unit 2: 38,609sqm;
 - Unit 3: 9,935sqm.
- 2.3.2. The exact building heights of each unit are still to be determined and will be confirmed once the building elevations are developed. However, none of the buildings will exceed a maximum ridge height of 25m above the finished floor level, thereby adhering to the maximum permitted height parameters in the LDO.

2.4 APPEARANCE

2.4.1. As staetd, the building elevations and materiality is to be developed in due course; the details of which will be submitted via condition discharge at the appropriate time.

2.5 ACCESS AND PARKING

2.5.1. As set out above, access is currently provided via an existing access point off North Road. A new access point will be created through the construction of a new junction further along North Road to the west.

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- 2.5.2. The eastern most access point and road will predominantly serve Unit 3 as well as the adjacent buildings to the site with the new access point serving units 1 and 2. The proposed new junction and access road will be constructed and implemented prior to first occupation of the site.
- 2.5.3. In terms of car parking areas for each of the units, these are separated from HGV traffic for pedestrian safety and are located as close to the site entrance as possible to separate HGV and car/cycle/pedestrian traffic at an early point of the site access road.

UNIT 1

- 2.5.4. Unit 1 will be served by a staff car park to the south of the building whilst HGV's will utilise the extensive yard area to the west of the site, providing suitable space for parking, loading/unloading and manoeuvring.
- 2.5.5. The service yard will incorporate the following:
 - 24no. HGV loading docks;
 - 4no. level access doors; and
 - 39no. HGV/trailer parking spaces (4no. of which will include ducting for future EV charging provision).
- There will be 253no. car parking spaces for staff and visitors. The parking ratio is 1 space per every 91sqm.
- 2.5.7. Of the 253no. proposed spaces, 12no. spaces will be reserved for blue badge holders alongside 13no. EV spaces and ducting provided for the future conversion of 13no. spaces to become EV charging spaces in future. There will be 56no. covered cycle spaces provided.
- 2.5.8. Pedestrians, cyclists and vehicular road users will utilise the same, new access point on North Road and access Unit 1 from the car park on the south side of the building.

UNIT 2

- 2.5.9. Unit 2 will also be served by a staff car park to the south of the building whilst HGV's will utilise the extensive yard area to the east of the site, providing suitable space for parking, loading/unloading and manoeuvring
- 2.5.10. The service yard will incorporate the following:
 - 40no. HGV loading docks:
 - 11no. level access doors: and
 - 56no. HGV/trailer parking spaces (6no. will include ducting for future EV charging provision).
- There will be 389no. car parking spaces for staff and visitors. The parking ratio is 1 space per every 92sqm.
- 2.5.12. Of the 389no. proposed spaces, 14no. will be reserved for blue badge holders alongside 20 EV spaces and ducting provided for the future conversion of 20no. spaces to become EV Charging spaces in future. There will be 88no. covered cycle parking spaces.

UNIT 3

- 2.5.13. Finally, Unit 3 will be served by a staff car park to the south of the building whilst HGV's will utilise a yard area to the east of the site.
- 2.5.14. The service yard will incorporate the following:



- 10no. HGV loading docks;
- 4no. level access doors; and
- 25no. HGV/trailer parking spaces (3no. will include ducting for future EV charging provision).
- 2.5.15. There will be 109no. car parking spaces for staff and visitors. The parking ratio is 1 space per every 88sqm.
- 2.5.16. Of the 109no. spaces proposed, 6no. will be reserved for blue badge holders alongside 6 EV spaces and ducting provided for future conversion of 3no. spaces to become EV Charging spaces in future. There will be 24no. sheltered cycle parking spaces.
- 2.5.17. The above car parking and cycle provision is in full accordance with the Council's adopted parking standards.



3 RELEVANT PLANNING POLICY AND GUIDANCE

3.1 POLICY FRAMEWORK

- 3.1.1. This section sets out the key planning policies at the local and national level which are relevant to the determination of the Prior Approval application. The application proposals are evaluated in the context of the relevant policies identified in later sections of the Statement.
- 3.1.2. The development plan relevant to this application for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004, comprises:
 - Cheshire West and Chester Local Plan (Part One) adopted January 2015; and
 - Cheshire West and Chester Local Plan (Part Two) adopted July 2019;
- In addition, the National Planning Policy Framework (NPPF) (2019) is a material consideration in determining planning proposals.
- 3.1.4. This chapter sets out the relevant planning policies and guidance contained within the NPPF and Local Plan. These are then appraised in subsequent chapters.

3.2 NATIONAL PLANNING POLICY FRAMEWORK

3.2.1. The National Planning Policy Framework (NPPF) was published in February 2019 and is a key material consideration in the determination of planning applications.

ACHIEVING SUSTAINABLE DEVELOPMENT

- 3.2.2. Sustainable development means meeting the needs of the present without compromising the ability of future generations to meet their own needs (paragraph 8). The planning system has three overarching objectives in achieving sustainable development: economic, social and environmental.
- 3.2.3. Planning should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area (paragraph 9).
- 3.2.4. At the heart of the NPPF is the 'presumption in favour of sustainable development' ("the presumption") set out at paragraph 11, which establishes the planning principles in pursuing sustainable development in a positive way. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

BUILDING A STRONG, COMPETITIVE ECONOMY

3.2.5. Paragraph 80 encourages a strong, competitive economy where: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."

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PROMOTING SUSTAINABLE TRANSPORT

- 3.2.6. Paragraph 102 requires transport issues to be considered from the earliest stages of development proposals, so that the potential impacts on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, technology and usage are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places
- 3.2.7. Paragraph 109 makes clear development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

MAKING EFFECTIVE USE OF LAND

3.2.8. Paragraph 118 states development decisions should give substantial weight to the value of using suitable brownfield land for identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

ACHIEVING WELL DESIGNED PLACES

3.2.9. Paragraph 127 ensures that developments will function well and add to the quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place; accommodate and sustain an appropriate amount and mix of development including greenspace and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and wellbeing.

3.3 LOCAL PLANNING POLICY

CHESHIRE WEST AND CHESTER LOCAL PLAN

3.3.1. The Cheshire West and Chester Local Plan (Part One) was adopted in January 2015 and followed by The Cheshire West and Chester Local Plan (Part Two) adopted in July 2019. Upon adoption of Part Two, all policies from the former District and County Local Plans were superseded.

Cheshire West and Chester Local Plan Part 1

- 3.3.2. Policy STRAT 1 (Sustainable Development) sets out that the Council will take a positive approach to determining applications and work with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in CWaC. It also states that applications that accord with the policies in the Local Plan will be approved without delay.
- 3.3.3. Policy STRAT 10 (Transport and Accessibility) seeks to locate new development in accessible locations to local services, facilitated via a range of transport modes. It states that new development will be expected to provide adequate levels of car and cycle parking in accordance with the Council's car parking standards.
- 3.3.4. New development will be required to demonstrate that:



- Additional traffic can be accommodated safely and satisfactorily within the existing, or proposed, highway network;
- Satisfactory arrangements can be made to accommodate the additional traffic before the development is brought into use;
- Appropriate provision is made for access to public transport and other alternative means of transport to the car; and
- Measures have been incorporated to improve physical accessibility and remove barriers to mobility, especially for disabled and older people. The safety of all road users should be taken into account in the design and layout of new developments.
- 3.3.5. Policy ENV1 (Flood Risk and Water Management) includes a list of criteria that all developments must accord with in order to reduce flood risk, promote water efficiency measures and protect and enhance water quality. These criteria include directing development to areas of the lowest flood risk, demonstrating through a Flood Risk Assessment that development will not increase flood risk on site or elsewhere, complying with the Water Framework Directive, utilisation of SUDS and ensuring adequate provision of wastewater infrastructure.
- 3.3.6. Policy ENV2 (Landscape) states that development should take account of site characteristics and retain and incorporate features of land quality into design. To enhance landscape character and local distinctiveness, Local Green Space designation should be supported and the estuaries and undeveloped coast protected.
- 3.3.7. Policy ENV4 (Biodiversity and Geodiversity) confirms that sites will be protected from loss or damage taking account of the hierarchy of designations, the irreplaceability of habitats and impact on priority habitats and protected species. Development should not result in any net loss of natural assets.
- 3.3.8. Policy ENV5 (Historic Environment) aims to protect the borough's unique and significant heritage assets through the identification of designated and non-designated heritage assets and their settings. Development should safeguard both types of asset with the degree of protection reflecting its position within the hierarchy of designation.
- 3.3.9. ENV6 (High Quality Design) states that development should promote sustainable, high quality design and construction through a number of criteria including: respecting local character, providing high quality public realm, being sympathetic to heritage, environmental and landscape assets, making use of high quality materials, sustainably managing waste and promoting diversity, safe movement and energy efficiency.

Cheshire West and Chester Local Plan Part 2

- 3.3.10. Policy EP1 (Ellesmere Port Settlement Area) sets out guidance for development proposals within the Ellesmere Port settlement. Development proposals will be supported that are consistent with certain principles including;
 - Supporting physical and landscape improvements to the gateways, corridors and green spaces within Ellesmere Port including along the M53/Shropshire Union Canal Corridor.
- 3.3.11. Policy T5 (Parking and Access) states that in order for appropriate provision to be made for access and parking, development proposals will be supported which meet the requirements of Local Plan (Part One) Policy STRAT 10 and the following;



- Make safe provision for access to and from the site for all users of the development, including the provision of access to adopted highways, visibility splays and accompanying signage where necessary;
- Allow for safe movement within the site, having regard to the requirements of the emergency services and service providers, including sufficient manoeuvring and standing space for the appropriate number and size of vehicles likely to serve the development at any one time;
- Will not create any unacceptable impacts on amenity or road safety that cannot be satisfactorily mitigated by routeing controls or other highways improvements;
- Are designed to incorporate measures to assist access to and around the site by pedestrians, cyclists and to meet the needs of people with disabilities;
- Provide sufficient parking facilities to serve the needs of the development and accord with the Council's latest adopted parking standards, set out in the Parking Standards Supplementary Planning Document, for cars and other vehicles as necessary, including cycles; and
- Provide appropriate charging infrastructure for electric vehicles in new developments.
- 3.3.12. Policy DM2 (Impact on Residential Amenity) states that all new development will be expected to safeguard the quality of life for residents within the development and/or those living nearby.
- 3.3.13. Where relevant, the proposed development has been designed in accordance with the criteria listed in Policy DM2:
 - The development will not lead to a significant adverse impact on the outlook, privacy, light, overshadowing and amenity of any occupiers of residential properties;
 - The development is for employment development and therefore provision of outdoor private amenity space is not required; and
 - The proposed development will ensure there is no adverse impact on residential amenity in the area; there is no residential provision in the direct vicinity.
- 3.3.14. Policy DM3 (Design, Character and Visual Amenity) sets out that development will be expected to achieve a high standard of design that respects the character and protects the visual amenity of the local area. Where relevant, the proposed development has been designed in accordance with the criteria listed in Policy DM 3.
- 3.3.15. Policy DM4 (Sustainable Construction) states that opportunities should be maximised to incorporate sustainable design features where feasible. Furthermore, this policy requires non-domestic buildings to achieve a BREEAM rating of 'Excellent', unless it can be demonstrated that this is not technically or financially viable.
- 3.3.16. Policy DM30 (Noise) states that development must not give rise to significant adverse impacts on health and quality of life, from noise. Development which generates noise or is sensitive to it will only be permitted where it accords with the development plan and does not have an unacceptable adverse impact on human health or quality of life.
- 3.3.17. The council must be satisfied that the proposed location of any construction/demolition site compound will minimise the noise impact on neighbouring residential uses.
- 3.3.18. Policy DM31 (Air Quality) sets out that, development must not give rise to significant adverse impacts on health and quality of life, from air pollution. In particular, development proposals within or adjacent to an Air Quality Management Area will be expected to be designed to mitigate the impact of poor air quality on future occupiers.



