

<u>APPLICATION NO:</u>	22/00505/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>	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.		

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 Units 1A - 1E, which will be in the eastern part of the overall Academy Business Park site, and to Units 6A and 6B which will be adjacent the south western boundary of the overall Academy Business Park site.

Proposal

Condition 16 of outline planning permission 19/00337/OUT is as follows: -

The development consisting of the five employment use units (B1(c)/B2/B8), in all

comprising Units 1A - 1E as shown on the approved Proposed Site Plan drawing, shall be substantially completed prior to the first use of either the drive-thru unit or the food/retail kiosk (Use Class A1/A3/A5). For the avoidance of doubt this shall include as a minimum completion of the external walls and roof of the buildings and surfacing and layout of the approved car parking and servicing areas.

Reason: To ensure that the drive-thru unit and food/retail unit are not developed independently of the industrial unit employment uses and to ensure compliance with Policies CS4 and CS11 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

This current planning application seeks to remove the condition requirement. Units 1F to 1H and Units 6C to 6G are fully built out. Whilst Units 6E to 6G are occupied, Units 1F to 1H and Units 6C and 6D are vacant and are being marketed. Units 1F - 1H have consent for employment uses E9g) /B2 /B8 under planning permission 22/00302/FUL, and there is another current planning application under consideration relating to Units 6C and 6D (22/00633/FUL). There is interest from prospective tenants of Units 6A and 6B which correlates to the drive-thru unit and food/retail kiosk. However, at the same time as there is interest for the letting of those units the developer is struggling to let out Units 1F - 1H, and Units 6C and 6B.

Consultations

None Required

Representations

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The application was publicised by letters sent to 70 neighbour and advertised by Site Notice and a Press Notice. 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.

22/00543/FUL - 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 ASSOCIATED WORKS. Pending.

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

CS4 - Economy and Employment

CS11 - Principal Regeneration Area - Knowsley Industrial and Business Parks

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

Condition 16 of outline planning permission 19/00337/OUT is as follows:-

The development consisting of the five employment use units (B1(c)/B2/B8), in all comprising Units 1A - 1E as shown on the approved Proposed Site Plan drawing, shall be substantially completed prior to the first use of either the drive-thru unit or the food/retail kiosk (Use Class A1/A3/A5). For the avoidance of doubt this shall include as a minimum completion of the external walls and roof of the buildings and surfacing and layout of the approved car parking and servicing areas.

Reason: To ensure that the drive-thru unit and food/retail unit are not developed independently of the industrial unit employment uses and to ensure compliance with Policies CS4 and CS11 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

The reason for the condition was to ensure that the drive-thru and food/retail units were not erected prior to the other units, and then the other units not get built. With this phase the developer has built out eight units, Units 1F - 1H and 6C - 6G and the developer clearly demonstrates a commitment to developing out the site. However, since the outline planning permission was granted the Covid pandemic hit, stalling economies globally. Furthermore, since the pandemic the war in the Ukraine and other factors have led to a further hit on global economies which were already fragile following Covid. As such companies and individuals are experiencing unprecedented pressures on finances with high inflation and high energy costs following on from the economic hit of the measures introduced to combat the pandemic such as lock-downs, all of which was unforeseen in 2019. The developer is facing significant issues in letting out of the remaining vacant units at present due to the uncertainties and pressures surrounding the economy.

With the interests shown in operating Units 6A and 6B, this would bring-in revenue, which would help cover costs arising from those units which have been built out, but

which remain vacant, and allow the units which have not yet been built to be completed once the vacant units are let and the economy shows improvement. In addition, with the economic uncertainties facing individuals and companies the build out and completion of the drive-thru and food / retail elements would also offer additional employment opportunities, likely to be fulfilled largely by local persons and a cost benefit to the Council through the payments of business rates.

Whilst the pending application 22/00543/FUL relates to Unit 6B (food / retail use) and seeks to split the Unit into two separate units with the same uses allowed and only a small increase in the overall floor area this is subject to a separate consideration. This current application would allow that unit (or units if planning approval is granted in relation to planning application 22/00543/FUL) the considerations with regard the difficulties companies and individuals are experiencing due to the pressures on the overall economy remain, and there would be the creation of jobs, with people employed by the businesses operating from the units, at a time of economic uncertainty.

Conclusion

Whilst the outline planning approval condition 16 was attached to the outline planning permission for the stated reasons, the world since 2019 has undergone significant change and there has been a detrimental impact on the national and global economy. The developer has built out several the units required but is finding difficulty in letting those units currently vacant due to the economic uncertainties. The build and operation of the two units 6A and 6B, for which there is operational interest would alleviate some of the economic pressures experienced by building out of units and infrastructure and having units remain vacant until the economy picks up and the units are let. At the same time, the operations of Units 6A and 6B would create jobs. As such, considering the national and global events experienced since 2019 and the economic pressures those events have brought, it is considered that the removal of the condition is appropriate and in the spirit of local planning policies.

