

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 23/00758/FUL **CASE OFFICER:** Andrew Hunt

WARD: Northwood **PARISH:** N/A

LOCATION: Land To West Of, Coopers Lane, Knowsley Industrial Park
Kirkby, Knowsley, L33 7UA

PROPOSAL: VARIATION OF CONDITION NO. 2 (APPROVED PLANS)
ATTACHED TO PLANNING PERMISSION 17/00745/FUL (ERECTION
OF PETROL FILLING STATION, 1NO DRIVE THROUGH CAFE, AND
1NO DRIVE THROUGH RESTAURANT, TOGETHER WITH ACCESS,
LANDSCAPING AND ASSOCIATED DEVELOPMENT) TO ALLOW
FOR ALTERATIONS AND EXTENSIONS TO THE RESTAURANT
BUILDING AND RECONFIGURATION OF THE SURROUNDING
LANDSCAPED AREA AND CAR PARK AND NEW SUBSTATION

Site Description

The application site is a rectangular shaped site. The site is part of a wider site of retail units with food and drink units and a petrol station to the west and a pub to the east. The site is to the north of the A580 and near to the junction of the A580 and Coopers Lane.

Proposal

The proposal is for a variation of condition 2 (approved plans) to application 17/00745/FUL. The changes are to allow for alterations and extensions to the restaurant building, reconfiguration of the landscaped area and internal road layout and new substation.

Consultations

Environmental Health – No objection subject to conditions in relation to equipment specification and noise plant levels.

Highways – Highways have no objection to the proposed variation of the approved plans including the reconfiguration of the car park etc.

Representations

This application has been publicised by letters sent to 35 neighbour and by site and press notices. 1 objection has been received consisting of the following main points.

- The car park is not big enough for the proposed development, which may result in overspill car parking.
- Concerned about rubbish being left at the site like other sites nearby.

Planning History

There have been several applications at the site most of which are not directly relevant to the current application. However, the application seeks to vary the original permission (17/00745/FUL – allowed on appeal). A recent application for signage was approved at the site earlier this year (23/00922/ADV).

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
CS4 - Economy and Employment
CS7 -Transport Networks
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

Principle of Development

The principle of development has been established through the original application (17/00745/FUL – allowed on appeal APP/V4305/W/19/3230913 02/04/2020).

Amenity

Policy CS19 requires that to maintain a good standard of amenity for all existing and future occupants of land and buildings, development proposals will be required to avoid unacceptable impacts on existing residents, business occupiers, and future occupiers.

The proposals would not significantly affect neighbouring/business premises as the changes proposed are minor changes to road layout and small alterations to the building. The application includes measures to reduce odour, smoke and grease which will be secured by conditions. The council's Environmental health team have no objection subject to conditions. In relation to litter, the changes to the proposal would not result in any material increase in littering compared to the original approved proposal. Overall, there would be no harm to the amenity of neighbouring premises.

Street Scene

Policy CS19 (Design Quality and Accessibility in New Development) in the Core Strategy sets out several criteria that developments will be expected to conform to so that they enhance local distinctiveness and the identity and accessibility of new places.

The NPPF identifies that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

The proposal has been amended with minor small scale extensions to the front and rear of the building. The effect of these changes will be minimal and will not lead to materially harmful impacts on the street scene.

In relation to the substation, the proposal has been amended to incorporate landscaping to screen the substation from public viewpoints. It is considered that the substation will not harm the street scene with the proposed landscaping in place.

Highway Safety

NPPF para 111 states that development should only be prevented or refused on

highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed highway changes are minor and involve reconfiguration of the internal layout. In relation to parking, the changes to the proposal would not result in any material increase in parking demand compared to the original approved proposal or lead to any additional on street parking relative to the previous permission.

There are no significant highways implications. This view is supported by the council's highways department who have no objection to the proposal.

Conclusion

The proposal would be acceptable in principle and in relation to Neighbour amenity and highways. The application complies with local planning policies and is recommended for approval.

Recommendation

That planning permission be granted subject to the following conditions.

- 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 following approved plans and documents :-
 - a. Proposed Site Plan – Rev E- (received 31/08/2023).
 - b. Remote Bin Store – Rev D - (received 31/08/2023).
 - c. Odour Control Assessment – Rev C - (received 31/08/2023).
 - d. Proposed Building Elevations – Rev K - (received 2/10/2023).
 - e. Floor and Roof Plan – Rev G - (received 31/08/2023).
 - f. Soil Methodology Info - (received 11/08/2023).
 - g. Proposed Landscape Plan – 19449-VL-McD_L01 Rev A - (received 17/07/2023).
 - h. Substation Details Plan (received 27/06/2023).
 - i. Location Plan - (received 27/06/2023).
 - j. Vehicle Tracking (received 09/05/2023).
 - k. Large Car Tracking (received 09/05/2023).
 - l. Lighting Details (received 26/09/2023)

Reason: For the avoidance of doubt.

Pre Occupation

- 3) Ventilation and Fume Extraction

The development shall not open to the public until the equipment, as recommended in the "Odour Control Assessment For McDonald's Restaurant, Coopers Lane, Knowsley, Rev C" has been installed.

For the avoidance of doubt the equipment that will treat the kitchen emissions will include the following:

1. Hikatch Canopy impingement grease baffle filters
2. Purified Air ESP3000 Electrostatic Precipitation unit
3. Purified Air UV-O1000 ozone injection unit, together with the required length of ducting that provides sufficient time for the ozone to react with the emissions.
4. An alarm system that alerts the store operator automatically in the event of a system failure.
5. A stack that discharges the kitchen emissions a minimum of 1 metre above eaves level and discharges at a minimum rate of 15m/s.

The above system shall be operated and maintained in accordance with the manufacturers recommendations.

Reason: In order to control odours at the site.

Ongoing Conditions

4) Cycle Parking

Cycle storage shall be installed in accordance with Proposed Site Plan – Rev E.

Reason: In order to ensure adequate cycle parking.

5) Waste Management Plan

The development shall be carried out in full accordance with The Waste Management Plan approved as part of 17/00745/ DISCON (Reference: Site Waste Management Plan (received 11/09/2020))

Reason: In order to ensure adequate waste management.

6) Lighting

The Lighting scheme shall be carried out in accordance with Proposed Lighting Layout D-515693 (Received 26/09/2023)

Reason: In order to ensure adequate lighting.

7) Sustainable Drainage Maintenance

The development shall be carried out in full accordance with the Drainage Maintenance Strategy (Revision A received 11/09/2023 and agreed as part 17/00745/DISCON) and adhered to thereafter.

Reason: In order to ensure adequate sustainable drainage.

8) Pedestrian Access Details

Pedestrian access details shall be carried out in accordance with Proposed Site Plan – Rev E.

Reason: In order to ensure adequate sustainable drainage.

9) Fixed Plant Noise Levels

Fixed plant and machinery 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 order to ensure adequate sustainable drainage.

Signed Case Officer: Andrew Hunt

Signed Authorising Officer: _____

Date: _____

Informatives

1) N/A

Appendix 1 – Site Photographs