- 3.3.19. Where an air quality assessment identifies an unacceptable impact on or from air quality, an appropriate scheme of mitigation must be submitted, which may take the form of on-site measures or, where appropriate, a financial contribution to off-site measures. Applicants must demonstrate that appropriate mitigation will be provided to ensure that the new development is appropriate for its location and unacceptable risks are avoided.
- 3.3.20. Policy DM32 (Land Contamination and Instability) confirms that proposals on land known or suspected to be unstable or contaminated must demonstrate that they will not give rise to significant adverse impacts on health, controlled waters, ecological receptors, property and quality of life.
- 3.3.21. Policy DM40 (Development and Flood Risk) sets out that flood risk must be avoided or reduced by:
 - 1. locating development within areas of lower flood risk through the application of a borough-wide sequential test and then, where required, applying the exception test in line with the National Planning Policy Framework; and
 - 2. ensuring development proposals in flood risk areas are actively managed and reduce flood risk by applying the sequential approach at site level.
- 3.3.22. Where a Flood Risk Assessment is required in line with the National Planning Policy Framework (NPPF), this will be expected to demonstrate whether a proposed development is likely to be affected by current or future flooding (including effects of climate change) from any source.
- 3.3.23. Policy DM40 also sets out that flood risk should be considered at an early stage in deciding the layout and design of a site to provide an opportunity to reduce flood risk within the development. Applicants will be required to provide schemes to reduce flood risk on individual sites through flood resilient design and on-site flood risk management measures. It is essential that the scheme proposed does not create any additional flood risk outside the development in any part of the catchment, either upstream or downstream.
- Policy DM41 (Sustainable Drainage Systems) confirms proposals for major development will be required to incorporate Sustainable Drainage Systems (SuDS).
- 3.3.25. Policy DM44 (Protecting and Enhancing the Natural Environment) states that development will be supported where there is no net loss of natural assets and, wherever possible, it delivers net gains within the borough.
- 3.3.26. Development likely to have an impact on protected sites (statutory and non-statutory), protected/priority species, priority habitats or geological sites must be accompanied by an Ecological Assessment that assesses likely expected impact of the development on assets of biodiversity/geodiversity value taking into account of any mitigation required.

3.4 SUPPLEMENTARY PLANNING DOCUMENTS

PARKING STANDARDS SPD (2017)

- 3.4.1. Table 4.2 of the SPD sets out the updated parking standards contained in the Travel Planning SPD 2016. These standards are now adopted.
- 3.4.2. This site falls under 'Rest of borough' in terms of the zones for car parking standards, and, as such, the following maximum standards apply to the proposed development:
 - B1 uses (offices, business parks and research and development) 1 space per 29sqm of floorspace



- B2 (general industrial) 1 space per 45sqm of floorspace
- B8 (storage and distribution) 1 space per 100sqm of floorspace
- 3.4.3. Table 4.2 also sets out the maximum standards for cycle parking, these being:
 - B1 uses 1 space per 300sqm of floorspace
 - B2 1 space per 450sqm of floorspace
 - B8 1 space per 850sqm of floorspace
- 3.4.4. This SPD also sets out guidance for electrical vehicle charging infrastructure. The site is classed as 'Non-residential development' and therefore, the minimum specification for staff parking for 10 or more spaces is 'one dedicated electric vehicle charging point with BS EN 62196 Type 2 socket outlets per 30 parking bays'.



4 PRINCIPLE OF DEVELOPMENT

4.1 THE LOCAL DEVELOPMENT ORDER

- 4.1.1. The principle of development is firmly established through the North Road Industrial Area Local Development Order (LDO), adopted by the Council on 4th May 2016. The site falls wholly within the LDO boundary area.
- 4.1.2. The LDO grants planning permission, subject to compliance with specific criteria, for new developments, extensions and alterations to existing buildings in North Road Industrial Area, in addition to changes of use and certain minor operations as set out in the Order. This element of the LDO relates exclusively to sites that are within Class B of the Town and Country Planning (Use Classes) Order 1987 as amended.
- A copy of the LDO is contained in Appendix C.
- 4.1.4. Under the provisions of the LDO, the criteria set out in Category A are most relevant to this application:

CATEGORY A

- 4.1.5. New industrial buildings on vacant sites where the operations in the new building fall within Class B of the Town and Country Planning (Use Classes) Order 1987 as amended.
- 4.1.6. However, development is not permitted by Class 1 if:
 - (a) The building erected would be used for purposes other than those identified under Use Classes B1a not exceeding 500m², B1b, B1c, B2 or B8; or
 - (b) The height would exceed 25 metres in height; or
 - (c) The gross internal floor space would exceed 100,000 square metres
 - (d) the land or the site on which the building is located is or forms part of—
 - (i) a safety hazard area, or is within the Consultation Distance of Major Hazard Site or pipeline; or
 - (ii) a military explosives storage area; unless the Health and Safety Executive (HSE) has been consulted and the HSE has confirmed that it does not advise against the development on safety grounds.
- 4.1.7. The proposed development falls into category A and does not conflict with any of the criteria outlined above. As such the development is in accordance with the LDO and the principle of development is firmly established.

4.2 KEY ECONOMIC BENEFITS

- 4.2.1. Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 4.2.2. This chapter assesses the anticipated economic benefits of the proposed development which can be expected to be felt by the local area and the local authority. It considers the following temporary socio-economic benefits which will be generated during the construction phase of the development:



- Temporary construction employment generated;
- Gross value added to the local economy by the temporary construction employment; and
- Temporary construction worker expenditure.
- 4.2.3. The chapter goes on to assess the following permanent socio-economic benefits which will be enjoyed once the scheme is complete and operational:
 - Gross on site employment at the site;
 - Net additional permanent employment;
 - Additional worker expenditure in the local economy; and
 - Gross value added to the local economy by the net additional permanent employment.

TEMPORARY ECONOMIC BENEFITS

4.2.4. This section considers the temporary economic impacts that can be expected during the construction phase of the development. The build cost of the scheme is expected to be approximately £35 million.

Construction employment

- 4.2.5. The proposed development will include a construction phase which will generate turnover and temporary employment for construction firms and related trades.
- 4.2.6. WSP has estimated the temporary construction employment benefits based on the anticipated build cost for the development proposals, and data from the ONS Annual Business Survey.
- 4.2.7. Data from the Annual Business Survey Revised Results¹ published in May 2020 reveals that the total turnover in the construction industry during 2018 was £287,717 million. The average number of people employed in the construction sector during 2018 was 1.53 million, suggesting that average turnover per full time equivalent construction job in 2018 was £188,050.
- 4.2.8. Using the anticipated build cost estimate of £35 million provided by the client and the average turnover per full time equivalent construction job in 2018 of £188,050, WSP estimates that the development proposals will generate 186 person years of temporary construction employment.
- 4.2.9. The standard convention in economic impact assessment is that 10 person years of construction employment equate to one full-time equivalent (FTE), permanent job in the construction sector. This means that the construction phase of the scheme will support the equivalent of around 19 permanent FTE construction jobs².

Gross value added by construction employment

Understanding gross value added

4.2.10. Gross value added (GVA) is a conventional measure of economic well-being. GVA measures the value of output generated by a producer minus the costs associated with the production of the output.

¹ ONS (2019) Annual Business Survey 2018 Revised Results

² Rounded up from 18.6.



- 4.2.11. The Office for National Statistics defines GVA as "the contribution of each individual producer, industry or sector to the economy." GVA can be estimated at either an aggregate (or macro) level or at an individual producer (or micro) level, as follows:
 - At macro level GVA measures the value of output (goods and services) produced in the economy minus the cost of raw materials and other inputs used to produce them; and
 - At micro level GVA measures the value of output generated by a producer minus the costs associated with the production of the output.

Estimating gross value added

- 4.2.12. The Annual Business Survey Revised Results 2019 provides estimates of the approximate gross value added by different sectors of the UK economy. During 2018 the approximate gross value added by the construction sector was approximately £107,614 million.
- 4.2.13. With an average number of people employed in the construction sector during 2018 of 1.53 million, this suggests that the gross value added per full time equivalent construction job in 2018 was £70,336.
- 4.2.14. It is estimated that the 19 FTE construction workers generated by the proposed development will create gross value added to the local economy of around £1.3 million annually.
- 4.2.15. After allowing for a 10% leakage to reflect the fact that some of this GVA will be enjoyed outside of the local area, it is estimated that the demolition and construction employment generated by the proposed development would generate gross value added to the local economy of £1.2 million annually (for each year of the construction programme).

Temporary construction worker expenditure

- 4.2.16. During the demolition and construction period, using professional judgement, a conservative estimation was made that 60% of the workforce would spend £6 per day on food and drink and socialising on 232 days per annum. The 232 working days was based on the assumption that a full time equivalent (FTE) employee works five days a week, with four weeks holiday and eight bank holidays off per year.
- 4.2.17. The assumption has been informed by a number of research papers which have surveyed the typical spend of workers across a working day. These include:
 - The Visa Contactless Working Day Spend Report (2014) which found that the average UK worker spends approximately £3.69 on lunch and £2.09 on hot drinks a day (approximately £6);
 - Kantar World Panel's "Out of Home Purchase and Consumption" report (2017) indicates that on average workers spend £4.13 on lunch and £1.84 on afternoon snacks a day (approximately £6); and
 - The Global Market Research company Mintel's "Attitude Towards Lunch Out of Home" report (2016) found that 64% of consumers buy lunch to eat out of the home for an everyday occasion (e.g. work).
- 4.2.18. Applying this figure to the temporary construction employment supported, generates an additional gross spend of circa £15,869 annually (for each year of the construction programme).



Construction and Training Skills Development

4.2.19. There would also be considerable opportunities to provide training, apprenticeships and work experience in a range of demolition and construction trades, as per the National Skills Academy for Construction (NSAfC). For example, there would be opportunities for local young people to gain National Vocational Qualification (NVQ) Level 2 and Level 3 training and practical experience in a range of different demolition and construction, and engineering trades. Initiatives of this sort are typically run by a training provider in partnership with the main contractor for the demolition and construction of a new development.

PERMANENT ECONOMIC BENEFITS

4.2.20. Having identified the anticipated temporary economic benefits associated with the construction of the proposed development, this section assesses the anticipated permanent economic benefits, which will be felt once the scheme is complete and operational. These effects will be felt in the longer term.

Gross, on site employment

- 4.2.21. The proposed development will support a number of permanent jobs across three units of commercial floorspace:
 - Unit 1;
 - Units 2; and
 - Units 3.
- 4.2.22. Table 5.1 below outlines the employment-generating floorspace across the three units (based on B8 storage and distribution and ancillary Class E office uses), the assumptions used when estimating the employment creation and the estimated number of jobs that will be created.

Table 5.1 - Gross, on site permanent jobs (figures in red provided by the applicant)

Unit	Floor space (sqm GEA)	Floor space (sqm GIA)	Floor space (sqm NIA)	FTE jobs	Comments and assumptions
Unit 1 (warehouse – Use Class B8)	23,076	21,922	17,538	300	Based on an employment density of 77 provided by the Employment Density Guide (Third Edition, 2015). Applied to the GEA floorspace.
Unit 1 (office – Use Class E)	1,154	1,096	877	73	Based on an employment density of 12 provided by the Employment Density Guide (Third Edition, 2015). Applied to the NIA floorspace.



Unit 2 (warehouse – Use Class B8)	38,524	36,598	29,278	500	Based on an employment density of 77 provided by the Employment Density Guide (Third Edition, 2015) Applied to the GEA floorspace.
Unit 2 (office – Use Class E)	1,926	1,830	1,464	122	Based on an employment density of 12 provided by the Employment Density Guide (Third Edition, 2015). Applied to the NIA floorspace.
Units 3 (warehouse – Use Class B8)	9,960	9,462	7,570	129	Based on an employment density of 77 provided by the Employment Density Guide (Third Edition, 2015) Applied to the GEA floorspace.
Unit 3 (office – Use Class E)	498	473	378	32	Based on an employment density of 12 provided by the Employment Density Guide (Third Edition, 2015) Applied to the NIA floorspace.
Total Estima	ated Jobs C	reated		1,156	

4.2.23. Table 5.1 reflects the following assumptions:

■ Employment density – evidence provided by the Employment Density Guide³ has been used to estimate the employment created at the proposed development. Employment density refers to the average floor space in sqm per full-time equivalent (FTE) job. Employment density describes

³ Homes and Communities Agency (2015) Employment Density Guide 3rd Edition



the intensity of use within a building and is an indicator of the amount of space typically occupied by one person in a commercial building.

