



**NORTH ROAD INDUSTRIAL AREA
LOCAL DEVELOPMENT ORDER & STATEMENT OF
REASONS
CONSULTATION DRAFT**



Date: Jan 2016

1. INTRODUCTION

This document constitutes a draft Local Development Order (LDO) for the North Road Industrial Area, Ellesmere Port. The draft LDO has been produced to support the Council's strategic vision (Altogether Better for Business) which advocates a targeted approach that concentrates on areas that will achieve the greatest impact and a commitment to removing barriers. This LDO is intended to complement the wider regeneration strategy for Ellesmere Port and the Strategic Regeneration Framework of the Ellesmere Port Development Board.

The Government is committed to promoting sustainable economic growth through the creation of a simplified planning system. In particular, it recognises that improving the speed and effectiveness of the planning process can ensure that development is not unnecessarily prevented or delayed and can stimulate investment by removing barriers and risk to development.

One measure by which the Government believes the planning system can be simplified is by removing the need for planning permission for certain forms of development where this is appropriate and proportionate.

Some forms of development are already deemed to be 'permitted development' and are automatically granted planning permission by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). These 'permitted development rights' are set at a national level.

LDOs were introduced under section 61 of the Town and Country Planning Act 1990. More detailed secondary legislation on LDOs is contained within the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. Article 38 paragraph (1) of this order outlines that where a LPA proposes to make a LDO they shall first prepare:

- (a) A draft of the order; and
- (b) A statement of their reasons for making the order.

Article 38 paragraph (2) of the order stipulates that *'the statement of reasons shall contain:*

- (a) A description of the development that the order would permit; and*
- (b) A plan or statement identifying the land to which the order would relate.'*

The Statement of Reasons for making the North Road Industrial Area LDO is set out in Section 2 of this document. The draft Order itself is presented in Section 3. The draft Order is the subject of a period of public consultation.

2. STATEMENT OF REASONS

North Road Industrial Area

The North Road Industrial Area is strategically placed in terms of the motorway network and has easy access to two junctions on the M53 (6 & 7). The area is overwhelming industrial in character and the motorway provides an effective barrier between North Road and the towns densely populated residential areas. Therefore there are no conflict of uses in the vicinity or management issues in terms of Environmental Health/Quality (noise, odours, etc).

The area is home to a number of successful businesses. The major employers are predominantly linked to the automotive industry (GM Vauxhall & Jaguar Land Rover) or automotive suppliers (Johnson Controls), however other industries also operate in the area (E.C Truck Rental, Lakers, Ultromex). As well as these key employers there is also potential for significant development on two vacant sites¹. The first site is located at the junction of North Road and West Road. This site is 9ha in area and is in the ownership of the Homes and Communities Agency, who are putting it on the market in late September. The second site is Port Cheshire (the former Bridgewater Paper Mill), which is 16ha in area and in the ownership of Peel Ports. This site has planning permission in place to operate as a port facility. Peel Ports are currently actively marketing this site nationally and internationally. Both of these development sites have been identified through the Regional Growth Fund Programme as key strategic site and have recently seen significant investment in infrastructure, gateway improvements and the greenway.

Reasons for Introducing a Local Development Order

An LDO is considered to be the appropriate planning tool to be applied in this area is the significance of the economic activity, the level of employment and the potential for growth. North Road Industrial

In this area there are in excess of 1,100 people currently employed by businesses, when the two development sites come forward (over the next 18 months) and are operational this figure is set to rise by at least 1,000. GM Vauxhall have announced that they will start production of the new Astra early next year. It is therefore considered that there will be considerable development in this area in the short term.

The Cheshire Science Corridor has recently been granted Enterprise Zone (EZ) status. The intention of the EZ is to accelerate development within the Science Corridor by offering incentives; such as Business Rate Relief and Enhanced Capital Allowances. The government advises local authorities to maximise the benefits of EZ status and confirm their commitment to the initiative. One area where local authorities can demonstrate commitment is a more simplified planning regime, including Local Development Orders. One of the key strategic sites within the EZ is Hooton Park which is also included within the LDO boundary. As such designating an LDO in this area will contribute to accelerating development within Cheshire Science Corridor Enterprise Zone.

