

Planning Department
Knowsley Council
Municipal Buildings
Huyton
L36 9UX

Date: 9 May 2023
Our ref: 66244/01/JW/26573120v1

Dear Sir/ Madam,

Knowsley: Land To West Of Coopers Lane, Knowsley Industrial Park, Kirkby

On behalf of our client, McDonald's Restaurant Ltd [McDonald's], we are pleased to submit an application pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended) to vary permission ref. 17/00745/FUL (granted at appeal on 2nd April 2020) at Knowsley Industrial Park, Kirkby.

Application Submission

The application was submitted via the Planning Portal [Ref. PP-12127496] and comprises the following:

1. Completed application forms and covering letter; and,
2. Application drawings (see schedule at Annex 1).

The requisite planning application of £234 (plus admin fee) has been paid online via the Planning Portal at the time of submission.

Background and Context

The application site is located close to the junction of Coopers Lane and the East Lancashire Road (A580) at the southern edge of Kirkby. It forms part of the wider Knowsley Industrial and Business Park, which is one of the largest industrial areas in the Liverpool City Region.

Planning permission ref. 17/00745/FUL for the '*erection of petrol filling station, 1no drive through cafe, and 1no drive through restaurant, together with access, landscaping and associated development*' was granted at appeal on 3rd April 2020 (PINS ref. APP/V4305/W/19/3230913).

All pre-commencement and pre-occupation conditions have been formally discharged by Knowsley Council. The petrol filling station and drive thru café have both been completed and are operated by Shell and Starbucks respectively.

McDonald's is interested in occupying and trading from the remaining building, which has been constructed but has not been fitted out or occupied. To meet McDonald's operational requirements, several minor amendments to the scheme (as built) are required. Accordingly, this Section 73 application seeks to regularise these changes.

Proposed signage will be subject to a separate application for advertisement consent which will be submitted in due course.

The Proposed Amendments

This planning application seeks the following proposed amendments to the scheme (as built) to meet the requirements of McDonald's:

- 1 Proposed building extensions totalling 33.1 sq. m to provide a pay booth on north elevation (17.2 sq. m) building/canopy extension on the south elevation (15.9 sq. m);
- 2 Elevation changes, including installation of 3 no. new external doors and removal 1 no. existing external door;
- 3 Increased plant enclosure to suit M&E requirements;
- 4 Provision of a new cladded bin corral (necessitating removal of 2 no. standard car parking spaces);
- 5 Proposed boundary treatment to include 1100mm high close boarded timber perimeter fencing, and 600mm high timber knee rail fencing;
- 6 Replacement tactile paving;
- 7 Removal of existing height restrictors and erection of revised goal post level restrictors at entrance to the drive thru lane;
- 8 Installation of 2 no. Customer Order Display ('COD') units with associated canopy;
- 9 Reallocation of two standard parking bays to grill bays;
- 10 Relocation of cycle stands; and,
- 11 Minor revisions to internal road layout markings.

The proposed amendments relate only to the part of the wider application site that is shown on the drawings listed below (i.e., the proposed McDonald's demise).

Proposed Amendment Sought

This Section 73 application seeks to vary the approved drawings to enable McDonald's to occupy the remaining drive-thru building. To assist the Council, we set out below the proposed the revised wording (amendments in bold and removals in strikethrough):

Condition 2

'The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location Plan (drawing no. 17.106.006)

Proposed Site Plan (drawing no. 17.106.001 Rev J)

Detailed Site Plan (drawing no. 17.106.001 Rev C)

PFS Elevations (drawing no. 17.106.003)

Drive Thru Coffee Elevations (drawing no. 17.106.004)

Drive Thru Hot Food Building (drawing no. 17.106.005)

Landscape Layout 1 of 2 (drawing no. 3858.01B)

Landscape Layout 2 of 2 (drawing no. 3858.02B)

Proposed Site Layout — (Swept Path Analysis drawing no. ATR001 Rev A)

Crime and Security Statement

Proposed Site Layout Plan (Drawing ref. 13285_AEW_1888_0004 Rev A)

Proposed Building Elevations (Drawing ref. 13285_AEW_1888_0005 Rev A)