- Floorspace conversions WSP have been provided with the floor space breakdown of the proposed development in terms of Gross Internal Area (GIA). Conversions have been made into Gross External Area (GEA) and Net Internal Area (NIA), in order to apply the appropriate employment density assumptions. The conversions have been informed by the Employment Density Guide and are as follows:
 - GEA:GIA: GIA represents 95% of GEA
 - GIA:NIA: NIA represents 80% of GIA
- 4.2.24. Based on these assumptions, the proposed development would create 1,156 gross FTE permanent jobs.

Net Additional Employment

- 4.2.25. The 1,156 FTE jobs that will be created by the proposed development represent a gross employment figure. In order to understand the real employment effects of the proposed development, adjustments have been made for several factors which, when considered together, allow an assessment of the net additional jobs that will be generated on this site.
- 4.2.26. The following additionality factors have been allowed for:
 - Displacement effects will occur if some employees simply switch jobs from one location to another, for example by staff moving from an existing operation in CWCC to the proposed development;
 - Leakage effects will occur if some of the jobs created by the proposed development are taken
 up by people living outside the local area;
 - Substitution effects occur when firms substitute one activity or input for a similar one to take advantage of public funding;
 - An indirect multiplier effect is likely to create supply chain effects which will benefit local firms such as cleaning and maintenance contractors, training agencies and other suppliers of goods and services to the occupiers of the proposed development. This effect is also known as a supply linkage multiplier; and
 - An induced multiplier effect is associated with increased expenditure in the local area by people deriving incomes from the direct and indirect effects of the scheme. The induced effects of the scheme will bring benefits to local shops and other service providers. This effect is also known as a consumption multiplier.
- 4.2.27. In estimating the size of these effects advice provided by the Additionality Guide⁴ has been drawn upon in this assessment. This guidance provides ready reckoner values which can be used to model the scale of these adjustment factors in the absence of empirical evidence on their value. Table 5.2 below shows the ready reckoner values used.

⁴ Homes and Communities Agency (2008) Additionality Guide: A Standard Approach to Assessing the Additional Impacts of Projects, 3rd Edition, English Partnerships, London.



Table 5.2 - Adjustment factors used in estimating net additional employment

Adjustment factor	Scale of adjustment	ent Adjustment value		
splacement effects Low		25%		
Leakage effects	Low	10%		
Substitution effects	None	0%		
Combined multiplier Effects	Medium supply linkages	1.5		

4.2.28. Based on these assumptions, the additional jobs that will be created by the proposed development has been calculated using the following formula:

Gross on site jobs x (1 – displacement) x (1 – leakage) x combined multiplier effects = additional jobs

$$1,156 \times (1-0.25) \times (1-0.10) \times 1.5 = 1,170$$
 net additional jobs

4.2.29. After allowing for displacement, leakage and multiplier effects, it is estimated that the proposed development will create approximately 1,170 net additional jobs. This assumes that the existing site is vacant.

Gross value added (GVA) to the local economy

- 4.2.30. The net additional employment created by the proposed development will have wider economic effects by generating gross value added to the local economy.
- 4.2.31. In estimating the GVA that would be generated by the proposed development, data provided by the Office for National Statistics has been used. Detailed information on GVA per filled job is provided by the Regional Economic Analysis Sub Regional Productivity Tables published in February 2020. Table B3 reveals that GVA per filled job for Cheshire West and Chester Council (CWCC) was £53,464 in 2018, the most recent year for which data is currently available.
- 4.2.32. Based on this evidence, it is estimated that the 1,170 net additional jobs created by the proposed development would create a gross value added to the local economy of £62.6 million annually in the long term.

Additional Worker Expenditure

- 4.2.33. As was the case with the temporary construction employment, permanent employment supported across the site will result in additional worker expenditure in the local economy (for example on buying lunch, socialising), benefiting local businesses and enterprises.
- 4.2.34. Using professional judgement, a conservative estimation was made that 60% of the workforce would spend £6 per day on food and drink and socialising on 232 days per annum. The 232 working days



- was based on the assumption that a full time equivalent (FTE) employee works five days a week, with four weeks holiday and eight bank holidays off per year.
- 4.2.35. Applying this figure to net additional employment supported, generates an additional gross spend of circa £977,184 annually. This would be enjoyed in the long term.

Training and skills development opportunities

- 4.2.36. As was the case with the construction employment, there will be considerable opportunities on offer to provide employment, training and skills development for the local workforce, as a result of the new jobs created on site. For instance, there will be opportunities to provide a range of graduate and apprenticeship roles, as well as employment opportunities for local residents who may be unemployed.
- 4.2.37. The roles are likely to be centred in the core warehouse/logistics offering of the proposed development. This is a growing and evolving sector, and one whose importance is only likely to increase following the covid-19 pandemic. This therefore represents an excellent employment opportunity for local residents, with beneficial effects for the local labour and skills market.
- 4.2.38. Employment and training initiatives of this sort are typically run by a training provider in partnership with the main employer, and are often accompanied by a bespoke Employment Skills Plan, with local employment, graduate and apprenticeship targets.

CONCLUSIONS

- 4.2.39. Given the provisions of the LDO, the principle of employment development (Class B) at the site has already been established.
- 4.2.40. The proposed development would respond to the national demand for increased B2/B8 floorspace in strategic locations; a need which has been exacerbated further by the impacts of Covid-19 and the change in consumer habits.
- 4.2.41. Furthermore, the economic benefits assessment set out in this chapter has demonstrated that the proposed development will generate significant economic benefits for the local area, and for Cheshire West and Chester Council as a whole.
- 4.2.42. The proposed development will create the following temporary economic benefits:
 - 186 person years of temporary construction employment;
 - The standard convention in economic impact assessment is that ten person years of construction employment equate to one full-time equivalent, permanent job in the construction sector. This means that the construction of the scheme would support the equivalent of around 19 permanent FTE construction jobs;
 - The construction employment generated by the proposed development will create gross value added to the local economy of around £1.2 million annually (for each year of the construction programme);
 - Temporary construction workers will spend an additional £15,869 in the local economy annually (for each year of the construction programme); and
 - There will be considerable opportunities to provide training, apprenticeships and work experience in a range of demolition and construction trades, as per the National Skills Academy for Construction (NSAfC).



- 4.2.43. The proposed development will generate the following permanent economic benefits, all of which will be enjoyed in the long term:
 - 1,156 gross full-time equivalent permanent jobs on site;
 - After allowing for displacement, leakage and multiplier effects, it is estimated that the proposed development will create 1,170 net additional jobs;
 - The 1,170 net additional jobs will create gross value added to the local economy of approximately £62.6 million annually in the long run;
 - The net additional employment will support additional expenditure in the local economy to the value of £977,184 annually; and
 - There will be opportunities on offer to provide employment, training and skills development for the local workforce, as a result of the new jobs created on site. For instance, there will be opportunities to provide a range of graduate and apprenticeship roles, as well as employment opportunities for local residents who may be unemployed.
- 4.2.44. With the above in mind, the benefits of the proposed development should carry significant weight in the overall planning balance and, subject to any technical matters, the proposals clearly align with the NPPF's drive for sustainable development, for which there is a presumption in favour of.



5 TECHNICAL CONSIDERATIONS

5.1 OVERVIEW

- 5.1.1. This application for Prior Approval is supported by a suite of technical documents, with the purpose being to demonstrate that the scheme is acceptable in technical terms at this stage, to avoid the need for pre-commencement planning conditions that would delay the start of construction and ultimately delivery of this significant employment scheme and its associated benefits.
- 5.1.2. Full details relating to each technical consideration are set out in the supporting documents. This chapter provides an overview of the conclusions from these technical assessments in order to demonstrate compliance with relevant local planning policies and NPPF guidance.

5.2 DESIGN

- 5.2.1. The application is accompanied by a Design and Access Statement prepared by AEW Architects. The DAS considers the design, layout, massing, materials, landscaping and the evolution of the proposed development in detail.
- 5.2.2. Policy DM2 and DM3 of the Part Two Local Plan sets out that proposals will be expected to achieve a high standard of design that respects the character and protects the visual amenity of the local area.
- 5.2.3. Furthermore, development should be designed to respect the scale, character and appearance of any existing building within the site and contribute positively to the character of the area, respect and where appropriate enhance the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials.
- 5.2.4. Development must be sympathetic to the characteristics of the development site, its relationship with its surroundings and where appropriate views into, over and out of the site.
- 5.2.5. The NPPF also provides guidance on development and ensures that the design of development incorporates the principles of sustainable development and the need to create better places in which to live and work. Paragraph 127 sets out a number of design criteria with the purpose being to ensure that design is of a high quality and appropriate for the area in which the development is located.
- 5.2.6. The proposed development has been designed in accordance with the above guidance;
 - The layout, scale and appearance of the proposals have been developed to create a high quality and attractive scheme which integrates well with the wider logistics developments;
 - The scheme strengthens and enhance the sites landscaping with additional tree planting and the creation of a landscaped area to the north west of the site;
 - The development has been designed to respect and protect neighbouring residential amenity;
 - The proposal provides easy access for cyclists and pedestrians who can make use of nearby cycleways;
 - High efficiency measures have been included within the design of the building and external areas ensuring that energy efficiency measures are promoted whilst an overall reduction in carbon emissions is implemented; and
 - The development is accessible to all with disabled parking spaces provided.



BREEAM

- 5.2.7. The applicant is committed to ensuring the development meets the highest levels of sustainability that can be feasibly achieved.
- 5.2.8. Under the BREEAM accreditation process, early credits are typically secured through early engagement with officers during the pre-application stage of regular planning applications. However, because of the LDO designation and the fact that planning permission is already granted, subject to compliance with the LDO Category A criteria, this prevents such early BREEAM credits being achieved and therefore will result in the top levels of BREEAM accreditation being achieved in this development.
- 5.2.9. That said, as stated, the applicant is fully committed to ensuring the development meets the highest levels of sustainability that can be feasibly achieved. Indeed, it is in the applicant's interests to develop a highly sustainable scheme as this will assist in the marketing of the site for the target high-end operators, which, clearly, a poorly designed and less sustainable scheme would not allow.

5.3 TRANSPORT

- 5.3.1. In accordance with paragraph 111 of the NPPF, a Transport Assessment prepared by Hydrock has been submitted.
- 5.3.2. The statement sets out the site demonstrates a good level of locational sustainability being accessible by walking, cycling and public transport. An existing footpath on the south western end of North Road provides pedestrian with access to nearby services and facilities. Employees would be within 2km of local services such as convenience stores, restaurants/pubs, a local garage and a country park.
- 5.3.3. In terms of cycling provision, the relatively wide carriageways within the local highway network are generally sufficient to encouraging cycling. Ellesmere Town Centre, Overpool and Great Sutton are accessible within a 5km cycle. Additionally, the availability of a national cycling route outside of the 5km catchment provides opportunities for travel further afield using linked trips.
- 5.3.4. The development itself will include new internal cycle routes for employees. As such cycling would therefore be a viable mode of transport for employees and visitors.
- 5.3.5. Several bus stops are located within close proximity to the application site. The nearest bus stop to the site is located circa 1.3km on Naylor Road. There are additional bus stops on the B5463 Rossmore Road East, circa 1.5km from the site and also on Rivacre Road, approximately 1.5km to the south.
- 5.3.6. All bus stops within the vicinity of the site serve are served by bus service number 7 which is Stagecoach circular route which travels from Ellesmere Port Bus Station through Overpool and through Ellesmere Industrial areas.
- 5.3.7. There are three railway stations within the 5km catchment of the site which offer convenient travel across the north-west and major transport interchanges such as Liverpool Lime Street. The closest station is Overpool Railway Station which is circa 2.1km to the south.
- 5.3.8. As such the application site is clearly accessible by sustainable modes of transport.
- 5.3.9. The assessment sets out that safe and appropriate access can be gained to the site from both the existing and proposed access off North Road. As set out above, the new access junction will serve



- units 1 and 2 whilst the access to unit 3 will be provided separately via the existing priority access. Required visibility splays of 4.5×66 metres are provided.
- 5.3.10. The site layout review and swept path analysis demonstrate that the proposed arrangement is suitable and all turning, access, egress, parking and servicing manoeuvres can be performed safely.
- 5.3.11. The assessment uses the TRICS database for predicting the likely number of trips from a proposed development by comparing the site with existing developments of a similar size and characteristics within the UK.
- 5.3.12. The junction modelling confirms that the site access / North Road junction will operate with significant capacity across all assessment scenarios with and without the development in place.
- 5.3.13. The trip generation and traffic impact analysis indicate that the development impact on the identified study network can be suitably accommodated by the existing infrastructure, access junction alterations and proposed car parking supply.
- 5.3.14. Vehicular, HGV, cycle and EV charging provision are all in accordance with relevant standards.
- 5.3.15. In light of the above, the development would not result in adverse impacts on the capacity or safe functioning of the highway as a result of the development and that the requirements of policy STRAT 10 of the Part One Local Plan and paragraph 109 of the Framework would be met in full.

