

<u>APPLICATION NO:</u>	22/00543/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 1. NO BUILDING COMPRISING OF 1 NO. KIOSK UNIT (CLASS E(A) AND/OR CLASS E(B) AND/OR SUI GENERIS (HOT FOOD TAKE-AWAY)) AND 1 NO. DRIVE-THRU UNIT (CLASS E(A) AND/OR CLASS E(B) AND/OR SUI GENERIS (HOT FOOD TAKEAWAY)) TOGETHER WITH CAR PARKING, LANDSCAPING AND OTHER ASSOCATED WORKS		

Site Description

The application site is part of a larger site known as Academy Business Park, which is part developed and bounded by Arbour Lane, County Road and Lees Road. There are existing buildings within the overall site, and extant permissions. In February 2019 outline planning permission (19/00337/OUT - all matters determined except for landscaping (which was reserved for future consideration) was granted for the following within the Academy Business Park: -

- Demolition of an existing weighing station;
- Erection of 5 industrial units (B1(c)/B2/B8 use);
- Erection of seven trade counter units (B8 use);
- Erection of one self-storage facility (B8 use);
- Erection of one retail/food unit (A1/A3/A5 use);
- Erection of one drive-thru unit (A1/A3/A5 use);
- Installation of car parking and servicing areas; and
- Associated works.

The application site was approximately 2.85ha in area and predominantly hardstanding with grassed land in the southern part of the site. Access to the site was from Lees Road and the roundabout at the County Road / Arbour Lane junction. The wider industrial park is to the north and east, as well as to the south side of South Boundary Road to the south east of that site. Existing units within Academy Business Park are to the north and west of that application site.

The current planning application relates to approved Unit 6B, which together with approved Unit 6A is to be sited at the south eastern tip of the overall site adjacent the County Road / Lees Road roundabout.

Proposal

The proposal is to reconfigure the approved Unit 6B into two units 6B (1) and 6B (2). The floorspace of approved Unit 6B is 186 sq.m whilst the combined floorspace of the proposed Unit 6B (1) is 93 sq.m and unit 6B (2) is 130 sq.m, totalling 223 sq.m.

The units would adjoin and be sited in a similar location to the approved unit but would be squarer rather than the lengthier rectangle of the approved unit. The proposed units would be sited approximately 5m further from the nearest point of the

site boundary than the approved unit, and would be approximately 3m closer to approved Unit 6A than the approved Unit 6B.

Consultations

Environmental Health - No objections but request conditions.

Highway Authority - No objections but request conditions.

Merseyside Fire And Rescue Authority - No objections in principle.

United Utilities Water Ltd - No objections but request conditions.

Representations

This application has been publicised by letters sent to 144 neighbours. no representations have been received.

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.

20/00146/REM - APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 19/00337/OUT - 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 - APPROVAL SOUGHT FOR LANDSCAPING. Granted: 12.06.2020.

19/00337/NMA - 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. (APPROVAL SOUGHT TO AMEND THE PITCH ROOF AND TO INCLUDE ROOF LIGHTS TO UNITS 1D AND 1E). Granted: 07.10.2020.

19/00337/NMA1 - 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 AMENDMENT TO APPROVED PLANS RELATING TO THE RE-SITING OF UNITS 1F - 1H AND ALTERATIONS TO THE CAR PARKING LAYOUT). Granted: 06.01.2022.

20/00467/FUL - ERECTION OF 6 NO. INDUSTRIAL UNITS (USE CLASS

B1(c)/B2/B8) AND 5 NO. TRADE COUNTER UNITS (USE CLASS B8) TOGETHER WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS. Granted: 30.07.2021.

22/00302/FUL - USE OF 3 NO. UNITS FOR FLEXIBLE USE OF CLASS E(g) USE OR CLASS B2 USE OR CLASS B8 USE OR B8 USE WITH TRADE COUNTERS. Granted: 27.09.2022.

22/00505/FUL - REMOVAL OF CONDITION NO. 16 ATTACHED TO 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 UNITS 6A AND 6B TO OPERATE PRIOR TO THE CONSTRUCTION OF UNITS 1A-1E. Granted: 30.11.2022

22/00633/FUL - USE OF 2 NO. UNITS FOR FLEXIBLE USE OF CLASS E(g) USE OR CLASS B2 USE OR CLASS B8 USE OR B8 USE WITH TRADE COUNTERS. Pending.

