

Regeneration and Economic Development Department

APPLICATION NO: 19/00261/NMA

APPLICANT: Henry Boot Barnfield Ltd

WARD AFFECTED: St Gabriels

DEVELOPMENT: NON MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 19/00261/FUL (VARIATION OF CONDITION NO. 17 ATTACHED TO PLANNING PERMISSION 17/00301/HYB TO ALLOW FOR CHANGE TO DELIVERY AND WASTE COLLECTION TIMES) TO ALLOW FOR CHANGES TO WORDING OF CONDITION 25 (BUND DETAILS)

LOCATION OF SITE: Land Between Cronton Road And M62 Motorway (Junction 6) , Huyton, Knowsley ,

KNOWSLEY LOCAL PLAN ALLOCATION –

Coal Consultation Zone - Coal - High Risk Area

Coal Consultation Zone - Coal - Low Risk - Standing Advice Area

Strategic Road Network - Strategic Road Network

Land for Employment development - Land For Employment Development

Primary Industrial Area - Primarily Industrial Area

Site of Biological or Geological Interest - Site Of Biological Or Local Geological Interest

RELEVANT POLICIES

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)

ENV2 - Noise and Vibration

TECHNICAL CONSULTATIONS:

Environmental Health – No objections in principle.

Tarbock Parish Council - No comments received.

Cadent Gas Limited – No objections in principle, information sent (forwarded to applicant).

NEIGHBOUR NOTIFICATION:

Not applicable.

ARTICLE 35

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.

ISSUES AND ASSESSMENT:

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PROPOSAL

In January 2019 the council granted a hybrid planning permission (17/00301/HYB) comprising full planning permission for a food store and 1161 sq.m of B1/B2 use with associated car parking, landscaping, highway works, pumping station, substation and associated works including bund and noise attenuation boundary treatment along the western boundary of site; and outline planning permission for up to 7500 sq.m B1/B2 use, petrol filling station with up to 400 sq. m of associated A1 use, up to 1000sq.m of A3/A4 use (pub/restaurant) with associated car parking, servicing areas, highway works and other associated works with all matters reserved for future approval.

Subsequently two S73 approvals were granted linked to the conditions attached to the hybrid approval including 19/00261/FUL referenced in this application description which was to allow for changes to conditioned delivery and waste collection times. The hybrid approval and subsequent s73 approvals were conditioned such that details of a bund with boundary treatment on was required to be submitted to and approved in writing by the Lpa, and implemented prior to the food store being brought into use (the food store is fully operational and has been for a number of months). The reserved matters approval for the petrol filling station and a Starbucks has been approved with a McDonalds drive-thru and restaurant full application being submitted and approved (within phase 2 but a separate full application as this was not covered by the terms of the outline approval).

The current application seeks to amend the condition relating to the submission, approval and implementation of the bund as the developer considers that such is not required whilst just phase 1 (amended) and phase 2 are built out, and even if phase 3 is developed a bund is not necessarily required depending how phase 3 is developed in terms of usage.

POLICY CONSIDERATIONS

The application complies with Policies CS2 and CS19 of the Core Strategy and saved Policy ENV2 of the UDP.

DESIGN, ACCESS AND CRIME PREVENTION

There are no design issues to consider in this instance.

HIGHWAYS

No highways issues are raised.

RESIDENTIAL AMENITY

The issue to consider with regard the application for the revision to the wording of the condition and the implementation is if residential amenities, namely noise impacts, of the nearest residential property, the farmhouse adjacent the western boundary of the overall development site, would be adversely impacted upon by such changes.

A noise report was submitted with regards the McDonalds application and Environmental Health have confirmed that for phase 1 and phase 2 (including the McDonalds) the noise report demonstrated that no barrier was needed, as due to the distance from properties, the noise would not have a significant impact. The phase 2 developments will be over 200 metres away from the nearest dwelling, the farmhouse adjacent the western boundary of the overall site. As such it is considered that noise attenuation will not be required for these phases and that to amend the condition would not have a material effect on the occupants of near by properties.

An acoustic barrier would be required if the phase 3 area of the site is developed, but depending on how this is developed a bund may not be required. For example if the area was developed as a car showroom and maintenance/servicing centre (which has approval) a bund is not considered to be necessary. However, if the area were developed for B1/B2 uses (which also has approval) then more stringent noise mitigation may be required. As such it is considered appropriate that a condition requiring an updated noise report together with a scheme of mitigation be required should phase 3 go

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ahead; this could then target the mitigation with regard the specific phase 3 development, although the car showroom/servicing centre approval has a specific condition as that was a full application as the hybrid approval and subsequent approved B1/B2 use on phase 3.

CONCLUSION

Taking the above into consideration the acoustic barrier does not need to be implemented with the food store (time period has passed) or with phase 2 and the food store as there will not be significant impact on residential amenity (whilst the fixed plant noise condition will still hold to protect residential properties from potential plant noise) provided that the condition ensures that a noise barrier is in place before the commencement of development on phase 3. Therefore, it is considered that the requested revision of the condition would not have a material effect on amenity.

RECOMMENDATION:

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

- 1) Notwithstanding any submitted details, prior to the commencement of phase 3 of the development a scheme for the construction of an acoustic barrier, along the western boundary of the site shall be submitted to and agreed in writing with the local planning authority. The scheme shall include details on landscaping, and the design of the barrier, including the height and length and shall be based on the findings of an up to date noise assessment which has previously been submitted to and approved in writing by the local planning authority.

Reason: In the interests of noise mitigation and residential amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
17/03/2021	PL01	-	Location Plan
17/03/2021	CJ-18/413	-	Supporting letter from Iceni dated 15 March 2021 referenced CJ-18/413.

Informatives

1 Cadent

Lee Osborne

26 April 2021

Alan Kilroe

26 April 2021

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