5.4 FLOOD RISK AND DRAINAGE

FLOOD RISK

- 5.4.1. A Flood Risk Assessment (FRA) prepared by SGI Consulting accompanies the application. It investigates the potential flood risk impacts of the proposed development and is considered proportionate to the degree of flood risk and to the scale, nature and location of the development.
- 5.4.2. The site is located within Flood Zone 1 which comprises land assessed as having less than 1 in 1000 annual probability of river or sea flooding. The site has a 'low' chance of fluvial flooding (from surface water) with an annual probability of 0.1% - 1%. In accordance with the NPPF, all of the land uses for the proposed development are appropriate for Flood Zone 1.

DRAINAGE

- 5.4.3. A Drainage Strategy (also prepared by SGi Consuting) accompanies the application. The strategy responds to the relevant policy and guidance and is based upon an assessment of the existing site connections, the FRA and site investigations.
- 5.4.4. Surface water is proposed to discharge into the Manchester Ship Canal to the north of the site. Based on a conservative pipe gradient the existing outfall pipes would restrict the development to around 500 l/s (250 each pipe). Although this flow rate seems high it is a significant reduction when compared to the existing runoff rate that would have discharged from the site. Due to the location of the outfalls only one outfall is to be use and will require reconstruction with a restriction of 500 l/s.
- 5.4.5. The surface water runoff will be collected and conveyed to a new underground drainage network. The runoff generated by the access road and car park area must pass thru a petrol interceptor or equivalent to be cleansed before it can discharge into the watercourse
- 5.4.6. The strategy recommends that the development site is restricted to 500 l/s during all storm events.



- 5.4.7. As part of the design it is proposed to include porous car parking for the first stage of treatment and a downstream defender prior to discharge into the watercourse to provide a second form of treatment.
- 5.4.8. The report confirms an allowance for climate change will be included at the detailed design stage. SGi recommend that the drainage serving the newly developed areas is designed to contain a 1 in 100 year 6-hour rainfall event with an "Upper End" allowance included.
- 5.4.9. In terms of foul, a new foul water drainage system will be constructed which convey flows to foul sewers in North Road.
- 5.4.10. The proposed drainage design and approach to flood risk mitigation therefore accords with policy DM40 and DM41 of the Part Two Local Plan and paragraph 163 of the NPPF.

5.5 NOISE

- 5.5.1. A Noise Assessment prepared by BWB accompanies the submission. The assessment has been undertaken to inform the Habitats Regulations Assessment for the scheme and considers the potential noise impact of the proposed development at the existing Special Protection Area and Ramsar sites in the vicinity of the site. Given the considerable separation distance to local residents, human receptors have not been included within the scope of the assessment. This approach has been agreed with the Council.
- 5.5.2. The noise assessment includes consideration of noise from earthworks, construction, and operational phases of the development.
- 5.5.3. The exact nature and type of plant type has not yet been agreed, however, the assessment confirms that the plant is unlikely to result in unacceptable noise impacts.
- 5.5.4. The proposal will not result in an adverse impact in terms of noise and therefore the proposal is in full accordance with policy DM30 and paragraph 180 of the NPPF.

5.6 AIR QUALITY

- 5.6.1. An Air Quality Assessment has been prepared by BWB in order to assess the potential effects of the proposal on local air quality during the construction and operational phases. The site itself is not located in or in the vicinity of an AQMA.
- 5.6.2. The assessment itself focusses on human receptors and the impact of the development on local air quality at these receptors. Ecological designations have been screened out. A main assessment and a sensitivity analysis have been undertaken. The sensitivity analysis is a conservative assessment which assumes emissions of NO2, PM10 and PM2.5 remain at current levels and do not decrease in line with Defra predictions.
- 5.6.3. One residential dwelling at Rivacre Road is predicted to experience a slight adverse impact in the main assessment and moderate adverse impact in the sensitivity analysis due to the high predicted NO2 concentrations – this receptor is next to the M53. This receptor is also predicted to experience an exceedance of the NO2 annual mean objective in both the without and with development scenarios in the sensitivity analysis.
- 5.6.4. One receptor at Elm Street, adjacent to the M53 motorway is predicted to experience an exceedance of the annual mean NO2 objective in both the without and with development scenarios for both the main assessment and sensitivity analysis. This street looks to be derelict from a review



- of online mapping but we have included this for robustness within the model as the closest sensitive receptor to the site on the northern side of the M53 motorway.
- 5.6.5. In terms of mitigation the development includes the provision of EV charging facilities alongside further measures set out within the supporting Travel Plan. The inclusion of EV charging facilities and travel plan measures will benefit air quality and are appropriate mitigation measures for the development.
- 5.6.6. Overall the assessment concludes that there will be that the impact of the development on local air quality is negligible, and therefore not significant, at the majority of receptors.
- 5.6.7. In light of the above the proposal will not result in a negative impact in terms local air quality and therefore accords with policy DM31 of the Part Two Local Plan.

5.7 GROUND CONDITIONS

- 5.7.1. The application is accompanied by a Phase 2 Geo-environmental Report prepared by E3P. The study provides an overview of the potential hazardous substances or conditions on or the near the site whilst establishing the anticipated geological conditions.
- 5.7.2. The report sets out that no significantly elevated ground gas concentrations are present beneath the area of the proposed units and that these areas will be classified as CS1, therefore mitigation measure will not be required.
- 5.7.3. The site is predominantly underlain by likely low-permeability gravelly clay. Therefore, the use of soakaway drainage will be limited, as such it is not recommended that soakaways are utilised for disposal of surface water runoff.
- 5.7.4. Analysis of selected soil samples from across the site has identified isolate occurrences of asbestos, heavy metals and polycyclic aromatic hydrocarbons (PAH). However, based the proposed commercial/industrial end-use the identified these are not considered likely to pose a significant risk to human health.
- 5.7.5. A remediation and enabling works strategy has also submitted alongside the application ensuring the safe management of dust due to the presence of asbestos fibres and locally hydrocarbon impacted soil and perched groundwater.
- 5.7.6. The development proposals thereby accord with the requirements of policy DM32 of the Council's Part Two Local Plan.

5.8 EXTERNAL LIGHTING

- 5.8.1. An External Lighting Strategy prepared by WSP supports the submission. The strategy sets out the proposed external lighting scheme and provides guidance in terms of good practice to ensure obtrusive lighting is reduced.
- 5.8.2. The lighting scheme covers the external lighting to the surrounding areas of each unit including internal roads and pedestrian routes. The lighting scheme strategy is based on achieving a good level of maintained illuminance across the site, minimising dark areas to create a safe environment whilst avoiding light spillage and light pollution to surrounding areas.
- 5.8.3. The lighting strategy seeks to reduce lighting pollution through mitigation such as preventing upward light pollution through a combination of optimal mounting heights and by utilising low energy efficient



- LED lighting luminaires that limit glare. The layout and type of lighting used takes into consideration and limits any possible impact on the surrounding amenity and landscaped areas.
- 5.8.4. All external lighting areas shall be illuminated via low energy luminaires and lamp fittings and include provision for time switching and photocell control. All fittings will be chosen and positioned to avoid light spill onto adjacent areas.
- 5.8.5. The proposed wall mounted luminaires will use a white lamp source LED. The perimeter lighting and loading bay floodlighting shall avoid light spill onto the adjacent existing buildings.
- 5.8.6. Car Park lighting design has been designed using post top column mounted luminaires. The post top luminaires will use a white light lamp source LED. The post top luminaires will be a combination of asymmetric distribution for open areas and forward throw distribution for columns near the site perimeter. Back shields will be provided where backward light spill cannot be avoided by luminaire selection or positioning.
- 5.8.7. There will not be no harm to any neighbouring habitats. The areas of ecological interest to be retained and created (north and west) will remain 'dark' and in line with current guidelines.
- 5.8.8. Consideration has also been given to minimise sky glow and lighting spill. The external lighting strategy confirms that design will not result in any lighting lux level spill which could impact upon residential properties. No residential properties will be impacted upon.

5.9 ECOLOGY

- 5.9.1. An Ecological Assessment prepared by E3P supports this application. The report provides an overview of the site based on an extended Phase 1 survey methodology whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. Potential mitigation and enhancements measures are also provided.
- 5.9.2. The report sets out that the site comprises a disused area of hardstanding and bare ground with smaller areas of broadleaved woodland, semi-improved grassland, dense scrub, scattered scrub and introduced shrub present within the site boundary.
- 5.9.3. The site is located within the impact risk zone of the Mersey Estuary SSSI, SPA and Ramsar site, located approximately 90m north of the site. Booston Wood LWS lies adjacent to the western site boundary. HRA screening has been undertaken and is submitted alongside the application to assess any potential impacts of the development on the designated sites.
- 5.9.4. The report recommends that a minimum 10m buffer zone is maintained around Rivacre Brook, the Manchester Ship Canal and the River Mersey in which no works are permitted. In addition, all best practice guidance relating to pollution will be adhered to in order to protect the watercourses.
- 5.9.5. In terms of habitats, the site comprises a range of habitats which contain value for wildlife such as bats, birds and terrestrial mammals. The hardstanding is of lowest value for wildlife, with the waterbody, broadleaved woodland and dense scrub comprising the areas of highest value.
- 5.9.6. One pond is located to the west of the site. The report recommends that the waterbody is retained if possible, however, sets out that compensatory water bodies would be considered acceptable.
- 5.9.7. The site also provides suitable habitat for nesting and foraging birds. Any vegetation that requires removal should be completed outside of the breeding bird season.



- 5.9.8. A pair of peregrine falcons are known to nest on the water tower within the site boundary to the south. The report sets out that the water tower should be retained with construction mitigation put in place during peregrine nesting season (March to July).
- 5.9.9. In terms of bats, the site is considered to have limited value for foraging and commuting bats due to the large areas of hardstanding that make up most of the site. However, the semi-improved grassland, broadleaved woodland, dense scrub and scattered scrub located around the boundaries of the site provide foraging and commuting routes across the wider landscape. The brook and canal located adjacent north-west and north of the site also are also considered to act as commuting and foraging routes for bats within the local area.
- 5.9.10. Mitigation in the form of a suitable lighting strategy will ensure that bat habitat is not prejudiced as a result of the development. The creation of an attenuation pond is considered to increase foraging opportunities for bats and mitigate for the loss of any current on-site foraging.
- 5.9.11. No badger setts were located during the survey, though the habitats were identified as being suitable for the species. Pre-cautionary measures are proposed during construction should any badger setts be identified.
- 5.9.12. Mitigation measures will be implemented in the construction phase that other species such as otters, reptiles and hedgehogs are not impacted upon.
- 5.9.13. Further surveys in relation to Great Crested Newts and bats are proposed and will be undertaken during the suitable survey season.
- 5.9.14. Biodiversity net gain calculations will be submitted as part of the application and discussed with officers in greater detail during the determination period, however, it is anticipated that, overall, the proposed development will be deemed acceptable in terms of Local Plan Policy DM44 and therefore and paragraph 170 of the NPPF.

5.10 TREES AND LANDSCAPING

TREES

- 5.10.1. An Arboricultural Assessment prepared by E3P presents the findings of the tree survey and assessment of the quality of the existing trees on and adjacent to the site, based on their current condition and quality. The assessment provides an assessment of impacts arising from the proposed development of the site on these trees,
- 5.10.2. The site survey identified a total of 58 arboricultural features on and adjacent to the site. These included 13 individual trees and three groups of trees graded Category B trees of moderate value, 29 individual trees and nine groups of trees graded Category C trees of low arboricultural value. Four individual trees were graded Category U (trees unsuitable for retention).
- 5.10.3. The proposed development will require the removal of 4 individual trees of moderate quality trees, 14 individual trees, six groups of trees and one partial removal of low quality trees and 4 individual trees of poor quality.
- 5.10.4. Whilst the development involves the loss of trees, replanting is proposed which will result in a significant net gain of trees across the site. A large number of trees will be replanted, achieving a significant replanting ratio.



