

<u>APPLICATION NO:</u>	23/00806/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Northwood	<u>PARISH:</u>	
<u>LOCATION:</u>	Academy Business Park, Lees Road, Knowsley Industrial Park		
<u>PROPOSAL:</u>	ERECTION OF CONDENSER ENCLOSURE		

Proposal

The site lies within Academy Business Park, which is bounded by Lees Road, County Road, and Arbour Lane. The application relates to Unit 6A which was granted under planning permission 19/00337/OUT in February 2020. The planning permission granted planning permission for the demolition of a weighing station and the erection of 5 industrial units (use class B1/B2/B8; 7 trade counter units (B8 use); 1 self-storage facility (B8 use); 1 retail/food unit (use class A1/A3/A5) and 1 drive-thru unit (use class A1/A3/A5) together with car parking and associated works.

On 17 January 2024 a non-material amendment planning application was granted which related to Unit 6A. The approval granted permission for the following changes to Unit 6A: -

- The repositioning of the 'pull ahead' bay adjacent to the unit from the other side of the drive-thru lane to improve safety for staff.
- Removal of window from southwest elevation.
- Replacement of door on northeast elevation with a window.
- Provision of new door to the side of the drive thru-bay on north-east elevation.
- Additional cladding provided on northeast and south-west elevations to break up the brickwork.

The current planning application relates to the revised Unit and seeks planning permission for an enclosure around the condenser unit at the rear of the unit.

The enclosure would be 2.4m high of solid timber wall and gate of hit and miss construction attached to steel posts in a mid-grey colour. The height would match the height of the adjacent rear service doors. The enclosure would be located from adjacent the rear service doors to the north-western corner of the unit. The enclosure would run alongside the unit's drive-thru access road and therefore there would be an angled length to account for the turn in that access road.

Consultations

Environmental Health – No objections.

Representations

This application has been publicised by letters sent to 54 neighbours. No representations have been received.

Relevant Planning History

19/00337/OUT - OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF

WEIGHING STATION AND THE ERECTION OF 5 INDUSTRIAL UNITS (USE CLASS B1(C)/B2/B8); 7 TRADE COUNTER UNITS (B8 USE); 1 SELF-STORAGE FACILITY (B8 USE); 1 RETAIL/FOOD UNIT (USE CLASS A1/A3/A5) AND 1 DRIVE-THRU UNIT (USE CLASS A1/A3/A5) TOGETHER WITH CAR PARKING AND ASSOCIATED WORKS. Granted: 26.02.2020.

19/00337/NMA2 - APPLICATION FOR A NON-MATERIAL AMENDMENT FOLLOWING GRANT OF PLANNING PERMISSION 19/00337/OUT (OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF WEIGHING STATION AND THE ERECTION OF 5 INDUSTRIAL UNITS (USE CLASS B1(C)/B2/B8); 7 TRADE COUNTER UNITS (B8 USE); 1 SELF-STORAGE FACILITY (B8 USE); 1 RETAIL/FOOD UNIT (USE CLASS A1/A3/A5) AND 1 DRIVE-THRU UNIT (USE CLASS A1/A3/A5) TOGETHER WITH CAR PARKING AND ASSOCIATED WORKS) TO ALLOW FOR AMENDMENTS TO LAYOUT AND ELEVATIONS OF UNIT 6A COMPRISING : REPOSITIONING OF 'PULL AHEAD' BAY; NEW DOOR TO THE NORTH EAST ELEVATION; ADDITIONAL CLADDING ON NORTH EAST AND SOUTH WEST ELEVATIONS; REPLACEMENT OF DOOR WITH WINDOW ON NORTH EAST ELEVATION; REMOVAL OF WINDOW ON SOUTH WEST ELEVATION. Granted: 17.01.2024.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

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

EC3 - Primarily Industrial Areas

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

The application relates to an drive-thru restaurant unit located within the Academy Business Park and is acceptable in principle.

Visual Amenity Considerations

The proposed enclosure would shield the condenser unit from view with a hit and miss cladding appearance coloured mid grey which would fit in acceptably with the unit. Taking account the appearance of the enclosure and that it would shield the condenser from view the proposal would benefit the appearance of this end of the unit and therefore the locality in general. As such the proposal would be beneficial to the visual amenity of the area.

As such the proposal would comply with Policies CS2 and CS19 of the Core Strategy and Saved Policy EC3 of the UDP.

Amenity Considerations

In addition to shielding the condenser unit from view the enclosure would also assist in maintaining the noise from the condenser to an acceptable level, and there was a condition on the original planning permission (19/00337/OUT) requiring any fixed plant and machinery associated with the development to operate below a specified level. As such the proposal would not be detrimental to the amenity of the locality and could even be said to improve it moderately.

As such the proposal would comply with Policies CS2 and CS19 of the Core Strategy and Saved Policy EC3 of the UDP.

Highways Considerations

Whilst the enclosure would be adjacent the drive-thru access road this is internal to the unit site where vehicles are travelling at slow speed as they make there way to the vehicle order and delivery counters. As such the proposal would not impact on vehicular safety of either the drive-thru access road or the wider highway network within the Business Park.

As such the proposal would comply with Policy CS2 of the Core Strategy and Saved Policy EC3 of the UDP.

Conclusion

The proposal would shield the condenser from view, and help shield condenser noise, with an enclosure of satisfactory appearance, and raises no highway issues. The proposal complies with planning policies and is therefore recommended for approval.

Recommendation

That Planning Permission be granted subject to the following condition(s):-

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
13/06/2023	1372-PL-2000	A	LOCATION PLAN
06/12/2023	1372-PL-2002	A	PROPOSED ELEVATIONS
06/12/2023	1372-PL-2001	A	PROPOSED SITE PLAN
26/01/2024			EMAIL FROM AGENT CLARIFYING ENCLOSURE WILL BE SOLID WITH HIT AND MISS APPEARANCE FINISH

Signed Case Officer¹: **Lee Osborne**

Signed Authorising Officer²: **K Foster**

Date: **29 January 2024**

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

