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For the attention of Mark Quinn

8 August 2024

Our ref: DPA/U0026535

Your ref: 22/00284/OUT

Dear Mark,

Section 73, Town and Country Planning Act 1990 (as amended)

35 Wilson Road, Huyton, Knowsley

Further to our recent discussions, Gerald Eve LLP is instructed by Linden Hill - Capital Assets - ALX Limited ("the Applicant") to submit this application to Knowsley Metropolitan Borough Council ("the Council") to vary a planning condition imposed on planning permission reference 22/00284/OUT ("the Outline Permission") at 35 Wilson Road, Huyton, Knowsley, L36 6AE ("the Site").

This application is submitted in accordance with Section 73 of the Town and Country Planning Act 1990 (as amended).

The proposal subject of this planning application is described as:

"Variation of condition 3 attached to outline planning permission 22/00284/OUT (demolition of existing buildings and outline application for the erection of a logistics warehouse (Use Class B8) - approval sought for access (appearance, layout, landscaping and scale reserved for future approval) to allow for an amendment to the Parameters Plan to increase the ridge height to a maximum of 21.6m and to introduce a flexible height parameter to the site's frontage)."

This planning application has been submitted electronically via the Planning Portal (Portal reference: PP-13254363).

The following documents have been submitted in support of this planning application:

- 12156-AEW-XX-XX-DR-A-0503 REV 6 – Revised Parameters Plan
- 12156-AEW-XX-XX-DR-A-0507_P6_Height Parameters Photomontage Key Plan
- 12156-AEW-XX-XX-VS-A-0001_P8_Height Parameter Photomontage 1 - South East View
- 12156-AEW-XX-XX-VS-A-0002_P9_Height Parameter Photomontage 2 - North West View
- 12156-AEW-XX-XX-VS-A-0003_P8_Height Parameter Photomontage 3 - West View
- 12156-AEW-XX-XX-VS-A-0004_P8_Height Parameter Photomontage 4 - West View with proposed units
- Letter of market commentary prepared by Stoford Developments
- Planning summary letter prepared by Gerald Eve

The requisite statutory application fee in this instance is £293, which has been paid in full via the Planning Portal.

Background

The Outline Permission (planning reference: 22/00284/OUT) was granted on 23 March 2023 for the following development:

“Demolition of existing buildings and outline application for the erection of a logistics warehouse (Use Class B8) - approval sought for access (appearance, layout, landscaping and scale reserved for future approval).”

As part of the Outline Permission, a Parameters Plan was approved under Condition 3 (and the associated list of documents at Schedule 1), which restricted the maximum height of the warehouse to 20m as part of a future reserved matters proposal.

A further planning permission (planning reference: 24/00132/FUL) was recently granted on 1 May 2024 under Section 73 of the Act (“the Section 73 Permission”), which included a variation of Condition 3 of the Outline Permission to replace the approved Parameters Plan. The updated Parameters Plan indicated that a maximum height of 21.6m (an increase of 1.6m) could be achieved as part of a future reserved matters application.

The Parameters Plan that was approved under the Section 73 Permission (plan reference: 12156-AEW-XXXX-DR-A-0503 REV 5) continued to restrict building heights to the Site’s frontage to a maximum of 17.5 meters (this remained unchanged since the Outline Permission). The Applicant has since identified that further flexibility in this area would increase the marketability of the Site, for instance where an occupier required a slightly larger building footprint a height of less than 21.6m but greater than 17.5m.

To achieve this, the Applicant wishes to vary the Condition 3 of the Outline Permission again with an updated Parameters Plan.

Prior to this application being submitted, the Applicant held informal discussions with the Council to discuss the merits of a gradual height parameter in the identified zone at the Site’s frontage. During the discussions, the principle was agreed that the height within the area in question could gradually increase from the approved 17.5 meters to the maximum approved 21.6 meters, as shown on the submitted revised parameter plan (plan reference: 12156-AEW-XX-XX-DR-A-0503 REV 6).

Application Procedure

This current application is made under Section 73 of the Act, in order to vary a planning condition attached to the Outline Permission.

As the Section 73 Permission has not been lawfully implemented, nor has an application been made for reserved matters or to discharge planning conditions, it is considered appropriate to vary the Outline Permission rather than the Section 73 Permission.

The Section 73 Permission (ref: 24/00132/FUL) would subsequently be superseded at the point of the development being lawfully implemented in line with a new permission following the approval of reserved matters and the discharge of precedent planning conditions.

Should the Council disagree with this approach, I would be happy to discuss changing the description of development.

Proposed Amendment

With the above in mind, this current application proposes to amend Condition 3 of the Outline Permission by updating the approved documents list at Schedule 1 on the planning decision notice as follows:

Plan to be Superseded	Proposed Plan
12156-AEW-XXXX-DR-A-0503 REV 4 - PARAMETERS PLAN	12156-AEW-XX-XX-DR-A-0503 REV 6 - REVISED PARAMETERS PLAN

Turning briefly to the relevant planning policy framework for the Site and proposed development, the Officer’s delegated report relating to the Outline Permission, indicated that the principle of development was acceptable in accordance with Local Plan Policy CS4 and Saved UDP Policy EC3. The Section 73 Permission was also found to accord with the relevant policy framework.

The currently proposed flexibility to the height parameter represents a gradual increase between the currently approved minimum and maximum thresholds for the western area of the Site. As such, the proposed alteration would not result in a significant change to how the development may appear on site.

More importantly, the proposed change is expected to enhance the marketing process towards securing an occupier for the Site, and the Applicant intends to submit reserved matters for the Council’s approval at the

earliest opportunity once an occupier has been secured. This will help deliver new jobs locally and within the wider area as well as attracting new investment into Huyton.

There are no other planning policies or relevant materials considerations that would weigh against the proposed amendment, and it is respectfully requested that permission be granted at the earliest opportunity.

I trust the above is sufficient to enable this planning application to be validated and determined within the statutory period; however, please do not hesitate to contact me if you require any additional information or should you wish to discuss the proposal further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'DPG', with a long horizontal flourish extending to the right.

Dominic Page

Partner

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cc - Linden Hill - Capital Assets - ALX Limited