5.10.5. The proposed tree planting will assist in enhancing the visual amenity of the proposed development and will assist in creating attractive landscaped areas at various points within the site and along its boundaries.

LANDSCAPING

- 5.10.6. The application is supported by a landscaping scheme which seeks to ensure that the proposal is suitably screened from the wider landscape with appropriate mitigation provided to offset any loss of trees and habitat.
- 5.10.7. The landscape strategy within the site itself is based on creating a pleasant formal character with street trees lining the main internal road and defining the car parking areas for each unit, whilst softening the appearance of the buildings and areas of hardstanding.
- 5.10.8. New tree and hedgerow planting to the front of the site will create a welcoming gateway into the site for employees and visitors and will assist in softening the development from the public realm. The proposed new substation will be well screened through new woodland planting and mix.
- 5.10.9. The landscape strategy strengthens the north western boundary of the site introducing an ecological landscaped area with a new balancing pond. The area will be planted with woodland mix alongside a range of grass seed mixes. The area has been designed in accordance with ecologist recommendation and as such will boost biodiversity whilst delivering landscape benefits.
- 5.10.10. As a result of the above, the proposal delivers landscape enhancements and mitigates the loss of trees and therefore accords with policies DM44 and DM45 of the Part Two Local Plan.

5.11 CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- 5.11.1. A Construction Environmental Management Plan (CEMP) prepared by Hydrock accompanies the submission. The CEMP provides a set of overarching principles to minimise the potential for environmental impacts during the construction phase of the development.
- 5.11.2. The document is structured around an assessment of the environmental context, followed by as assessment of the potential impacts of the proposal and concludes with recommendations setting out mitigation methods to reduce the significance of any impacts.
- 5.11.3. The mitigation recommendations respond to the condition of the site and proposed operations. Consideration has been given to waste, noise and vibration, external lighting, pollution, air quality, traffic management, programme of works and location of site compound and wheel washing facilities.
- 5.11.4. The measures outlined ensure that the proposal is in accordance with policies DM30 and DM31 of the Part Two Local Plan.

5.12 HERITAGE

- 5.12.1. The application site does not lie within close proximity to any statutory designated heritage assets or conservation areas.
- 5.12.2. The North Road Industrial Area LDO and previous Peel Ports application for a change of use of the site to port use were both supported by an Environmental Statement that comprehensively assessed a range of technical matters, including archaeology. On the basis that both the change of use application and LDO were approved/adopted, the environmental effects of the re-development of the

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site are deemed to be acceptable, such that no further investigative works are deemed necessary at the site.

5.13 HEALTH IMPACT

5.13.1. The standard CWCC Health Impact Assessment proforma will be completed upon submission of the application. Further details of the health benefits the proposed development will generate will be set out in the aforementioned proforma.



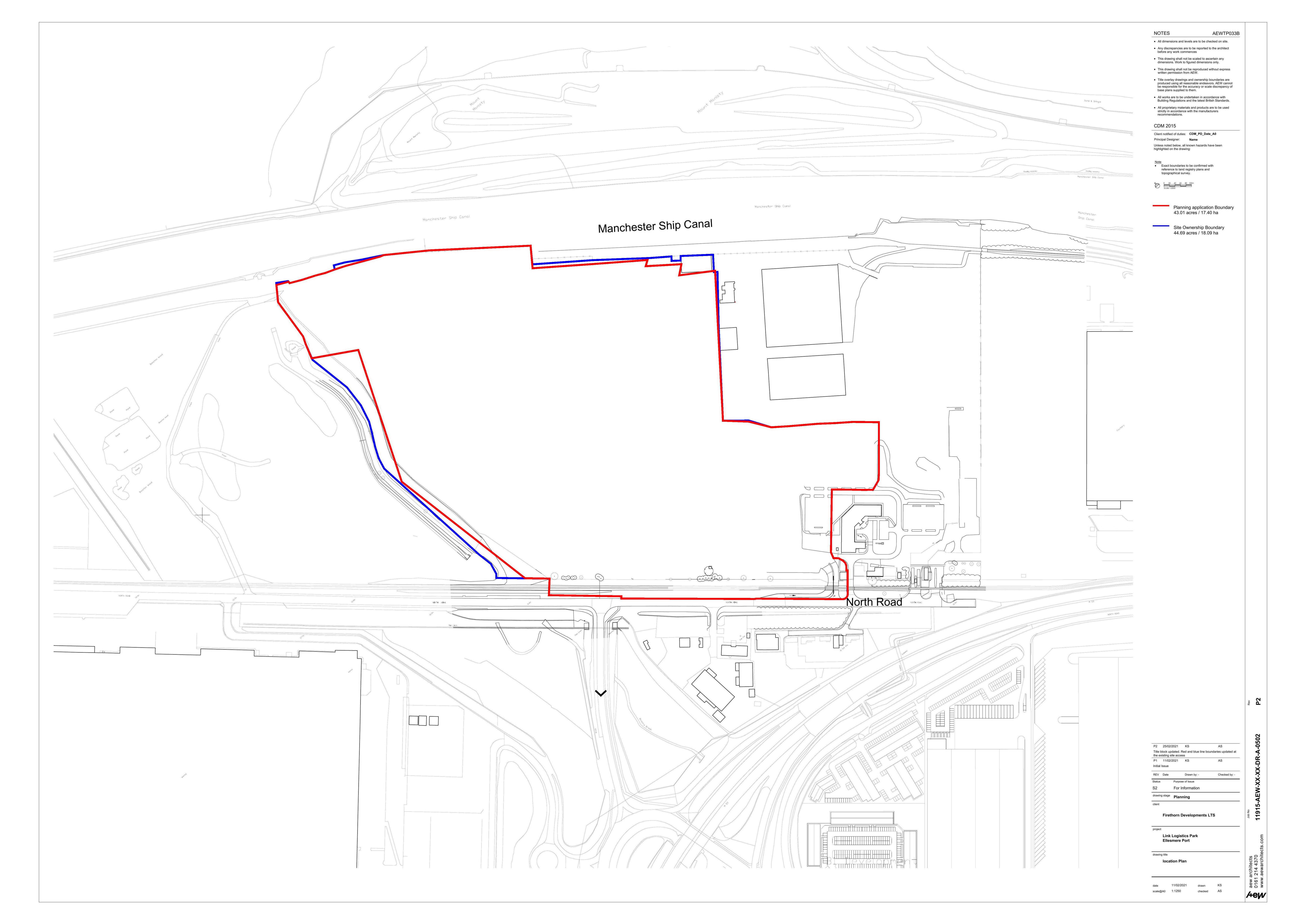
6 PLANNING BALANCE

- 6.1.1. The proposed development comprises the creation of a substantial employment development to accommodate up to 71,663sqm (771,381sqft) GIA of B2/B8 floorspace including ancillary offices and welfare floorspace and associated works. The built form will comprise 3 separate warehouse units with a landscaped ecological area and attenuation pond proposed to the north west.
- 6.1.2. The site falls within the North Road Industrial Area Local Development Order designation and therefore benefits from in principle support for employment uses. As such the principle of development is firmly established. The application is supported by a suite of technical reports to demonstrate that the location and scale of the proposals are acceptable in planning terms.
- 6.1.3. The site is sustainably located and is in close proximity to the strategic highway network and therefore appropriate for the proposed employment development. The site is accessible for pedestrian and cyclists with a number of public transport options in the local area, with off-site proposals to improve pedestrian and cycle connectivity further.
- 6.1.4. A proposed landscaped ecology area alongside site wide tree planting form part of a mitigation package to offset the loss trees and vegetation on site. Important ecological sites which border the site have been considered throughout the design evolution with no adverse impacts expected during the construction or occupation phase.
- 6.1.5. The proposal will deliver significant socio-economic benefits which are clearly a material consideration in the determination of the application. These include;
 - Redevelopment of an allocated brownfield site in a sustainable location which has lain vacant for a number of years;
 - Creation of approximately 186 temporary jobs during construction and 1,170 permanent full time jobs once operational;
 - Delivering substantial socio-economic benefits to the locality including additional GVA to the local
 economy in form of £1.2 million during the construction phase (annually) and £62.6 million
 annually once operational;
 - An additional spent of £15,869 in the local economy annually during the construction phase and £977,184 once operational;
 - Providing enhancements in the form of landscaped areas, tree planting and habitat creation;
 - Promoting cycling, walking and use of sustainable transport modes; and
 - Incorporating high quality design and sustainability standards in the development.
- 6.1.6. For the reasons set out above, the proposed development clearly accords with the development plan and overarching planning guidance contained in the NPPF. The principle of development is acceptable, and the extensive technical assessments demonstrate that the proposed development clearly constitutes sustainable development.
- 6.1.7. There are no material considerations that would prevent the grant of consent and the identified scheme benefits further tip the planning balance in favour of granting Prior Approval.

Appendix A

SITE LOCATION PLAN

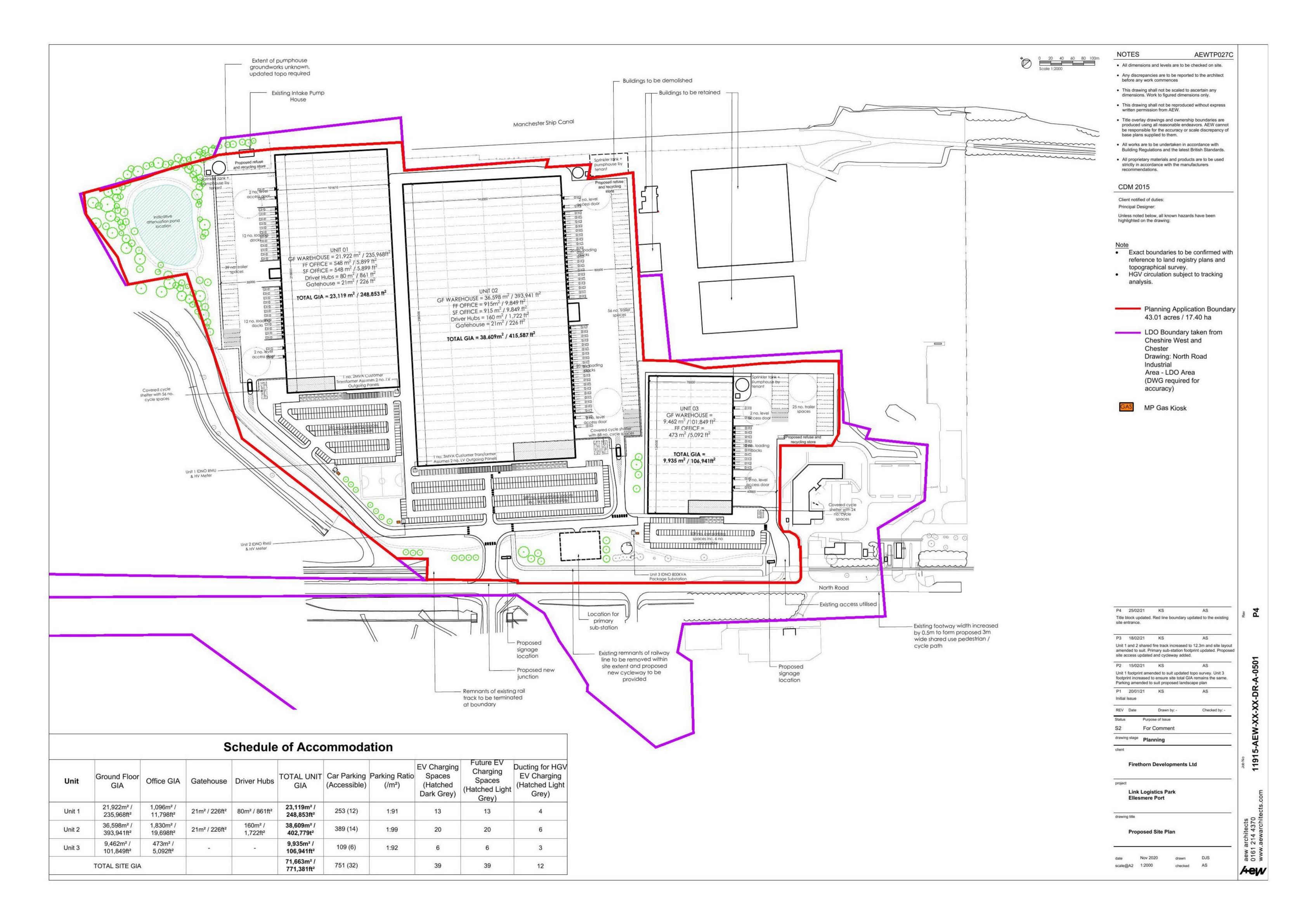




Appendix B

PROPOSED SITE PLAN





Appendix C

NORTH ROAD INDUSTRIAL AREA LOCAL DEVELOPMENT ORDER







NORTH ROAD INDUSTRIAL AREA LOCAL DEVELOPMENT ORDER



Date: May 2016

1. DRAFT LOCAL DEVELOPMENT ORDER

This Local Development Order (LDO) is made by Cheshire West and Chester Council ("the Council") under Section 61A (2) of the Town and Country Planning Act 1990 (as amended).