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

CS7 – Transport Networks

CS4 - Economy and Employment

CS19 - Design Quality and Accessibility in New Development

CS24 – Managing Flood Risk

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT

PLAN (ADOPTED JUNE 2006)

EC3 - Primarily Industrial Areas

ENV2 – Noise and Vibration

ENV3 – Light Pollution

ENV5 – Contaminated Land

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment**Principle of Development and Visual Amenity**

The principle of development for Units 6A and 6B has been established by virtue of approval under outline planning permission 19/00337/OUT. Planning permission 22/00505/FUL removed the requirement to fulfil the remit of Condition 16 attached to outline planning permission 19/00337/OUT. This condition required the development of five employment use units (B1(c)/B2/B8), comprising Units 1A - 1E, to be substantially completed prior to the first use of either Unit 6A or 6B, the drive-thru unit or the food/retail kiosk (Use Class A1/A3/A5). This application to remove such requirement was allowed due to their being interest in the leasing/renting of both units, the economic situation following the pandemic and the war in the Ukraine, and that the developer is building out the site and is letting out units but with the economic situation it would make sense both in terms of cash flow and with regard to not missing out on letting Units 6A and 6B, which will have benefits in the form of employment opportunities and provision of business rates. Furthermore, it would provide income now to allow Units 1A – 1E to be built out when the economic situation is in a better position to rent/lease out those units.

The current application seeks to increase build out Unit 6B as two adjoining units with a slightly bigger overall footprint and an amended configuration. There are two potential occupiers of the units but the applicant says that they need a smaller footprint than the overall footprint of Unit 6B as approved. The increased floorspace of the two proposed units would be less than 50sqm above the floorspace of approved Unit 6B which is not material when considered against the backdrop of the overall Academy Business Park site undergoing redevelopment (with elements built out). The units would be in the same approximate position as the approved unit, with the approved unit being configured in a more linear and rectangular way than the proposed units which would be squarer in shape (but not a true square). The proposed units are satisfactory in terms of design and materials proposed and would not be detrimental to the visual amenity of the site or the locality.

Highway Considerations

There would be a minor increase in the proposed footprint of the building containing the units, and a minor reduction in the proposed car parking. However this is not considered significant in the context of the overall scheme and as such parking is

considered acceptable. The Council's Highways Engineer has no objections to the application but does request conditions.

Noise Considerations

Environmental Health have reviewed the Noise Impact Assessment for the site (Bureau Veritas, Ref 15612215-02 August 2022) and agree with the assessment. The assessment details that a total predicted sound level criterion of 37 dB LAeq,15min is recommended for the sum of all fixed plant noise associated with the development, at the nearest noise-sensitive properties. As such the proposal can be deemed to have acceptable impacts on noise within the locality. Environmental Health have requested a fixed plant noise condition which is considered prudent to ensure that noise generation from the units does not cause unacceptable impacts.

Odour and Fumes

In order that the odour from cooking within the unit(s) is not an issue in the locality it is recommended that a condition requiring a scheme for fume extraction and odour control to be submitted and approved prior to first use of either unit, and the agreed scheme installed. In such case it is considered that the odour from cooking at the units would not be an issue. Environmental Health have no issues with odour from the units provided that such a scheme is agreed and installed before first use of the units.

Contaminated Land Issues

A submitted document provides a review of the Phase II report submitted in support of a wider site planning permission (19/00337/OUT) and discusses the impact the proposed change of development has on the land contamination assessment of the site. The intrusive works did not identify any contamination that would require any remedial actions. However, the Council's consultants advise that a watching brief should be carried out during groundworks and any unexpected contamination should be reported as soon as possible to the Local Planning Authority.

As the proposed development contains area of landscaping the Council's consultants advise that any imported soil must be suitable for its intended use, and sufficient evidence provided that material is suitable for its intended use by condition.

Drainage

The site forms part of a larger development site which has had a drainage scheme approved by condition discharge. As such the drainage of the site should accord with that approved drainage scheme. Due to the cooking to be undertaken at the unit(s) Environmental Health have requested that details of a grease trap should be required to be submitted and approved, and the approved details installed prior to the first use of the units.

Conclusion

The proposal is to allow an approved unit to become two units by way of a slightly larger footprint and reconfiguration, and some relatively minor changes to the site layout. The proposed changes would not impact on the overall Academy Business Park redevelopment or the wider area to any significant degree whilst the principle of development and use has been established at the outline planning permission stage (19/00337/OUT). As such the proposal is acceptable and is therefore recommended

for approval subject to conditions.

Recommendation

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

- 1) 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.

- 2) All works which form part of the scheme identified within the approved construction management plan (Jones Contracts, August 2022) shall be implemented whilst construction works are ongoing.

Reason: For the avoidance of doubt, in the interests of amenity and highway safety and to comply with Policies CS2 and CS19 Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 3) During the construction period no works and no deliveries or removal of materials shall take place outside the hours of 0800 to 1800 Monday to Friday (excluding Public Holidays), 0800 to 1300 Saturday and not at all on Sundays and Public Holidays.

Reason: In the interests of amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan adopted January 2016 and Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 4) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the relevant phase of development being brought into use.

Reason: To ensure that risks from land contamination are dealt with if arising in the interests of safety and the environment and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 5) No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined

by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: To ensure that contaminated land is not introduced onto the site in the interests of safety and the environment and in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 6) Fixed plant and equipment associated with the development shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time-period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for Rating and Assessing Industrial and Commercial Sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property.

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 7) All external lighting works shall only be in accordance with the approved drawing External Lighting referenced P183-445-L and shall be completed prior to first operation of either unit and shall be maintained thereafter in accordance with the agreed scheme.

