

## DELEGATED REPORT

**APPLICATION NO:** 22/00509/FUL      **CASE OFFICER:** Jo Sheridan

**WARD:** Prescott North      **PARISH:** Prescott Town Council

**LOCATION:** Vacant Land West of Manchester Road Adjacent To Prescott Business Park, Prescott, Knowsley

**PROPOSAL:** VARIATION OF CONDITION NO.2 ATTACHED TO PLANNING PERMISSION 20/00204/FUL (ERECTION OF A GARDEN CENTRE TOGETHER WITH THE CONSTRUCTION OF VEHICULAR ACCESS TO MANCHESTER ROAD AND SINCLAIR WAY, CAR PARKING AND ASSOCIATED WORKS) TO ALLOW FOR CHANGES TO APPROVED PLANS COMPRISING OF AMENDMENT TO SITE ACCESS AND RETENTION OF EXISTING VEHICULAR ACCESS OFF MANCHESTER ROAD; AMENDMENT TO SITE LEVELS (EXISTING LEVELS RETAINED); CHANGES TO PARKING LAYOUT/OVERFLOW PARKING; CHANGES TO BUILDING ELEVATIONS INCLUDING ALTERATIONS TO FRONT ELEVATION AND THE ADDITION OF NEW MAIN ENTRANCE STRUCTURE/CANOPY, REDUCTION IN WINDOW HEIGHT, BRICKWORK HEIGHT INCREASED TO ALL ELEVATIONS; STEPS REMOVED TO FIRE DOORS AND REPOSITIONING OF ESCAPE DOOR ON NORTH ELEVATIONS; ADDITION OF DOORS TO SOUTH ELEVATION; SERVICE AREA RELOCATED, STEPS AND RAISED PLATFORM REMOVED AND FIRE DOORS REPOSITIONED ON WEST ELEVATION.

### **Site Description:**

The site once formed part of a larger industrial area of factory and works, which has now been largely redeveloped with new housing, Cables shopping park and business parks and Prescott Community Fire and Police Station. The site is vacant and unused and largely comprises of hardstanding.

The site fronts onto Manchester Road and is to the south of Pilkington Court and Prescott Community Police and Fire Station. South of the development site is Prescott Park Way, to the opposite (eastern) side of is a Home Bargains store and its associated car park. To the south are the occupied residential properties of Tenlands Drive.

The site itself is relatively flat, except for the land accessed from Pilkington Court. However, it is at a higher level than the neighbouring residential development of Tenlands Drive.

Development under planning permission 20/00204/FUL has commenced on site.

**Proposal:**

The original planning application 20/800204/FUL was for a 2,440sq.m garden centre and car parking, with vehicular access from Manchester Road and Sinclair Way. A small, ancillary café use is proposed within the building. The garden centre would be 1480sq.m with a plant sales area to the southern side, which would have a floorspace of 960sq.m. The building would be 8m high, rising to 10.6m high at the feature entrance point. The plant sales area would be timber clad and be 6m high.

This application is a S73 application which seeks to vary condition 3 of the original planning permission 20/00204/FUL which is the approved plans condition.

The applicant has stated the following amendments to the plans:

**Drawing 201 Rev K:**

Retention of existing vehicle access off Manchester Road  
Alterations to the main entrance of the garden centre building  
Parking layout to the overflow parking is shown  
Site levels amended (existing site levels retained)  
Covered area to be reduced

**Drawing 401 Rev F:**

**Front elevation:**

New entrance canopy shown  
Window height reduced  
Brickwork height increased (to all elevations)

**Side (north) elevation:**

Steps omitted to fire doors  
Escape door relocated  
Window height reduced

**Rear (west) elevation:**

Service access relocated  
Steps raised and platform omitted  
Fire doors repositioned

**Consultations**

Prescot Town Council: No Comments Received

Merseyside Fire and Rescue Authority: Standard response received. Comments will be added as an informative should planning permission be granted.

Highway Authority: No objections subject to a condition requiring a scheme for the design and layout of highway improvement works to be submitted.

### **Representations**

This application has been publicised by letters sent to 105 neighbours. The application has also been advertised by site notices and a notice in the local press. No representations have been received as a result of the publicity given to the application.

### **Planning History**

20/00204/FUL: Erection of a garden centre together with the construction of vehicular access to Manchester Road and Sinclair Way, car parking and associated works. Planning permission granted 29/04/2022.

### **Relevant Policy**

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 Replacement Unitary Development Plan (Saved Policies, adopted 2006)**

T5 – Location of Major Traffic Generating New Development.