The LDO grants planning permission, subject to compliance with specific criteria, for new developments, extensions and alterations to existing buildings in North Road Industrial Area, in addition to changes of use and certain minor operations as set out in this Order. This element of the LDO relates exclusively to sites that are within Class B of the Town and Country Planning (Use Classes) Order 1987 as amended.

Any development that does not comply with the conditions and limitations of this LDO will require planning permission and standard enforcement practices will apply to development brought forward outside the provisions of the Order. The Order does not remove or affect any existing planning conditions that have already been imposed on existing developments.

It is also important to emphasise that the LDO only relates to planning permission and does not remove the need to obtain other statutory consents, such as Building Regulations approval, consents under Highways legislation, Environmental Permits, Advertisement Consent or Health and Safety Executive Consents. The LDO also does not alter the requirement to comply with other legislation, such as Tree Preservation Order legislation or the Wildlife and Countryside Act 1981, which safeguards protected species and their habitats. It is the responsibility of developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.

LDO Boundary

The LDO applies to the area within North Road Industrial Area as outlined in red on the map contained within Appendix 1.

Period of Operation

The LDO and the terms within it will be active for a period of ten years from the day of its adoption. At the end of this period, the Council will either re-introduce the Order with or without amendments; or revoke the Order and return to the established planning system.

The Council may exercise its powers to amend or withdraw the LDO (provided by section 61A [6] of Planning and Compulsory Purchase Act 2004) at any time within the ten year period if the Order has consistently failed to meet its objectives as set out in the Statement of Reasons, and it is considered that amendments to the Order would not overcome this, or if changes in material considerations require the Order to be revoked, amended or revised.

In the event that the Order is revoked or revised, either after ten years or before the end of this period, development that has taken place under the LDO will be allowed to continue to operate and the conditions attached to the LDO will continue to apply to any development permitted during its lifetime. Development which has commenced¹ by the end date will be permitted to be completed. Upon expiry of the LDO, the permitted development rights contained within the Order will cease to apply to any development that has not commenced.

¹ As defined in Section 56 (4) (a) – (d) of the Town and Country Planning Act 1990

Procedure

The LDO permits a range of development which falls into two categories;

Category A

 New industrial buildings on vacant sites where the operations in the new building fall within Class B of the Town and Country Planning (Use Classes) Order 1987 as amended.

Category B

- Extensions to existing buildings
- New stand alone buildings on sites with existing buildings
- Alterations to existing buildings
- · Change of use
- Means of enclosure
- Above ground storage for oils, fuels and chemicals
- CCTV
- Smoking and cycle shelters

To benefit from the provisions of Category A of the LDO, the developer must notify the Local Planning Authority and make an application for prior approval. The requirements and process for prior approval are detailed in Appendix 2.

To benefit from the provisions of Category B of this LDO, developers are required to submit a completed Self-Certification form prior to the commencement of development. A copy of this form and a checklist of the information required to validate this request is presented in Appendix 3.

The Council will acknowledge receipt of submissions by email and within 28 days of this date will:

- · Confirm in writing if development is permitted by the LDO and, if not, why; or
- Ask for additional information and a further 28 working days to consider the proposal on receipt of this information.

Any proposal which fits into the categories permitted by the LDO can take place once the developer has discharged any conditions attached to the permission which require the submission of further details or information. However, to benefit from the provisions of the Order developers are required to notify the LPA in writing of their intention to start work on site in order to ensure that an accurate record of development is maintained. A Notice of Commencement Form which should be submitted for this purpose is provided in Appendix 4. Whilst no fee is payable to the Council for an application made under the LDO, standard fees relating to the discharge of planning conditions will apply. The link to calculation of the fees is below:

http://www.cheshirewestandchester.gov.uk/residents/planning_and_building_consulta/apply for permission.aspx

Any proposal which does not fall within the prescribed criteria of the LDO may still be acceptable in planning terms and the LDO (Categories A & B) does not imply that

development that is not specifically covered by the Order will be unacceptable. Proposals that do not conform with the LDO would however need to secure planning permission through the normal planning process and would be considered on their own merits in the context of local and national planning policies.

Permitted Development Category A

Class 1 -The erection of a building on vacant² land

Development is not permitted by Class 1 if:

- (a) The building erected would be used for purposes other than those identified under Use Classes B1a not exceeding 500m², B1b, B1c, B2 or B8; or
- (b) The height would exceed 25 metres in height; or
- (c) The gross internal floor space would exceed 100,000 square metres
- (d) the land or the site on which the building is located is or forms part of—
 - (i) a safety hazard area, or is within the Consultation Distance of Major Hazard Site or pipeline; or
 - (ii) a military explosives storage area;
 - unless the Health and Safety Executive (HSE) has been consulted and the HSE has confirmed that it does not advise against the development on safety grounds.

Conditions

1. Prior to the commencement of development permitted under Class 1 of this order, the prior approval of the detailed plans and specifications³ must first be obtained from the Local Planning Authority. The Local Planning Authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development.

Permitted Development Category B

Class 2 – The extension of an office building, industrial building or warehouse

Development is not permitted by Class 2 if:

- (d) The building extended would be used for purposes other than those identified under Use Classes B1, B2 or B8;
- (e) In the case of an extension to an industrial building or a warehouse, the gross internal floor space of the original building would be exceeded by 1,500 square metres;
- (f) In the case of an extension to an office building, the gross internal floor space of the original building would be exceeded by 500 square metres;

² Land that has been vacant of all buildings, plant and/or machinery relating to any former use for no less than 2 years

³ Specifications shall include the following; the siting, design or external appearance of the development, landscaping, noise impacts of the development, air quality and pollution impacts of the development, contamination risks, drainage and flooding risks, biodiversity and habitat impacts, heritage impacts of the development, construction impacts.

- (g) The extension would exceed the height of the original building;
- (h) The extension would exceed 15 metres in height or 10 metres in height if it is within 10 metres of a boundary of the curtilage of the premises;
- (i) The height of the eaves of the extension would exceed the height of the eaves of the existing building

Conditions (on warehouse extensions 1,000-1,500 square metres and office extensions 250-500 square metres)

- No development shall commence until samples of the materials to be used in the construction of external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in complete accordance with the approved materials.
- 2. No construction / demolition / excavation works shall be carried out on the site between the 1st March and 31st August inclusive, unless the site is surveyed for breeding birds, and a scheme to protect breeding birds is submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved scheme.
- 3. No development shall commence until full details of the soft landscaping works, including tree protection, have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented wholly in accordance with the approved details in the first available planting season after work completes.
- 4. No development shall commence until details of parking for vehicles has been submitted to and approved in writing by the local planning authority. The agreed parking details shall be completed and made available for use prior to the first occupation of the development. The parking spaces shall be retained at all times thereafter.
- 5. Where the development involves processes which have the potential to produce odours that could be offensive, an odour management and control plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The plan shall include but not be limited to details of odour abatement and control systems at the site and the mechanisms in place to control fugitive odour emissions from the operation. The scheme shall be implemented in full prior to the occupation of the approved development and retained at all times thereafter in the approved manner⁴.

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⁴ Advisory - The Clean Air Act 1993 requires commercial / industrial furnaces to be capable of being operated continuously without emitting smoke. For boilers / furnaces above certain capacities, it also requires that the height of any associated chimney is approved in writing by the local authority. This has consequences within the planning regime in that it is not possible state what height such a chimney should be without first ensuring that its calculated height meets the criteria set out in the Clean Air Act, and the Council cannot assess the suitability of any planning application that includes boiler plant without this information. Details of the information required for approval of the chimney height have been included within the appendices but should you need any further advice or information please contact the Environmental Protection Team - Email wyvernhousecontactcentre@cheshirewestandchester.gov.uk or Telephone: 0300 123 7 038.

- 6. Where development involves potentially noise generating activities or where potentially noisy plant or machinery is to be installed, a scheme specifying the provisions to be made to control noise emanating from the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development approved under this Order. The scheme shall be based on the results of a noise assessment which suitably characterises the noise climate at nearby premises both prior to and following the operation of the development permitted. The assessment shall be undertaken by a suitably qualified person and in accordance with the guidance set out in BS 4142:2014 "Methods for rating and assessing industrial and commercial sound" (or most current version of this standard). The assessment shall demonstrate that the rated noise level from the proposed development is no louder than 5dB below the background noise level when measured at the façade of the nearest noise sensitive receptors. All works which form part of the scheme shall be implemented in full in accordance with the scheme as approved.
- 7. New external lighting shall be designed in accordance with the Institute of Lighting Professionals document GN01:2011 "Guidance Notes For The Reduction Of Obtrusive Light" (or most current version of this standard). Lighting must minimise the upward and outward spread of light near to and above the horizontal to the SPA, Ramsar and SSSI. No floodlighting shall be installed unless details have first been submitted to and approved in writing by the LPA. The floodlighting shall thereafter be installed and operated fully in accordance with the approved scheme.
- 8. No development shall commence until an air quality assessment and scheme for the control of emissions is submitted for the approval in writing of the local planning authority. The development shall be carried out in accordance with the approved assessment and scheme. The submission shall include assessment of the impacts of deposition of air pollutants on the Mersey estuary, factoring in cumulative effects/impacts.
- 9. Prior to the commencement of development a scheme of archaeological investigation shall be submitted to and approved in writing by the LPA. The implementation of programme of archaeological work shall be carried out in accordance with the approved scheme.

Class 3 – The alteration of an office building, industrial building or warehouse comprising of:

- 1) The formation of new windows or doors to an existing building;
- 2) The re-cladding of building exteriors;
- 3) The installation, alteration or replacement of flue and extraction systems;
- 4) The installation, alteration or replacement of air conditioning units; and
- 5) The installation, alteration or replacement of other external plant, apparatus and machinery.

Development is not permitted by Class 3 if:

- (a) The building altered is used for purposes other than those identified under Use Classes B1, B2 or B8;
- (b) The plant, apparatus or machinery would be for a purpose that is not directly required for the operational needs of the permitted business/industrial activity undertaken on the site;
- (c) The flue, extraction system or air conditioning units would be attached to the principal elevation of the building or another elevation which directly faces a highway;
- (d) The flue would exceed the height of the existing building by 2 metres; or
- (e) The development would result in there being more than six flues on a single building.

Conditions

- 1. Where the development involves processes which have the potential to produce odours that could be offensive, an odour management and control plan shall be submitted to and approved in plan shall include but not be limited to details of odour abatement and control systems at the site and the mechanisms in place to control fugitive writing by the Local Planning Authority prior to the commencement of development. The odour emissions from the operation. The scheme shall be implemented in full prior to the occupation of the approved development and retained at all times thereafter in the approved manner.
- 2. Where development involves potentially noise generating activities or where potentially noisy plant or machinery is to be installed, a scheme specifying the provisions to be made to control noise emanating from the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development approved under this Order. The scheme shall be based on the results of a noise assessment which suitably characterises the noise climate at nearby premises both prior to and following the operation of the development permitted. The assessment shall be undertaken by a suitably qualified person and in accordance with the guidance set out in BS 4142:2014 "Methods for rating and assessing industrial and commercial sound" (or most current version of this standard). The assessment shall demonstrate that the rated noise level from the proposed development is no louder than 5dB below the background noise level when measured at the façade of the nearest noise sensitive receptors. All works which form part of the scheme shall be implemented in full in accordance with the scheme as approved.