¹ See Appendix 1

Benefits of the Local Development Order

The overall purpose of the LDO is to support the regeneration of the area, encourage the development and expansion of existing businesses and to contribute to the local and sub-regional economy. Specifically, by simplifying the planning permission requirements for the area, it is considered that the LDO can support existing businesses, stimulate additional investment in the area and help to deliver improvements to the public realm and image of the area by:

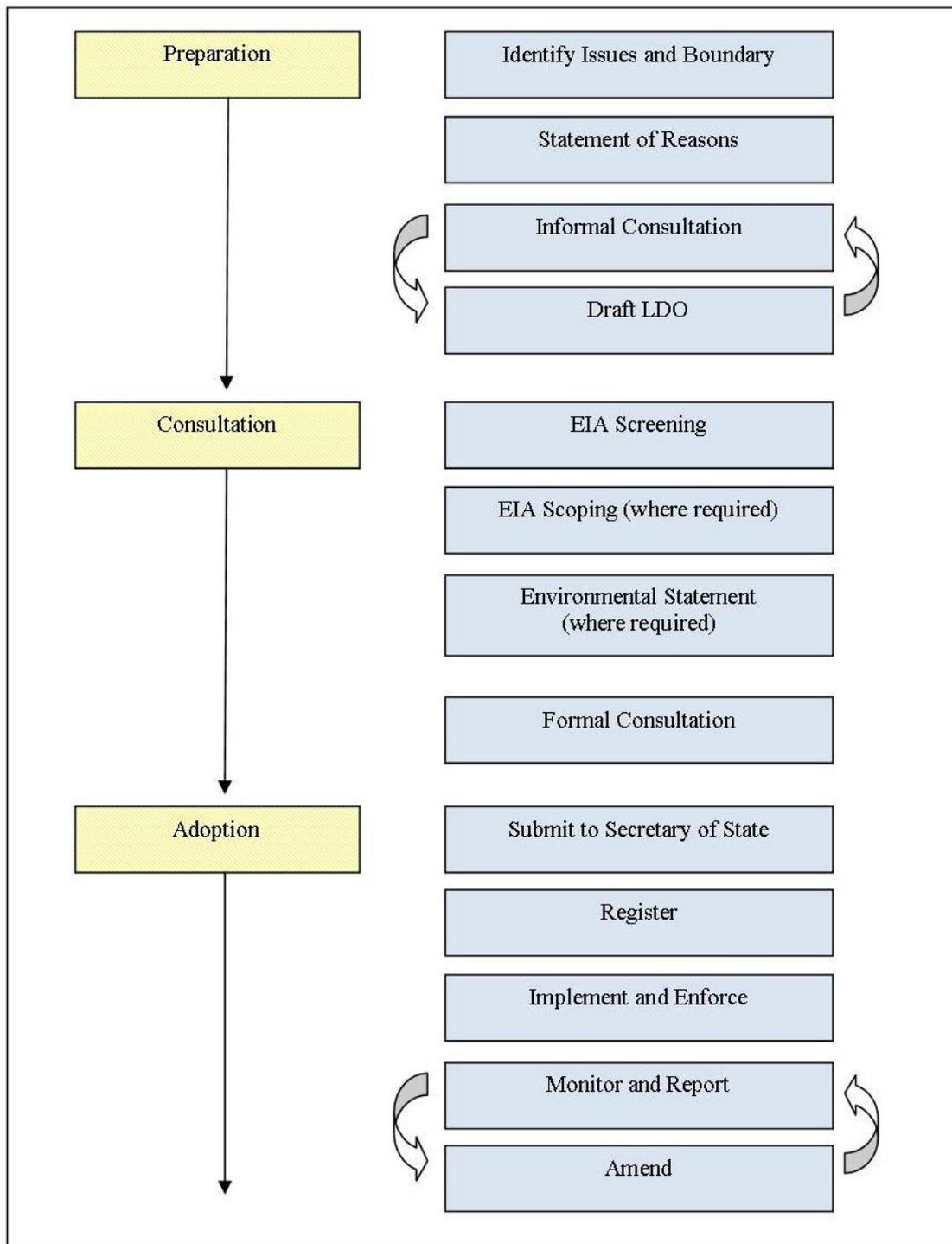
- Removing the concerns relating to the cost of, and the uncertainties associated with, submitting a planning application;
- Increasing the speed of change for business by providing greater flexibility for the development of existing assets and reducing procedural delays associated with making a planning application. Thus allowing businesses to respond quickly to changing markets and economic growth opportunities and thereby helping them to remain competitive;
- Improving investor and occupier clarity, certainty and confidence;
- Enhancing the image of the area as a site for enterprise and investment; and
- Demonstrating that the Council in conjunction with the Ellesmere Port Development Board is adopting a positive approach to planning and is proactively seeking to support the regeneration of the area to help it realise its full economic potential.