T7 – New Development and Walking & Cycling Routes

T8 – Transport Assessments

T9 – Travel Plans

DQ2 – Security in the Built Environment

DQ3 – Gateway Sites and Corridors

DQ4 – Trees and Development

ENV2 – Noise and Vibration

ENV3 – Light Pollution

ENV5 – Contaminated Land

#### **Knowsley Local Plan Core Strategy (2016)**

SD1- Sustainable development

CS1 – Spatial Strategy for Knowsley

CS2 - Development Principles

CS4 – Economy and Employment

CS7 - Transport Networks

CS8 – Green Infrastructure

CS13 – Principal Regeneration Area – South Prescott

CS19 - Design Quality and Accessibility in New Development

CS21 – Greenspaces and Trees

CS24 - Managing Flood Risk.  
CS26 – Waste Management  
CS27 – Planning for and Paying for New infrastructure

#### Merseyside Waste Local Plan (2013)

WM9 – Sustainable Waste Management Design and Layout for New Development

#### Supplementary Planning Documents

Ensuring a Choice of Travel SPD (2010)  
Design Quality in New Development SPD (2016)  
Trees and Development SPD (2016)  
Developer Contributions SPD (2016)  
Adding Social Value to Development: Employment and Skills SPD (2018)

#### **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 the development

The garden centre is proposed as a replacement/re-location of the existing facility at Whitakers Garden Centre, which is currently situated on Liverpool Road, Prescott. That site is allocated for residential development, planning permission was granted for the erection of housing and work has commenced with some houses occupied. The construction of part of the approved housing development will require the loss and demolition of the existing Whitakers Garden Centre.

Planning permission was granted under reference number 20/00204/FUL for the erection of a garden centre. This proposal seeks to make amendments to the approved plans outlined earlier in the report.

The principle of the development has already been established and as so is acceptable.

##### Highways

This application seeks to retain the existing vehicle access off Manchester Road.

The Council's Highways Officer raised no objections to the proposed variation of condition 2 of planning permission 20/00204/FUL subject to a new condition to ensure the modification of the traffic calming on Manchester Road and introduce keep clear markings which will replace condition 11. The granting of this permission will remove the need for

condition 13 on the original permission (condition 13 required a scheme to permanently close the existing access to Manchester Road to be submitted).

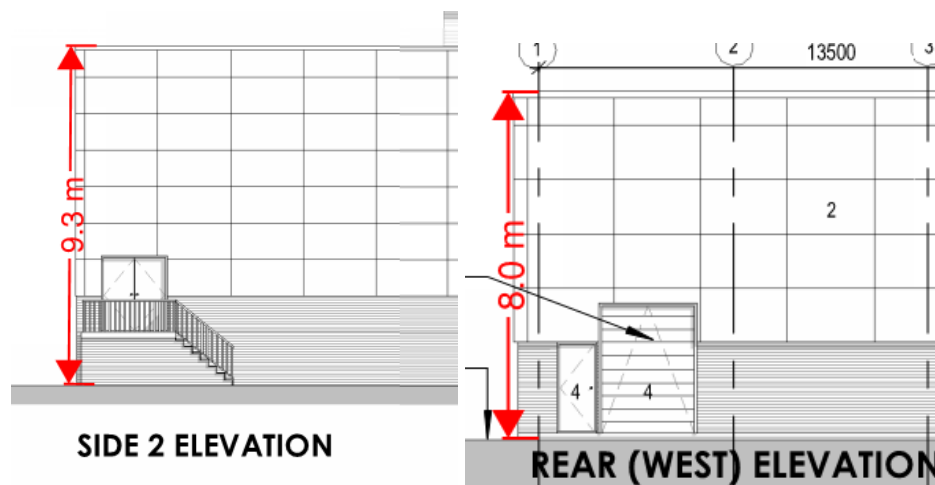
It is noted that the proposed layout results in a loss of 6 car parking spaces from the main car park, however, overall, the loss equates to approximately 6%, and the remaining provision is still sufficient to cope with the predicted accumulation as shown in the Highways Technical note TN01a.

The proposed amendments would comply with Policy CS19, which seeks to ensure that new development integrates effectively with existing development and Saved Policy EC3, which expects new development to be complimentary to and compatible with surrounding employment uses.

#### Site levels

This application seeks to amend the site levels from those proposed and now proposes that the existing site levels are retained. The finished floor level of the building is to remain at 66.0. The change in levels leads to the need for steps to the building (the topographical drawing submitted to discharge the original site level condition has the site levels at between 61.1 and 66.84 on the buildings footprint).

