

Regeneration and Economic Development Department

APPLICATION NO: 20/00124/NMA1

APPLICANT: PLP And Knowsley Unit Trust

WARD AFFECTED: Northwood

DEVELOPMENT: NON MATERIAL AMENDMENT FOR PLANNING APPLICATION 20/00124/FUL (ERECTION OF B8 WAREHOUSE/DISTRIBUTION CENTRE INCLUDING MEZZANINE FLOOR, ANCILLARY OFFICE AND WELFARE FLOORSPEACE, TRUCKERS FACILITIES PLUS GATEHOUSE, ACCESS, PARKING AND SERVICING AREAS TOGETHER WITH ASSOCIATED WORKS AND INFRASTRUCTURE) AMENDMENT SOUGHT TO ALLOW CHANGES TO APPROVED PLANS, LANDSCAPING, EXTERNAL LIGHTING SCHEME, CYCLE STORE PROVISION AND ENERGY STATEMENT

LOCATION OF SITE: Former Sonae Tafibra Site, Moss Lane, Kirkby, Knowsley, L33 7XQ,

KNOWSLEY LOCAL PLAN ALLOCATION –

EA River Buffer

Urban Greenspace and Educational Land -

Primary Industrial Area

Site Of Biological Or Local Geological Interest (Rivers)

Water Restricted Surface Area - North Area - Kirkby

TECHNICAL CONSULTATIONS:

Environmental Health – There appears to be no significant between the original noise report and the one submitted as part of these proposals.

Highways – No objections

ISSUES AND ASSESSMENT:

Site

The application site is approximately 15.1 hectares and lies in the North West corner of Knowsley Industrial Park. The site is bound by Moss Lane, Lees Road and Ashcroft Road on the southern boundary with Marl Road forming the eastern boundary. To the north is a bunded area and rail freight line with Public Open Space and the LFC training ground and public playing pitches to the west extending to Simonswood Lane and the wider Northwood residential area beyond. The site formerly housed Sonae Tafibra (UK) and construction works to implement permission 20/00124/FUL are currently taking place.

Proposal

The non-material amendment relates to the planning permission for the erection of a large B8 distribution warehouse on Knowsley Business Park. The permission allows the construction of an 18m high, 77,637m² distribution warehouse with parking to the southeast of the building and service yards to the north west and north east. HGV access into the building was to be taken from Moss Lane with car park accesses taken from Ashcroft Road and Marl Road, and a seasonal HGV access and bus depot access also taken from Moss Road.

The applicant secured permission for the following ‘non-material’ amendments to the permitted scheme under 20/00124/NMA:

- Re-alignment of internal access road from Moss Lane and removal of vehicle pre-check area and associated guardhouse removed.

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- The erection of an additional substation and associated area immediately west of the internal access road from Moss Lane.
- Alterations to the route of cycle path from Moss Lane to the cycle shelters to suit levels and width increased to 3m
- Cold water tank and transformer relocated from adjacent to the cycle store to northern part of site
- Refuse store repositioned to suit relocated cold water tank and transformer
- Sprinkler tank and pumphouse moved south west.
- Gatehouse arrangement updated to occupier requirements.
- Changes to the yard are including turning circles increased to 30m diameter, inclusion of pedestrian walkways, relocation of pallet store
- HGV parking numbers reduced from 108 to 104 spaces
- Motorcycle parking space dimensions increased, and number of spaces reduced from 39 to 33 spaces.
- Car parking spaces reduced from 534 to 508 improve safety.
- Change to allow the use of composite cladding
- Addition of two roof ladders
- Change to the colour of cladding between windows
- Addition of a canopy to the breakout area in front of the office building
- Changes to the appearance of the gatehouse
- Additional planting in front of the southern elevation of the building.
- Additional planting in the area of landscaping immediately east of the internal site access road from Moss Lane
- Minor changes to landscaping arrangement to accommodate amendments to internal access road and pedestrian and cycle footpaths within the site as per the revised architectural plans.
- Update to the lighting scheme to reflect the changes above
- Changes to the Building's 'u-values' which necessitate a change to the approved Energy Statement.

This application proposes the following further amendments to the development which the applicant believe to be 'non-material':

- Amendments to the north east and south west of the site to increase the number of truck spaces from 104 to 144
- Relocation of the bus depot from an area to the north east of the office block to an area to the south west of the office block
- Reduction of the number of car parking spaces from 508 to 478
- Reconfiguration of the access points on Marl Road
- Removal of the substation from Marl Road
- A 1,513m² increase in the area of the mezzanine floor
- 'Mirroring' the office block
- Amendments to the position of some windows on the building
- Additional walkways in the yard area
- Alterations to the shape of the balancing pond in the south east of the site
- Additional balancing pond adjacent to the south eastern corner of the building
- Consequential changes to landscaping and lighting

Assessment

Section 96a of the Town and Country Planning Act 1990 gives Local Planning Authorities the power to make a change to a planning permission granted in their area if they are satisfied that the change is non-material. This includes the power to impose new conditions or change existing conditions.