Class 4 - Change of use

- From any purpose falling within Class B1 (business) to a B2 (general industrial) or B8 (storage and distribution) use;
- 2) From any purpose falling within B2 (general industrial) to a B1 (business) or B8 (storage and distribution) use; or
- 3) From any purpose falling within Class B8 (storage and distribution) to a B1 (business) or B2 (general industrial) use.

Development is not permitted by Class 4 if;

(a) The building would be used for purposes other than those identified under Use Classes B1, B2 or B8.

Conditions

- No development shall commence until details of vehicular/pedestrian access to be provided on site have been submitted to and approved in writing by the local planning authority. The agreed access shall be completed and made available for use prior to the first occupation of the development. following the change of use and shall thereafter be retained in the agreed form.
- 2. No development shall commence until details of parking for vehicles has been submitted to and approved in writing by the local planning authority. The agreed parking details shall be completed and made available for use prior to the first occupation of the development following the change of use. The parking spaces shall be retained at all times thereafter.
- 3. Where the development involves processes which have the potential to produce odours that could be offensive, an odour management and control plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The plan shall include but not be limited to details of odour abatement and control systems at the site and the mechanisms in place to control fugitive odour emissions from the operation. The scheme shall be implemented in full prior to the occupation of the approved development and retained at all times thereafter in the approved manner⁵.
- 4. Where the development involves potentially noise generating activities or where potentially noisy plant or machinery is to be installed, a scheme specifying the provisions to be made to control noise emanating from the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development approved under this Order. The scheme shall be based on the results of a noise assessment which suitably characterises the noise climate at nearby premises both prior to and following the operation of the development permitted. Measurement and assessment shall be made according to British Standard BS 4142:1997. All works which form part of the scheme shall be implemented in full in accordance with the scheme as agreed.
- 5. New external lighting shall be designed in accordance with the Institute of Lighting Professionals document GN01:2011 "Guidance Notes For The Reduction Of Obtrusive Light" (or most current version of this standard). Lighting must minimise the upward and outward spread of light near to and above the horizontal to the SPA, Ramsar and SSSI. No floodlighting shall be installed unless details have

you need any further advice or information please contact the Environmental Protection Team - Email

wyvernhousecontactcentre@cheshirewestandchester.gov.uk or Telephone: 0300 123 7 038.

⁵ **Advisory** - The Clean Air Act 1993 requires commercial / industrial furnaces to be capable of being operated continuously without emitting smoke. For boilers / furnaces above certain capacities, it also requires that the height of any associated chimney is approved in writing by the local authority. This has consequences within the planning regime in that it is not possible state what height such a chimney should be without first ensuring that its calculated height meets the criteria set out in the Clean Air Act, and the Council cannot assess the suitability of any planning application that includes boiler plant without this information. Details of the information required for approval of the chimney height have been included within the appendices but should

first been submitted to and approved in writing by the LPA. The floodlighting shall thereafter be installed and operated fully in accordance with the approved scheme.

6. No development shall commence until an air quality assessment and scheme for the control of emissions is submitted for the approval in writing of the local planning authority. The development shall be carried out in accordance with the approved assessment and scheme. The submission shall include assessment of the impacts of deposition of air pollutants on the Mersey estuary, factoring in cumulative effects/impacts

Class 5 – The erection, maintenance or alteration of a fence, gate or other means of enclosure.

Development is not permitted by Class 5 if:

- (a) The height of any gate, fence or means of enclosure erected adjacent to a highway used for vehicular traffic would, after the carrying out of the development, exceed 2.5 metres above ground level;
- (b) The height of any gate, fence or means of enclosure erected in all other instances would exceed 3 metres above ground level; or

Class 6 – The erection of above ground facilities for the storage of oils, fuels and chemicals.

Development is not permitted by Class 6 if:

- (a) The storage facility would be for a purpose that is not directly required for the permitted business and/or industrial activities undertaken on the site;
- (b) The storage facility would exceed 3 metres in height;
- (c) The storage facility would cover an area that exceeds 15 square metres; or
- (d) The storage facility would be located in a position where it would obstruct or conflict with pedestrian, vehicular or cycle routes.

Conditions

- 1. Any storage facility and associated filling points, vents and gauges must be sited on an impervious base and surrounded by a secondary containment that is impermeable to the oil, fuel or chemical and water. This secondary containment should have a volume of at least 110% of the tank capacity. The storage facility and secondary containment area should be in accordance with the current Oil Storage Regulations.
- No development shall commence until details showing the existing and proposed levels of car parking within the site have been submitted to and approved in writing by the Local Planning Authority.
- No development shall commence until details showing the existing and proposed levels of car parking within the site have been submitted to and approved in writing by the Local Planning Authority. The agreed parking details shall be completed and

made available for use prior to the first occupation of the development. The parking spaces shall be retained at all times thereafter.

4. New external lighting shall be designed in accordance with the Institute of Lighting Professionals document GN01:2011 "Guidance Notes For The Reduction Of Obtrusive Light" (or most current version of this standard). Lighting must minimise the upward and outward spread of light near to and above the horizontal to the SPA, Ramsar and SSSI. No floodlighting shall be installed unless details have first been submitted to and approved in writing by the LPA. The floodlighting shall thereafter be installed and operated fully in accordance with the approved scheme.

Class 7 – The installation, alteration or replacement of a closed circuit television camera⁶ to be used for security purposes, including any pole/column or supporting equipment required for such installation.

Development is not permitted by Class 7 if:

- (a) Any pole erected to support the provision of a closed circuit television camera would exceed 8 metres in height; and
- (b) The proposal would result in there being more than 6 poles to support the provision of a closed circuit television system on a single site.

Class 8 – The erection of a shelter for the purpose of the storage of bicycles and associated equipment or to act as smoking shelter⁷.

Development is not permitted by Class 8 if:

- (a) The shelter would exceed 3 metres in height;
- (b) The shelter would cover an area that exceeds 20 square metres;
- (c) The shelter would be located in a position where it would obstruct or conflict with pedestrian, vehicular or cycle routes; or

Conditions

 No development shall commence until samples of the materials to be used in the construction of external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in complete accordance with the approved materials.

- 2. No development shall commence until details of parking for vehicles has been submitted to and approved in writing by the local planning authority. The agreed parking details shall be completed and made available for use prior to the first occupation of the development. The parking spaces shall be retained at all times thereafter.
- 3. New external lighting shall be designed in accordance with the Institute of Lighting Professionals document GN01:2011 "Guidance Notes For The Reduction Of Obtrusive Light" (or most current version of this standard). Lighting must

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⁶ For further guidance on CCTV https://www.gov.uk/government/organisations/surveillance-camera-commissioner

⁷ See Appendix 5 for current standards for Smoking Shelters

minimise the upward and outward spread of light near to and above the horizontal to the SPA, Ramsar and SSSI. No floodlighting shall be installed unless details have first been submitted to and approved in writing by the LPA. The floodlighting shall thereafter be installed and operated fully in accordance with the approved scheme.





North Road Industrial Area - LDO Area





APPENDIX 2 NORTH ROAD INDUSTRIAL AREA LOCAL DEVELOPMENT ORDER – PRIOR NOTIFICATION PROCESS



1. PURPOSE OF THE DOCUMENT

The purpose of this document is to act as guidance for developments that will be constructed as permitted development, under the North Road Industrial Area – Local Development Order (the Order). This guidance relates to developments permitted under Category A, Class A of the Order, which require prior approval by Cheshire West and Chester Council. The guidance is aimed at developers, planning consultants, ecologists, builders, end users and anyone else involved in the delivering developments permitted under the Order.

This guidance details the main development issues associated with the sites within the North Road Industrial Area. The validation requirements which should accompany any application for prior approval is also included in this guidance. As are a list of appropriate standard conditions which may be applied to any prior approval. This information is detailed as guidance in an effort to provide clarity for any proposed development. However the issues and conditions included are not exhaustive and early engagement with the Development Planning Department at Cheshire West and Chester Council is advised. The Development Planning Department can be contacted at;

By Phone:

By email to: planning@cheshirewestandchester.gov.uk

By post to: Cheshire West and Chester Council

Development Planning

4 Civic Way

Ellesmere Port

Cheshire

CH65 OBE

2. DEVELOPMENT CONSIDERATIONS

There are a number of potential constraints that affect certain parts of the LDO area. These issues must be taken into account by developers preparing proposals for development within the area irrespective of whether or not the proposal falls within the provisions of the Order. A summary, of some of the key potential considerations is provided below.

Hazardous Installations

There are a number of sites within and around the LDO area which have been identified by the Health and Safety Executive (HSE) as potentially hazardous installations due to the nature of the processes involved at these sites and the severity of the potential consequences if an accident were to occur. In order to control and manage the level of risk from these hazards, the HSE have identified zones around these installations where new development needs to be carefully managed.

A map showing the location of the potentially hazardous installations in and around the LDO area and the zones is provided in Appendix 6&7. Development within these zones will also require the consent from the HSE before it commences. Given the potential restrictions placed on development within these zones, developers and landowners in

these areas must satisfy themselves that their proposal is in line with recommendations of the HSE.

Flood Risk

The Environment Agency have advised that the area included within the LDO boundary is almost entirely within Flood Zone 1 and is considered to be at a 'low risk' (less than 1 in 1000 annual probability) of flooding from rivers or the sea. Rivacre Brook also flows through the area, any development within 8 metres of this watercourse requires written consent from the Environment Agency. The LDO area includes some areas at risk of surface water flooding. Whilst the LDO area itself is Flood Zone 1, it is likely that development would be discharging to areas that are known to be at risk of flooding.

Developer's will be expected to manage surface water from the development sites (including existing previously developed 'brownfield' sites) and attenuate runoff to represent greenfield, characteristics, or as close as reasonably practical. Developers will be expected to demonstrate that discharge to culverts etc, area hydraulically able to take the proposed flow of water. There are water abstraction licences in the LDO area, and developers will need to provide for filtering of water runoff/discharges where appropriate.

Contamination

Given the history of industrial uses in the area, contamination issues are likely to arise on many sites. A condition will therefore be attached to the LDO to ensure that contamination and potential for unexploded ordnance is investigated prior to the commencement of any development.

Visual Amenity

Although it is acknowledged that the North Road Industrial Area is predominantly industrial in character conditions relating to height, materials and pallet will be included in the order. These conditions will reinforce the good quality industrial character that currently exists in the area and ensure that future development will not result in incongruous structures.

<u>Ecology</u>

The proposed LDO area is within close proximity to the Mersey Estuary which is designated as a Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest, primarily for its overwintering wading birds. There are several non-statutory Local Wildlife Sites (LWS) such as Booston Wood adjacent to the LDO and a Strategic Wildlife Area (SWA), identified by the former Ellesmere Port and Neston Borough Council, follows the Rivacre Brook.

Protected species including Peregrine and common species of bats are known to be present in the LDO area. Conditions will be therefore attached to the LDO to afford appropriate protection to the adjoining and on site habitats and species.

Under regulation 78 of the Conservation of Habitats and Species Regulations 2010 as amended, an LDO cannot permit development which is likely to have a significant effect on a European site (either alone or in combination with other plans and projects) and

which is not directly connected with or necessary for the management of the site. The development permitted by this order has been screened in respect of the regulations and concluded that there would be no likely significant effects and a Habitat Regulations Assessment is not required.

3. VALIDATION REQUIREMENTS

- (a) Before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
 - (i) the siting, design or external appearance of the building
 - (ii) landscaping,
- (iii) transport and highways impacts of the development,
- (iv) noise impacts of the development,
- (v) air quality and pollution impacts of the development,
- (vi) contamination risks,
- (vii) drainage and flooding risks,
- (viii) biodiversity and habitat impacts
- (ix) heritage impacts of the development
- (x) construction impacts
- (b) Development shall be carried out in accordance with the details submitted and approved as part of the LDO submission and prior approval process, and any conditions imposed by the local planning authority as part of the prior approval process.
- (c) Development shall be carried out in accordance with and shall satisfy the conditions identified in Schedule 1 below.
- (d) Development must be commenced prior to the date of expiry of the Order .