The two figures below illustrate the proposed amendment. The figure to the left is the approved plan and the figure to the right is the proposed plan.



The proposal would be acceptable and not be detrimental to the amenity of the occupiers of existing dwellings. The proposal, subject to appropriate planning conditions, complies with Policies SD1, CS2, SUE2, and CS19 of the Knowsley Local Plan: Core Strategy and the ENV2 of Knowsley's Unitary Development Plan.

#### Amendments to the appearance of the building

The most significant amendment to the appearance of the building is relating to the front main entrance. It has been reduced in scale, however, the scale of the main entrance remains appropriate to the building.

Other amendments include steps up to the building being removed and fire doors added.

The amendments are considered acceptable and are considered to comply with the relevant local plan policies, including policy CS19 – Development Quality and Accessibility in New Development and the relevant UDP policies including saved Policy DQ2 (Security in the Built Environment).

**Conditions:**

Many conditions remain outstanding from the original planning application which will be repeated on this decision notice. The trigger terminology for some of the conditions have been amended from ‘prior to the commencement of development’ to ‘prior to first occupation’ or to ‘within one month of the date of this decision notice.’

Two conditions are to be removed – condition 13 and 19 on the original approval which were for the closure of the Manchester Road and access and five days notice tree works. Condition 13 is no longer required as the vehicular access is to remain. Condition 19 is not required as works have commenced.

One condition has been added (condition 2) at the request of the Highways Advisor.

**Conclusion**

The proposal would secure the potential retention of an existing business within Prescott, or at least secure the opportunity for a similar scale business to be accommodated within the town and would make a valuable contribution to the area. The development would not harm highway safety, and neither would it impact adversely on residential amenity.

In conclusion, the proposed development would comply with policies included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (saved policies 2009) and National Planning Policy Framework (2019) taken as a whole.

**Recommendation**

Planning permission be granted to vary condition 2 on planning permission 20/00204/FUL subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1 in addition to the plans and documents approved on the original planning application 20/00204/FUL.

Reason: For the avoidance of doubt.

2. Within 3 months of the date of this permission a scheme for the design and layout of highway improvement works shall be submitted to and approved in writing by the Council

as Local Planning Authority. For the avoidance of doubt, the works shall include but not be limited to:

- The relocation of existing speed humps on Manchester Road.
- The introduction of keep clear markings adjacent the access to the Fire Station on Manchester Road

The approved scheme shall be implemented before the development is brought into use.

Reason: To ensure the provision of safe and adequate means of access to the development in the interests of highway safety

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises to which this permission relates shall be used as a Garden Centre for the sale of garden items and ancillary goods and for no other purpose, including any other use falling within Class E(a); of the Schedule to that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission.

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class.

4. The use hereby permitted shall not operate outside the hours 09.00 until 17.00 on Mondays - Saturdays and 10.00 until 16.30 on Sundays or Bank or Public Holidays without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies S2 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

5. Notwithstanding the details shown on the approved drawings, within one month of the date of this decision, a scheme detailing the materials to be used for the enclosure of the external area which includes the steps necessary to minimise impact to the surrounding residential properties, shall be submitted for the written approval of the local planning authority. All works which form part of the scheme shall be completed prior to operation and shall be maintained thereafter in accordance with the agreed scheme.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies S2 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

6. Prior to the first use of the development hereby permitted, a lighting scheme for the building and car park, which includes the steps necessary to minimise light intrusion to the surrounding residential properties (including shut off times), shall be submitted for the written approval of the local planning authority. The scheme shall include an isolux plot to demonstrate that the obtrusive light limitations suggested in the relevant guidance are met. All works which form part of the scheme shall be

completed prior to operation and shall be maintained thereafter in accordance with the agreed scheme.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies S2 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

7. Prior to the first use of any part of the building hereby permitted, a scheme to demonstrate a layout accommodating vehicles within the overspill car park and a car park management plan including measures of how motorists will be directed to the overspill car park shall be submitted to and agreed in writing by the Council as Local Planning Authority. The scheme must include details of its surfacing and drainage. The scheme shall be implemented as agreed before any part of the development is brought into use.

Reason: In the interests of highway safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

8. The service area shall be kept free from all obstructions at all times. HGV access to the service area is prohibited during times when the overspill car park is in operation and is to be kept available for use by HGVs at all other times.

Reason: In the interests of highway safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

9. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for car, cycle and motorcycle parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 201 Revision G. These areas shall be retained as such thereafter.