In deciding whether a change is material the Act states that a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

Planning Practice Guidance confirms that there is no statutory definition of 'non-material' because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another

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As previously set out in this report, planning permission 20/00124/FUL involves the erection of a large building and its associated works and infrastructure on a previously developed site in an industrial area. The principal effects of the proposed changes would be on:

- Appearance
- Highways
- Amenity
- Surface water

Each effect will be dealt with in turn.

Given that a non-material amendment has already been granted on the site, this application must consider whether the cumulative effects of that permission, and the changes applied for under this application, have a material effect.

Appearance

Changes to the building

With regard to the main building this application proposes increasing the height of the area of 'Signal Grey' cladding and altering the location of the highest windows on the north east and north west elevations from 13.4m to 15m. The application also proposes 'mirroring' the office building. On the previous NMA a canopy was added to the office building and a change was proposed to allow the use of composite cladding rather than built up cladding.

As a result of the changes, the appearance of the building would be different to that originally approved, however, the changes would not affect the form, height or scale of the building. In terms of the effects on appearance the building is around 18m high so a 1.6m increase to the height of the 'Signal Grey' cladding and top of the highest windows would not have a noticeable effect. The 'mirroring' of the office building would leave the main entrance feature in largely the same location and in the context of the development as a whole, would not be materially different to the original development.

Changes to the site

Changes to the yard area in the north east of the site would not have a material effect on the appearance of the development because they would not be readily visible from public areas and would largely relate to operational changes within the building's service yard such as the provision of further walkways.

At the south of the site a surface water drainage pond would be created in an area which is proposed to be landscaped replacing an area of woodland thicket mix, however, tree planting to screen the corner of the building would remain in place as would landscaping in front of the pond so whilst different there would not be a material effect on the appearance of the site or setting of the building.

To the west of the building, the shape of the car parking, drainage pond and landscaping would change and a few parking spaces in the corner close to the office block would revert to a bus depot which was previously proposed further north in the site. Despite changes to its shape and slight changes to its function the area would still appear as hardstanding with a landscaped edge formed from a grass strip, a hedge and trees and some 'low ground cover planting' and on balance would not have a material effect on the appearance of the development as a whole.

The most significant change is proposed to the north east of the site where an additional 35 HGV bays would be sited in place of a bus depot, vehicular access and areas of landscaping doubling the size of the area where HGVs can be parked. This would clearly have a visual effect on the area, however, in the context of the scheme as a whole where it is reasonable expected to see a number of HGVs/trailers waiting and in the middle of an industrial estate.

Taken as a whole there are a number of changes that are proposed by each of the non material amendment applications which can will affect the appearance of the site. However, in the context of the size and nature of the development and its surroundings it is not considered that the changes would have a material effect on the appearance of the development.

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Highways

Reduction in parking spaces and increase in floor area

The application proposes the provision of 478 car parking spaces which would be a reduction of 56 spaces relative to the planning permission which proposed 534 (the previous NMA removed 26 of the spaces and this application proposes the removal of a further 30), it also proposes a 1,513m² increase in the floor area of the building. The applicant sets out that the reduction in spaces is based upon the occupier's operations elsewhere. Following concerns raised by the Council's Highways Team the applicant provided further information to justify the reduction in car parking spaces including evidence of car parking levels on comparable sites.

The changes and submitted evidence have been reviewed by the Highways team who believe that the accessible location of the site, and existing conditions requiring implementation of a travel plan and the commencement of a TRO would mean that material harm would not be caused to highway safety or the capacity of the highway network.

Increased number of HGV spaces

The application proposes the provision of a further 40 HGV spaces. They state that after reviewing working practices across their other sites, the calculations used to inform the design and operational requirements of their HGV yards currently underestimates the space needed to operate at an optimal level.

The applicant also states that a new HGV checking system is being implemented to further improve on-site efficiencies during the check-in process which will reduce individual check-in times for HGVs from 4 minutes to 1.5 minutes. They state that this will result in a greater number of vehicles in the yard at any single time, with fewer queueing on the access road within the site waiting to be checked-in at the gatehouse, necessitating more HGV spaces.

The applicant sets out that the additional spaces would not lead to additional HGV movements.