Process for Producing a Local Development Order

The primary legislative framework governing the procedures for producing a LDO is set out in the Planning and Compulsory Purchase Act 2004. This legislation has been amended and supplemented by further primary and secondary legislation. In particular:

- Section 188 of the Planning Act 2008 removed the requirement for LDOs to implement Local Plan policies;
- Section 5 of the Growth and Infrastructure Act 2013 repealed the power of the Secretary of State to intervene in the preparation of a LDO prior to its adoption; and
- The Growth and Infrastructure Act 2013 (Local Development Orders) (Consequential Provisions) (England) 2013 removed the requirement for a LDO to be approved by the Secretary of State prior to it being adopted by a LPA and replaced this with a requirement for the LPA to submit a copy of the Order and associated Statement of Reasons within 28 days of its adoption.

Detailed guidance on the procedure for producing a LDO is set out in the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 and National Planning Practice Guidance



Local Development Order Production Process Summary

A draft LDO for the North Road Industrial Area has been produced and has been subject to Environmental Impact Assessment and Habitat Regulation screening. As the EIA and HRA screening has been completed, the LDO has now reached the formal consultation stage.

Provisions of the Draft Local Development Order

The LDO grants planning permission for new industrial development and the extension of existing office, industrial and warehouse buildings in the North Road Industrial Area. Permission is also granted for a number of physical alterations to existing buildings,

including the insertion of new windows and doors, the re-cladding of building exteriors and the installation of external plant and machinery. The Order also permits certain changes of use and grants planning permission for specific minor operations including the erection of fences, cycle stores and smoking shelters. These aspects of the Order relate exclusively to buildings and land that falls within Class B of the Town and Country Planning (Use Classes) Order 1987 as amended.

The development permitted by the LDO is subject to various criteria and conditions which seek to minimise or avoid any impacts on amenity and the environment. It is in addition to nationally prescribed permitted development rights and does not restrict the forms of development already granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Similarly, the Order does not prevent the implementation of a change of use granted by the Town and County Planning (Use Classes) Order 1987 (as amended).

Area Covered by the Local Development Order

The LDO has been prepared to cover all of the land within the area edged red on the plan shown in Appendix 1. It covers an area of approximately 146ha.

Planning Policy Context

Although Section 188 of the Planning Act 2008 removed the requirement for LDOs to implement Local Plan policies, the LDO for the North Road Industrial Area has been prepared to support the implementation of both national and local planning policies.

A core principle of the National Planning Policy Framework (NPPF) (CLG, 2012) is that the planning system should proactively drive and support sustainable economic development. It sets out the Government's aspiration to create a planning system that does everything it can to support sustainable economic growth and advises that investment in business should not be over-burdened by the combined requirements of planning policy expectations. The NPPF states that planning policies should seek to address potential barriers to investment, including a poor environment or any lack of infrastructure.

As a measure to encourage rather than act as an impediment to sustainable growth, paragraph 199 of the NPPF specifically promotes the use of LDOs in order to *“relax planning controls for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise”*. In accordance with these provisions of the NPPF, the key objective of the LDO for the North Road Industrial Area is to stimulate investment in the area and encourage economic growth by reducing barriers to development.