Reason: In the interests of highway safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

10. Within 3 months of this decision a landscaping plan illustrating the replacement trees is to be submitted and approved in writing by the Council as Local Planning Authority. The scheme must illustrate replacement tree planting at a 2:1 ratio. Trees will be a minimum of 12-114cm girth. The approved scheme must be accompanied by a timetable for the implementation of the proposed landscaping scheme. The landscaping scheme shall be implemented in full according to the agreed timetable to the satisfaction of the Council as Local Planning Authority. The tree planting shall be wholly implemented in its finally approved form in accordance with the approved scheme within the first available planting season following the substantial completion of development. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage.

Reason: In the interests of visual amenity and to ensure the development complies with Saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

11. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Impact Assessment ref Rev A 13/01/2021, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

## **12. A. Risk Assessment**

Within one month of the date of this decision, an assessment of the risks posed by any contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include (were relevant):

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and
  - service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments.

## **B. Submission of Remediation Scheme**

Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

**C. Implementation of Approved Remediation Scheme**

The approved remediation scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

**D. Reporting of Unexpected Contamination**

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 development (or relevant phase of development) being brought into use.

**E. Materials Management Plan**

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, signed off by a Qualified Person, shall be submitted to and agreed in writing with the local planning authority. The MMP shall demonstrate that any reuse of contaminated materials does not result in increased risk to the environment or human health.

**F. Importation of Soil/Material**

No soil (topsoil and subsoil) 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: In the interests of safety, to prevent pollution of the water environment and to comply with Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

13. Fixed plant and machinery associated with the development shall be designed to a level that is at least 5dB(A) below the existing  $L_{A90}$  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 latest BS4142 standard, 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: To safeguard local residents from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

14. Within one month of the date of this decision, a surface water drainage scheme shall be submitted and agreed in writing by the Local Planning Authority. The drainage scheme must include:

- i) An investigation of the hierarchy of drainage options on the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations); and
- iii) A timetable for its implementation

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development shall be carried out only in accordance with the approved drainage scheme.

Reason: To ensure that the site is adequately drained and to prevent increased risk of flooding and pollution by ensuring the satisfactory storage of / disposal of surface water from the site in accordance with the National Planning Policy Framework, Policies CS2, CS19, CS24 and SUE2 of the Knowsley Local Plan: Core Strategy, adopted January 2016

15. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with the National Planning Policy Framework, Policies CS2, CS19, CS24 and SUE2 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

16. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall relate to all land surfaces not built upon and shall include:

- a) Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- b) hard surfaced areas and materials

The approved landscaping works shall be implemented and completed prior to the first use of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

17. Notwithstanding the details of the boundary treatments as indicated in the submitted drawings, prior to the first use of the building hereby permitted, details of all walls, fences, gates or other means of enclosure to be erected within the development shall have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full before the building is used.

Reason: In the interests of ensuring an acceptable standard of public realm and visual amenity, to comply with the National Planning Policy Framework (2021), Policies CS2, CS19 and SUE2 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

18. Notwithstanding the details submitted, prior to the first use of the building hereby permitted, a scheme for the provision of cycle and motorcycle parking, in accordance with the Council's current standards, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles. Motorbike storage should provide a means for securing the motorbike. The approved scheme shall be implemented before any part of the development is brought into use and shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

19. No deliveries or waste collections shall take place outside the hours of 08.00 - 18.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard local residents from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

20. Within one month of the date of this decision notice, details of all retaining structures shall be submitted to and approved in writing with the Council as Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the building.

Reason: In the interest of ensuring an acceptable standard of public realms and visual amenity, to comply with National Planning Policy Framework (2021), Policies CS2 and CS19 of the Knowsley Local plan Core Strategy (2016).

21. The development shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Council as Local Planning Authority. 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 avoidance of doubt, the Travel Plan shall include, but not be limited to:

- 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, and to ensure that the development is sustainable.

#### Informatives

1. 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.
- 2.

#### SCHEDULE 1

| Date Received | Ref. No       | Version | Drawing/Document Title       |
|---------------|---------------|---------|------------------------------|
| 05/12/2022    | 201           | K       | PROPOSED SITE PLAN           |
| 18/08/2022    | 401           | F       | PROPOSED ELEVATIONS          |
| 18/08/2022    | VN201559-D104 | -       | PROPOSED ACCESS ARRANGEMENTS |

**Signed Case Officer:** Jo Sheridan

**Signed Authorising Officer:** Alan Kilroe

**Date:** 10/1/22