Given that this application would only marginally increase the amount of floorspace on the site and the fact that HGV trips are based upon floor space created, it would not be reasonable to revisit traffic movements to and from the site as a result of this application. Rather, the additional HGV spaces are likely to take HGVs away from the surrounding roads and ensure that they are contained within the site. On this basis, the increased number of HGV spaces would not have a material impact on the highway network.

Amended access points

The revised access points are located such that they would not affect highway safety or capacity and as such represent a non-material change.

Lighting

The revised location of the bus depot would introduce an area of bright lighting which would be visible from Lees Road and Ashcroft Road, highways have reviewed the submitted information and do not believe that it would not cause glare that would affect road users. The changes to the lighting scheme would not have a material effect on road users.

Amenity

The application proposes an additional 40 HGV bays and changes to the way/time that it takes HGVs to enter the site. The applicant has prepared a noise assessment which updates the noise assessment that is an approved document on planning permission 20/00124/FUL. The noise assessment identifies that there will be small increases in the noise levels at sensitive receptors, but these increases would not be significant and would not have a material effect on the amenity of the nearest residents. Environmental Health have confirmed that they are satisfied with the conclusions of the noise report and the conditions attached to the original permission still stand and therefore the proposed changes would not have a material effect on amenity.

A light spillage plan has been submitted with the application which shows that in the most sensitive area along the north western boundary of the site the lighting levels would be largely unchanged. More light would be introduced where the additional HGV bays are proposed, but the lighting in that area in

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general would be of a lower intensity that what was originally shown for the seasonal access and bus depot.

More intense lighting would be proposed where the bus depot would be relocated to on the corner of the office building, but the light spillage plan shows that this would drop to 10/20 lux at the site boundary and to around 5 lux (the brightness of a typical street light) by the time it reaches the business opposite.

Taking this into account the proposed development would not materially affect amenity.

Surface water

The proposed development would result in additional hardstanding and a reduction in the amount of soft landscaping on the site. It would therefore have the opportunity to increase surface water run off. However, run off rates are controlled by condition number 7 of planning permission 20/00124/FUL which also requires a full drainage strategy including attenuation areas to be agreed with the LPA and implemented. So whilst the proposed development would need to find more area to store surface water, a suitable condition exists to ensure that flooding will not be increased elsewhere. Condition number 7 has already been discharged so this NMA will also amend that condition to clearly identify that the changes proposed require that condition to be 're-discharged' based upon the latest layout.

CONCLUSION

The proposals both individually and cumulatively are considered to be non-material amendments and would be acceptable in terms of visual impact, highways impacts and amenity.

RECOMMENDATION:

That the non-material amendment application be granted subject to the following condition(s):-

- 2) The development hereby permitted shall be carried out in accordance with the approved plans under planning permission 20/00124/FUL with the relevant plans and documents substituted as listed in Schedule 1.

Reason: For the avoidance of doubt.

- 3) The development shall be carried out only in accordance with the approved landscaping scheme and shall be completed by the end of the first planting and seeding seasons following the substantial completion of the development works. The landscaping shall be established and maintained in accordance with submitted details. 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: To ensure that the landscaping is implemented and maintained in the interests of visual amenity and to comply with Policies CS19 and CS21 of the Knowsley Replacement Unitary Development Plan adopted January 2016.

- 7) Notwithstanding approved drawings/documents (and any previous confirmations that this condition has been discharged) the development hereby permitted shall not be commenced until a scheme for the provision and implementation of a surface water regulation system to manage the risk of flooding from both overland flow and from the sewer network, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include hydraulic calculations for a 1 in 30yr storm and a 1 in 100yr storm with 30% climate change. The agreed scheme shall be implemented prior to the first occupation of the development.

For the avoidance of doubt, surface water must drain in accordance with the rates set out in the 'Flood Risk Assessment & Drainage Statement (C1324-2020001 version Rev C dated 11 February 2020) - Table 6.5'. No surface water will be permitted to

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drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details. The surface water drainage scheme should be consistent with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Reason: To ensure a satisfactory drainage system is provided to serve the site in accordance with Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and Policies CS2 and CS24 of the Knowsley Local Plan Core Strategy January 2016.

- 9) Noise from the operational phase of the development, as demonstrated within the Noise Assessment report by Terra Tech, dated June 2021, Job No. 784-A116561 (rev 4), shall not exceed the relevant levels stated in British Standard BS 8233:2014 and the World Health Organisation's 'Guidelines for Community Noise' at all of the closest sensitive receptors during both the daytime and night-time.

Reason: In the interests of residential amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 11) The acoustic barrier shall be in place prior to the site being brought into use and shall be of a close-boarded design, have a height of 4.0m and a minimum density of 10kg/m², and shall be finished or stained the same as the example acoustic fence shown on drawing ref B8391-AEW-XX-XX-DR-A-0504_P9_Proposed Boundary Treatment Plan unless previously agreed in writing by the Local Planning Authority prior to installation.