Reason: For the avoidance of doubt, in the interests of amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy and Saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 8) Prior to the first use of either unit a scheme for the extraction and treatment of fumes and odours shall have been submitted to and agreed in writing by the Local Planning Authority, and the agreed scheme implemented. The agreed scheme shall be operated when either unit is in use and shall be retained as agreed thereafter.

Reason: In the interests of amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan adopted January 2016 and saved Policy ENV3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 9) The drainage from the kitchen areas shall incorporate a grease trap(s) of a design which has previously been submitted to and approved in writing by the Local Planning Authority before its connection to any private or public sewer. The trap(s) shall be installed and operating prior to the either unit coming into first use. The trap(s) shall thereafter be retained and operated in accordance with the approved specification at all times that either unit is in operation for the sale of hot food.

Reason: In the interests of amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan adopted January 2016 and saved Policy

ENV3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 10) The areas indicated on approved Site Plan Drawing 1373-PL-2005-A to be set aside for cycle, motorcycle and car parking, servicing, vehicular manoeuvring (including provision for pedestrians / cyclists) shall have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown prior to either of the two units hereby permitted coming into first use. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 11) Within 3 months of the first occupation of either Unit 6A, Unit 6B (1) or Unit 6B (2) whichever is first occupied, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority for all units built or to be built pursuant to outline planning permission 19/00337/OUT. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car for the development approved pursuant to outline planning permission 19/00337/OUT. For the avoidance of doubt, the Travel Plan shall include: -

- Involvement of employees.
- Information on existing transport policies, services and facilities, travel behaviours and attitudes.
- Access for all modes of transport.
- Targets for mode share.
- Resource allocation including Travel Plan Co-ordinator and budget.
- A parking and management strategy.
- A marketing and communications strategy.
- Appropriate measures and actions to reduce car dependence and encourage sustainable travel.
- An action plan, including a timetable for the implementation of each of the above.
- Mechanisms for monitoring, reviewing and implementing the Travel Plan.

The approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The report shall include a review of the Travel Plan measures, monitoring data and updated action plan.

Reason: To maximise opportunities for travel by modes of transport other than the private car, to ensure that the development is sustainable and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 12) No unit shall first operate until an outdoor, weatherproof electric vehicle charging point readily accessible from a dedicated parking space has been provided within the site to serve each unit.

All charge points shall be:

- a) A minimum of 7KW, and
- b) at least Mode 3 or equivalent, and
- c) untethered, and
- d) located in order to comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M, and
- e) maintained such that they can charge in accordance with their specifications at all times (or as can reasonably be expected to be in the event of equipment malfunction in which case they will be repaired in a timely manner as can reasonably be expected).

All EV charging points shall be clearly marked as such and their purpose explained to new occupiers within any travel planning advice.

Reason: In the interests of air quality, promoting sustainable travel opportunities and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and NPPF Para 110.

- 13) All soft landscape works shall be carried out in accordance with the details shown on the approved drawing Landscape Proposals - Units 6B 1 & 2 referenced 2271_11 received 31.08.2022. The approved scheme shall be implemented following substantial completion of site development works, or the first available planting after if such works are completed April - September. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 14) Notwithstanding any submitted drawings/details the drainage for the units hereby approved shall accord with the drainage system approved pursuant to Condition 7 of outline planning permission 19/00337/OUT.

Reason: For the avoidance of doubt and to ensure a satisfactory drainage system is provided to serve the units and site in accordance with the Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems and Policy CS24 in the Knowsley Local Plan Core Strategy adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title

31/08/2022	1373-PL-2001	-	LOCATION PLAN
31/08/2022	1373-PL-2002	-	LOCATION PLAN
08/11/2022	1373-PL-2003	A	PROPOSED SITE PLAN UNITS 6B 1+2
08/11/2022	1373-PL-2004	A	PROPOSED SITE PLAN UNITS 6B 1+2
08/11/2022	1373-PL-2005	A	PROPOSED SITE PLAN UNITS 6B 1+2
08/11/2022	1373-PL-2006	A	HARD LANDSCAPING PLAN UNITS 6B 1+2
08/11/2022	1373-PL-2008	A	PROPOSED ROOF PLAN UNIT 6B 1+2
31/08/2022	1373-PL-2009	-	PROPOSED ELEVATIONS UNITS 6B 1+2
31/08/2022	CSTN MGT PLAN	AUG 2022	CONSTRUCTION MANAGEMENT PLAN
31/08/2022	2271_11	-	LANDSCAPE PROPOSALS UNITS 6B 1+2
31/08/2022	15612215-02	-	NOISE IMPACT ASSESSMENT REPORT AUGUST 2022
11/10/2022	1373-PL-2007-A	-	PROPOSED UNIT PLAN UNIT 6B 1 + 2 DRIVE-THRU + KIOSK
08/11/2022	P183-445-L		EXTERNAL LIGHTING

Signed Case Officer: Lee Osborne

Signed Authorising Officer: Alan Kilroe

Date: 10/1/22

Informatives

- 1 UU
- 2 Merseyside Fire Service