The LDO will also support the aims of existing and emerging local planning policies. Current local policies for the area are set out in the Ellesmere Port and Neston Local Plan (2002). The majority of the area included in the draft LDO are located as Primarily Industrial Areas by policies EMP1 and EMP3 which identify the area as an appropriate location for Business (Class B1); General Industry (Class B2); and Storage and Distribution (Class B8) uses.

Cheshire West and Chester Local Plan is being prepared to replace the existing Ellesmere Port and Neston Local Plan. Part of this replacement plan (Part 1 of the Local Plan) has been adopted.

Policy STRAT 4 – Ellesmere Port identifies land at Hooton Park/North Road as an important sub-regional employment location. The policy safeguards office, industrial and warehousing use. This policy also supports development in connection with the automotive or related industries.

Environmental Impact Assessment

Developments which are likely to have a significant impact on the environment are required to be subject to an Environmental Impact Assessment (EIA). The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended (the EIA Regulations) stipulate that a development proposal constitutes EIA development if it is:

- Within one of the categories of development in Schedule 1 of these regulations; or
- Within one of the categories of development in Schedule 2 of these regulations and which is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Schedule 3 of the EIA Regulations provides guidance on assessing development proposals that fall within Schedule 2 to determine whether they are likely to have significant effects on the environment. This assessment is undertaken in the first instance by the developer themselves but a formal decision can be obtained from the LPA who will issue a Screening Opinion on whether a proposal constitutes EIA development. In instances where the developer and LPA fail to agree on whether a proposal constitutes EIA development, developers can apply to the Secretary of State who will provide a Screening Direction on whether an EIA is required.

Where a proposal is deemed to be EIA development it is required to be accompanied by an Environmental Statement that provides sufficient information to enable the environmental effects of the proposal to be assessed and which suggests measures to avoid, reduce or remedy significant adverse effects.

Article 38 paragraph 12 part (b) of the Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2015 states that a LDO cannot permit Schedule 1 development. Therefore, the types of development within Schedule 1 of the EIA Regulations are excluded from the provisions of this Order.

An Order may be made to permit development that falls within Schedule 2. However, regulation 29 of EIA Regulations applies in such instances. This regulation is unequivocal in that a LPA should not make a LDO for such development unless they have adopted a screening opinion or the Secretary of State has made a screening direction and, if required, an environmental statement has been prepared in relation to the Order.

The development covered by this LDO has the potential to fall within Part 10 “Infrastructure Projects” of Schedule 2 which refers to industrial estate development projects where the

area of development exceeds 5 hectares. Consequently, and in accordance with the requirements of the EIA Regulations, the draft LDO been screened (as far as is possible with the information available) by the Council prior to it being published for consultation. It is considered, by the Local Planning Authority, that the proposed LDO does not require an EIA.

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 2. 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 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.

Ecology

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.

Monitoring

The LDO will be in place for a period of ten years from the date 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.

While the LDO is in place it will be subject to on-going monitoring by the Council to assess its effectiveness and the extent to which it is meeting its objectives as set out in the Statement of Reasons.

A Monitoring Framework to assist with the evaluation of the implementation of the LDO is set out in Appendix 5. The outcomes of this process will be reported in the Council's Local Plan Monitoring Report which is published annually and any suggested modifications will be recorded to inform any future review of the Order.

3. 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 commenced² 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.

² 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
- Solar panels

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 3.

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 4.

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 6. 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 vacant³ 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 B1, 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 specifications⁴ 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;

³ Land that has been vacant of all buildings, plant and/or machinery relating to any former use for no less than 2 years

⁴ 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)

- 1. 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 manner⁵.*

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 to 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.*

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

- 1) 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

1. *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 manner⁶.*
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 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*

⁶ **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.

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.*
2. *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.*
3. *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 camera⁷ 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 shelter⁸.

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

1. *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 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.*

⁷ For further guidance on CCTV <https://www.gov.uk/government/organisations/surveillance-camera-commissioner>

⁸ See Appendix 7 for current standards for Smoking Shelters