Reason: In the interests of residential amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 13) The external lighting for this development shall follow the scheme as detailed in the 20-010 External LED Lighting Assessment Report P3, to ensure there is no impact from glare and / or light overspill on the nearby residential properties.

Reason: In the interests of residential amenity and bat foraging habitat and to comply with Policies CS2 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy ENV3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 15) Notwithstanding any previously agreed details, within 2 months of this decision the developer shall begin the process of seeking to implement a Traffic Regulation Order (TRO) has been commenced and indicated as such in writing to the Local Planning Authority by the applicant stating the steps taken to commence the TRO. The TRO is to provide on-street waiting restrictions and/or corner protection, at any applicable areas on Marl Road, in the form of signage and/or lining, and/or other features as appropriate in order to prevent obstructive and/or dangerous parking. It is expected that the applicant will meet all costs of the making and the advertising of the TRO's and the subsequent physical works such as the signage and road markings shall be carried out as part of the s278 works.

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

- 17) The cycle store hereby approved by plan ref B8391-AEW-XX-XX-DR-A-0516_P4 Cycle Store Details shall be installed on site prior to the first use of the development

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hereby permitted and shall be retained for cycle parking purposes at all times that the development is on site.

Reason: To provide suitable cycle parking facilities for employees in the interests of sustainable transport and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

SCHEDULE 1

Plan Title	Approved Reference	Revised Reference
Proposed Site Plan	B8391-AEW-XX-XX-DR-A-0503_P15	B8391-AEW-XX-XX-DR-A-0503_P19
Proposed Ground Floor Plan	B8391-AEW-XX-XX-DR-A-0507_P3	B8391-AEW-XX-XX-DR-A-0507_P5
Proposed Mezzanine Floor	B8391-AEW-XX-XX-DR-A-0508_P3	B8391-AEW-XX-XX-DR-A-0508_P5
Proposed Roof Plan	B8391-AEW-XX-XX-DR-A-0509_P4	B8391-AEW-XX-XX-DR-A-0509_P5
Proposed Elevations	B8391-AEW-XX-XX-DR-A-0510_P8	B8391-AEW-XX-XX-DR-A-0510_P9
Proposed Building Sections	B8391-AEW-XX-XX-DR-A-0511_P4	B8391-AEW-XX-XX-DR-A-0511_P5
Boundary Treatment Plan	B8391-AEW-XX-XX-DR-A-0504_P8	B8391-AEW-XX-XX-DR-A-0504_P9
External Finishes Plan	B8391-AEW-XX-XX-DR-A-0517_P5	B8391-AEW-XX-XX-DR-A-0517_P6
Proposed Cycle Store Details	B8391-AEW-XX-XX-DR-A-0516_P3	B8391-AEW-XX-XX-DR-A-0516_P4
Landscape Proposal Plan (1 of 2)	BCA 2029-19-05-D	BCA 2029-19-05-F
Landscape Proposal Plan (2 of 2)	BCA 2029-19-06-E	BCA 2029-19-06-G
Tree Retention Protection and Removal Plan (1 of 2)	BCA 2029-19-03-C	2029-19-03-G
Tree Retention Protection and Removal Plan (2 of 2)	BCA 2029-19-04-B	2029-19-04-F
Soft Landscaping Maintenance and Management Statement	2029/19-RP01-B	2029/19-RP01-C
External Lighting Report	20-010 External LED	20-010 External LED Lighting Assessment Report

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External Lighting Layout	20-010 EX 001	20-010 EX 001-T4
Noise Assessment	A116561	A116561 – Rev 4

Plan Title	Approved Reference	Revised Reference
Visibility Splays (Multiple)	N/A	11647-HYD-XX-XX-DR-TP-0001-P01.06 11647-HYD-XX-XX-DR-TP-0002-P01.06 11647-HYD-XX-XX-DR-TP-0003-P01.06 11647-HYD-XX-XX-DR-TP-0004-P01.06
Swept Path Analysis (Multiple)	N/A	11647-HYD-XX-XX-DR-TP-0005-P01.06 11647-HYD-XX-XX-DR-TP-0006-P01.06 11647-HYD-XX-XX-DR-TP-0007-P01.06 11647-HYD-XX-XX-DR-TP-0008-P01.06 11647-HYD-XX-XX-DR-TP-0009-P01.06 11647-HYD-XX-XX-DR-TP-00010-P01.06 11647-HYD-XX-XX-DR-TP-00011-P01.06 11647-HYD-XX-XX-DR-TP-00012-P01.06 11647-HYD-XX-XX-DR-TP-00013-P01.06

Alan Kilroe
3 September 2021



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