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) Units 6A and 6B, together with Units 1A - 1E, as shown on the approved drawings, shall only be constructed in accordance with the Construction Environmental Management Plan approved pursuant to Condition 4 of outline planning permission 19/00337/OUT.

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 Policy CS19 of the Knowsley Local Plan adopted January 2016 and Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 4) The drainage strategy for Units 6A and 6b, together with Units 1A - 1E shall accord with the drainage strategy approved pursuant to Condition 6 of outline planning permission 19/00337/OUT.

Reason: For the avoidance of doubt and to ensure satisfactory sustainable drainage facilities are 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 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 5) The drainage for Units 6A and 6B, together with Units 1A - 1E, shall accord with the drainage system approved pursuant to Condition 6 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.

- 6) 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.

- 7) 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.

- 8) 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 BS4142:2014, Methods for rating and assessing industrial and commercial sound. Noise limits for fixed plant are to apply at a position 1m 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.

- 9) All external lighting installed within the site shall only be installed in accordance with the lighting scheme approved pursuant to Condition 10 of outline planning permission 19/00337/OUT.

Reason: For the avoidance of doubt, in the interests of amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 10) Prior to the first use of the drive-thru unit or the E(a)/E(b)/sui generis (hot food takeaway) kiosk, shown as Units 6A and 6B on the approved site layout, a scheme shall have been previously submitted to and approved in writing by the Local Planning Authority detailing how the smoke and odour from each of the proposed E(b)/sui generis (hot food takeaway) uses will be controlled.

The information submitted must include:

- a. Details / specification of the equipment that will be installed to control odour and smoke
- b. The siting of any external ventilation stack; and,
- c. Details of any measures which are necessary to attenuate noise from the ventilation stack;

The approved scheme should take into account the requirements of the EMAQ guidance for the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, dated 5 September 2018 and shall be fully installed and operating prior to the unit to which it is applicable first comes into use. It shall thereafter be retained and operated to then manufacturer's specification whenever the permitted use is in operation.

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.

- 11) The drainage from the kitchen areas serving the E(b)/sui generis (hot food takeaway) uses of the drive-thru unit and E(a)/E(b)/sui generis (hot food takeaway) kiosk shall incorporate a grease trap of suitable size and design before connection to any private or public sewer. The trap shall be installed and operating prior to the premises being brought into use. It shall thereafter be retained and operated in accordance with the approved specification at all times that the E(b)/sui generis (hot food takeaway) premises are in operation.

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.

- 12) All units, prior to first occupation, shall be provided with the requisite cycle and motorcycle parking provision appropriate for the relevant unit and approved pursuant to Condition 14 of outline planning permission 19/00337/OUT.

Reason: For the avoidance of doubt, to ensure that adequate provision is made for parking cycles and motorcycles on the site and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 13) Within 3 months of the first occupation of whichever of Unit 6A or Unit 6B 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.

- 14) No unit shall be occupied until an outdoor, weatherproof electric vehicle charging point readily accessible from a dedicated parking space has been provided within the site to serve the unit. (The total development must have a minimum of 15 electric vehicle charging points).

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.

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.

- 15) All hard and soft landscape works shall be carried out in accordance with the details shown on the drawings approved for reserved matters approval 20/00146/REM. The works shall be carried out within this current planting season (October 2022 - March 2023) and establishment / maintenance works carried out in accordance with the approved details and the works for Units 6a and 6B carried out following substantial completion of works. 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
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16/08/2022	389-PL-2102-F	-	LOCATION PLAN
16/08/2022	2271_10	E	LANDSCAPE PROPOSALS - ALL SITE
16/08/2022	2271_09	E	LANDSCAPE PROPOSALS - SHEET 4 OF 4
16/08/2022	2271_08	E	LANDSCAPE PROPOSALS - SHEET 3 OF 4
16/08/2022	2271_07	E	LANDSCAPE PROPOSALS - SHEET 2 OF 4
16/08/2022	2271_06	E	LANDSCAPE PROPOSALS - SHEET 1 OF 4
16/08/2022	389-PL-2103-F	-	PROPOSED SITE PLAN
16/08/2022	1370-SCH-1061	-	PROPOSED SITE PLAN INDICATIVE LAYOUT

Signed Case Officer: **Lee Osborne**

Signed Authorising Officer: **Mark Cawood**

Date: **29 November 2022**

Appendix 1 – Site Photographs