4. STANDARD CONDITIONS

Site layout

- B.1 Any development, or phase of development, shall be positioned in such a way as to not prejudice future development of the wider LDO area; and in particular shall be accompanied by a statement/plans to be submitted to and approved in writing by the local planning authority to demonstrate the development does not to prejudice the development of, or access to, adjacent areas.
- B.2 Prior to the development becoming operational, details of any open storage areas, to include location and maximum heights, shall be submitted to and approved in writing by the local planning authority. Open storage shall only occur in accordance with the approved details and there shall be no other outside storage of plant, containers, equipment, materials or products within the curtilage of, or in connection with, any development hereby permitted without the prior written consent of the local planning authority.

Design and external appearance

C.1 Development proposals requiring prior approval under Condition 1.2 (b) (i) of Class 1 (A and B) above, Condition 2.1 (a) (i) of Class 2 above, or Condition 3.1 (a) of Class 3 above, shall be accompanied by a design statement and access statement and drawings of the elevations and details / samples of the materials to be used in the external treatment of the development.

Landscaping

- D.1Development proposals requiring prior approval under Condition 1.2 (b) (ii) of Class 1 (A and B) above, or Condition 2.1 (a) (ii) of Class 2 above, shall be accompanied by a hard and soft landscape scheme, which shall include details of vegetation to be retained and its means of protection during construction in accordance with BS5837:2012, proposed earthwork materials, finished levels or contours, proposed plant species, plant locations and mixes, planting density and sizes and its long term management.
- D.2The landscape works shall be implemented in accordance with the submitted/approved plans before the development is occupied or brought into use (unless alternative implementation programme is approved as part of the details of landscaping).
- D.3If within a period of 5 years from the date of initial planting, any trees or shrubs planted in accordance with the submitted/approved landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs shall be planted in the next planting season with others of similar size and species, unless the local planning authority gives its written approval to any variation.

Transport

E.1 Development proposals requiring prior approval under Condition 1.2 (b) (iii) of Class 1 (A and B) above shall be accompanied by a Transport Statement or Transport Assessment (to be confirmed by the local planning authority) and Travel Plan to be submitted to and approved in writing by the local planning authority. The Travel Plan shall include provision for the appointment of a Travel Plan Coordinator, an implementation timetable, an enforcement mechanism and arrangements for monitoring of the proposals and review thereof. The development shall be carried out in accordance with the approved Transport Statement / Assessment and any approved recommendations contained therein. The Travel Plan shall be implemented and maintained in accordance with the approved timetable and scheme of monitoring and review as long as any part of the development is occupied.

Internal access and parking

- F.1 Development proposals under Class 1 (A and B) and Class 2 above shall be accompanied by details of existing and proposed servicing and parking (including cycle facilities). Details shall include provision for a proportion of parking spaces to be marked out for use by electric vehicles, together with charging infrastructure. Details shall be submitted to and approved by the local planning authority before the commencement of development. The approved details shall be implemented in full prior to the development being brought into use and such provision shall be maintained for such purposes thereafter.
- F.2 Development involving industrial estate roads serving more than a single unit or occupier shall not take place until details of the design and construction of all highways, footways and cycleways within the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Noise

- G.1Development proposals requiring prior approval under Condition 1.2 (b) (iv) of Class 1 (A and B) above, Condition 2.1 (a) (iii) of Class 2 above, or Condition 3.1 (a) of Class 3 above, shall be accompanied by a noise assessment and scheme for attenuation and noise mitigation to be submitted for the approval in writing of the local planning authority. The development shall be carried out in accordance with the approved assessment and scheme.
- G.2Where development involves potentially noise generating activities or where potentially noisy plant or machinery is to be installed, a scheme specifying the provisions to be made to control noise emanating from the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development approved under this Order. The scheme shall be based on the results of a noise assessment which suitably characterises the noise climate at nearby premises both prior to and following the operation of the development permitted. All works which form part of the scheme shall be implemented in full in accordance with the scheme as approved.
- G.3No construction, operational or decommissioning noise shall exceed 55db (LMax) at any area designated as SSSI, SPA or Ramsar during the wintering period (1st October 31st March inclusive). This must be demonstrated (if requested by the local planning authority) through sound modelling to be submitted and approved by the local planning authority prior to the commencement of development.
- G.4Development proposals requiring prior approval under Condition 1.2 (b) (x) of Class 1 (A and B) above, or Condition 2.1 (a) (ix) of Class 2 above shall be accompanied by a Construction and Environmental Management Plan (CEMP), which shall be submitted for the approval in writing of the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:
 - (i) the parking of vehicles of site operatives and visitors
 - (ii) loading and unloading of plant and materials
 - (iii) storage of plant and materials used in constructing the development
 - (iv) wheel washing facilities
- (v) measures to control the emission of dust, dirt, noise, vibration and light during construction
- (vi) scheme for recycling/disposing of waste resulting from demolition and construction works
 - (vii) location of construction compound
- G.5Construction work which is audible beyond the site boundary shall not take place outside the hours of 08:00-19:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays.
- G.6 No operations requiring piling or subsurface vibration ground improvement techniques shall be carried out on the site unless, details of the work, monitoring and environmental controls proposed have been submitted to and approved in writing by the local planning authority. All such works to be undertaken in complete accordance with the approved scheme.

H.1Development proposals requiring prior approval under Condition 1.2 (b) (v) of Class 1 (A and B) above, Condition 2.1 (a) (iv) of Class 2 above, or Condition 3.1 (a) of Class 3 above, shall be accompanied by an air quality assessment and scheme for the control of emissions to be submitted for the approval in writing of the local planning authority. The development shall be carried out in accordance with the approved assessment and scheme. The submission shall include assessment of the impacts of deposition of air pollutants on the Mersey estuary, factoring in cumulative effects/impacts.

H.2Where the development involves processes which have the potential to produce odours that could be offensive, an odour impact assessment and an odour management and control plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The plan shall include but not be limited to details of odour abatement and control systems at the site and the mechanisms in place to control fugitive odour emissions from the operation. The scheme shall be implemented in full prior to the occupation of the approved development and retained at all times thereafter in the approved manner¹.

Land contamination

- I.1 No development requiring prior approval under Condition 1.2 (b) (vi) of Class 1 (A and B) above, or Condition 2.1 (a) (v) of Class 2 above shall take place until the following components (a to d) of a structured scheme ('contamination scheme') to deal with the risks associated with actual or potential contamination of the site have each been submitted to and approved in writing by the Local Planning Authority:
 - a. A preliminary risk assessment which identifies :
 - all previous uses on or within influencing distance of the site
 - potential contaminants associated with those uses
- a conceptual model indicating the sources, pathways and receptors of contamination
 - actual or potentially unacceptable risks arising from contamination.
 - initial remediation options.

b. A detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, will be derived.

1

Advisory - The Clean Air Act 1993 requires commercial / industrial furnaces to be capable of being operated continuously without emitting smoke. For boilers / furnaces above certain capacities, it also requires that the height of any associated chimney is approved in writing by the local authority. This has consequences within the planning regime in that it is not possible state what height such a chimney should be without first ensuring that its calculated height meets the criteria set out in the Clean Air Act, and the Council cannot assess the suitability of any planning application that includes boiler plant without this information. Details of the information required for approval of the chimney height have been included within the appendices but should you need any further advice or information please contact the Environmental Protection Team - Email wyvernhousecontactcentre@cheshirewestandchester.gov.uk or Telephone: 0300 123 7 038.

- c. A remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in (c) are complete and effective and identifying any requirements for longer-term:- monitoring of pollutant linkages; maintenance, contingency actions and reporting.

The pre development scheme shall be implemented as approved.

- I.2 If during site preparation or development works contamination is encountered or is suspected in areas where it had not been anticipated
 - being from a different source or
 - -containing a new contaminative substance or
 - -affecting a new pathway or receptor,

then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted for the written approval of the LPA prior to all but urgent remediation works necessary to secure the area and control pollution risks.

or

If during site preparation or development works contamination is encountered or is suspected in areas where it had not been anticipated

- being from an existing risk assessed source and
- containing comparable risk assessed substances and
- affecting an already risk assessed pathway or receptor

that could be addressed by simple extension of the approved scheme to a larger area, then the LPA shall be notified promptly in writing confirming:- the areas affected, the approved investigation, remediation and validation measures to be applied and the anticipated completion timescale.

I.3 In the case of development requiring a contamination scheme under I.1 above, unless otherwise approved in writing by the local planning authority, no part of the development approved by this permission shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include and plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Flood risk and drainage

J.1 Development proposals requiring prior approval under Condition 1.2 (b) (vii) of Class 1 (A and B) above, or Condition 2.1 (a) (vi) of Class 2 above shall be accompanied by a Drainage Strategy (and a Flood Risk Assessment (FRA) if the site is greater than 1ha or

if requested by the local planning authority to be submitted to and approved in writing by the local planning authority. The Drainage Strategy shall demonstrate that volume rates, including surface water discharge rates have been attenuated to represent greenfield characteristics, or as close as reasonably practicable. An assessment shall be carried out into the potential for disposing of surface water by means of a Sustainable Urban Drainage System (SuDS) and the results of the assessment provided to the local planning authority. The submitted details shall provide information about the design storm period and intensity, method employed to attenuate and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving waters. The FRA shall identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The development shall be carried out and completed in accordance with the approved details and recommendations in the Drainage Strategy and FRA.

J.2 No development shall take place under Class 1 (A and B) or Class 2 above until a surface water regulation scheme, based on sustainable drainage principles, and a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority. A sustainable drainage system (making allowances for climate change and likely changes in impermeable area within the development over its lifetime) shall be provided unless demonstrated to be inappropriate. The scheme shall include timetables for implementation and management and maintenance plans for the lifetime of the development, and include any arrangements for adoption by a statutory undertaker, management by a maintenance company, or any other arrangements to secure the operation of the scheme throughout the lifetime of the development. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Lighting

K.1New external lighting shall be designed in accordance with the Institute of Lighting Professionals document GN01:2011 "Guidance Notes For The Reduction Of Obtrusive Light" (or most current version of this standard). Lighting must minimise the upward and outward spread of light near to and above the horizontal to the SPA, Ramsar and SSSI. No floodlighting shall be installed unless details have first been submitted to and approved in writing by the LPA. The floodlighting shall thereafter be installed and operated fully in accordance with the approved scheme.

Ecological Assessment and Mitigation

L.1 Development proposals requiring prior approval under Condition 1.2 (b) (viii) of Class 1 (A and B) above, or Condition 2.1 (a) (vii) of Class 2 above shall include updated ecological surveys and measures to mitigate and compensate for any likely ecological impact.

L.2 During the Peregrine breeding season (1st May to 31st July inclusive), no construction works shall be undertaken within 50 metres of the nesting site(s) of Peregrine falcon. Nesting has been recorded previously on the water tower on the Peel site and General Assembly building on the Vauxhall site.

L.3 Any demolition works must take place in accordance with the recommendations made within the TEP Bat Assessment Report October 2015, including the need for repeat/updated surveys prior to works being carried out beyond October 2017.

L.4 No vegetation/site clearance shall be undertaken within the area of the development between 1st March and 31st August unless an ecologist has first confirmed that no bird nest are being built or are in use, eggs or dependent young will be damaged or destroyed and if appropriate a scheme to protect breeding birds shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved scheme.

L.5 Prior to the commencement of development, where invasive species of plants as listed in Schedule 9 of the Wildlife and Countryside Act 1981 are present within the development area, details of a scheme and programme to eradicate the invasive species from the site shall be submitted for approval in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved programme. Prior to the occupation of the development a verification report confirming the treatment carried out and results of treatment shall be submitted to and approved in writing by the Local Planning Authority.

Heritage

- M.1 Development proposals requiring prior approval under Condition 1.2 (b) (ix) of Class 1 (A and B) above, or Condition 2.1 (a) (viii) of Class 2 above, shall be accompanied by a Heritage Impact Statement
- M.2 Prior to the commencement of development requiring prior approval a scheme of archaeological investigation shall be submitted to and approved in writing by the LPA. The implementation of programme of archaeological work shall be carried out in accordance with the approved scheme



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