Existing and Proposed Floor and Roof Plan (Drawing ref. 13285_AEW_1888_0006 Rev A)

Proposed Building Signage Elevations (Drawing ref. 13285_AEW_1888_0009)

Proposed Landscape Plan (Drawing ref. 13285_AEW_1888_0015 Rev A)

Remote Bin Store (Drawing ref. 13285_AEW_1888_0019 Rev A)

Delivery Vehicle Tracking – 16.62m Artic (Drawing ref. 4092-TR-01-02 Rev A)

5m Large Car Around DT Lane – Revised Car Park Traffic Flows (Drawing ref. 4092-TR05 Rev A)'

Other Conditions

As set out above, the development has commenced and is partially occupied. All pre-commencement and pre-occupation planning conditions have been discharged and it is therefore not necessary for these to be carried over to any new planning permission. It is considered that only the following conditions remain relevant:

Condition 8 3 – No part of the development shall be occupied until a scheme has been submitted to and approved in writing by the local planning authority detailing how smoke, odour and grease will be controlled. The approved scheme shall be fully installed and operating prior to the development hereby permitted being first brought into use. It shall thereafter be retained and operated to the manufacturer's specification whenever the permitted use is in operation.

'Condition 15 4 – Fixed plant and machinery associated with the development should be installed and maintained to a level that at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period in accordance with details and design that has previously been submitted to and approved in writing by the local planning authority, and these shall be permanently retained thereafter.

Condition ~~16~~ 5 – No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays

Condition ~~17~~ 6 – No tree felling or scrub clearance shall take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then trees and scrub are to be checked first by an appropriately experienced ecological to ensure no breeding birds are present. If present, all work must cease until details of how they be protected have been submitted and approved in writing by the local planning authority. Work can then commence in accordance with the approved details.'

Planning Considerations

In accordance with Section 38(6) of the Planning And Compulsory Purchase Act (2004), planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan for Knowsley Council comprises:

- 1 Knowsley Local Plan Core Strategy (adopted 2016); and,
- 2 'Saved' policies from the Knowsley Replacement Unitary Development Plan (adopted 2006).

Other material considerations include guidance contained within the National Planning Policy Framework ('NPPF') (2021).

The principle of a drive thru restaurant in this location has already been established. The proposed amendments to the building and site layout are minor and the general use and purpose of the development will be unchanged.

The proposed external changes are intended to have a minimal impact on the appearance of the building and are necessary to meet McDonald's operational requirements. Details of the proposed materials are included on the drawings and detail the material, colours, finishes etc. These materials are considered appropriate within the wider context and complement the other buildings that have been developed out on the site.

McDonald's proposals will bring the existing building into beneficial use and create direct headcount jobs on-site once the development is completed and operational. It will also deliver an uplift in business rates revenue, a proportion of which will be retained locally.

Overall, the proposals represent a high-quality development that will complement the existing uses on the wider site and generate new employment opportunities for the area.

Summary

As set out above, the proposed changes to the existing building and site layout are considered to be minor, particularly when considered within the context of the wider development. The changes will allow McDonald's to operate from the site, bringing an existing building into beneficial use, creating a number of employment opportunities and complementing the existing uses on the site.

We trust that submission provides the Council with sufficient information to validate and determine the application. However, should you require any further information, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Howarth', written in a cursive style.

Katie Howarth
Planning Director

Annex 1: Planning Application Drawings

Drawing Name	Drawing No.
Proposed Site Layout Plan	13285_AEW_1888_0004 Rev A
Proposed Building Elevations	13285_AEW_1888_0005 Rev A
Existing and Proposed Floor and Roof Plan	13285_AEW_1888_0006 Rev A
Proposed Building Signage Elevations	13285_AEW_1888_0009
Proposed Landscape Plan	13285_AEW_1888_0015 Rev A
Remote Bin Store	13285_AEW_1888_0019 Rev A
Delivery Vehicle Tracking – 16/62m Artic	4092-TR-01-02 Rev A
5m Large Car Around DT Lane – Revised Car Park Traffic Flows	4092-TR05 Rev A