

Regeneration and Economic Development Department

APPLICATION NO: 21/00863/FUL
Ltd

APPLICANT: Orbit Investments (Properties)

WARD AFFECTED: Kirkby Central

DEVELOPMENT: VARIATION OF CONDITIONS ATTACHED TO PLANNING PERMISSION 15/00819/FUL (APPLICATION TO VARY CONDITIONS 2, 4 AND 5 ATTACHED TO PLANNING PERMISSION 14/00787/FUL TO ALLOW FOR A NEW VEHICULAR ACCESS OFF ARBOUR LANE TO BE INCLUDED IN PHASE 1 AND THE INTERNAL ACCESS ROAD TO THE FRONT OF BUILDING 2 TO BE INCLUDED IN PHASE 2, ALTERATIONS TO INTERNAL PEDESTRIAN AND VEHICULAR CIRCULATION, ALTERATIONS TO CAR PARKING, REVISED HGV LOADING BAYS AND DOCK LEVELLERS, REVISED LANDSCAPING SCHEME, PROPOSED IMPERFORATE SCREEN ALONG NORTHERN BOUNDARY OF SITE, ALTERATIONS TO AND INCREASE IN HEIGHT OF THE ROOFS OF THE BUILDINGS, ADDITIONAL GLAZING AND REVISED CLADDING) TO ALLOW FOR AMENDMENTS TO THE SITE LAYOUT AND BUILDING 2 (PHASE 2).

LOCATION OF SITE: Units 3, 4, 5A/5B, 6, 8 & Loading Bay, Academy Business Park, Arbour Lane, Knowsley Industrial Park, Kirkby, Knowsley, ,

KNOWSLEY LOCAL PLAN ALLOCATION –

Primary Industrial Area - Primarily Industrial Area

Water Restricted Surface Area - North Area - Kirkby

RELEVANT POLICIES

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

CS21 - Greenspaces and Trees

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

EC3 - Primarily Industrial Areas

ENV2 - Noise and Vibration

TECHNICAL CONSULTATIONS:

Environmental Health - No objections in principle.

Highway Authority - No objections in principle.

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 12 neighbours. It has also been advertised by Site Notice. No representations have been received.

ARTICLE 35

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

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accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ISSUES AND ASSESSMENT:

PROPOSAL

Planning permission was granted on 30 January 2015 (14/00787/FUL) for the demolition of Units 3, 4, 5A/5B, 6, 8 and loading bay and erection of two industrial units comprising of one 1 Use Class B8 (storage and distribution) unit (Building 1) and one Use Class B1(C)/B2/B8 (light industrial/general industrial/storage and distribution) unit (Building 2) with ancillary offices together with access, car parking, landscaping and associated works on the western side of Academy Business Park adjacent Arbor Lane.

A s73 application was submitted to vary the approved plans permitted by approval 14/00787/FUL, which was granted April 2016 (15/00819/FUL). A planning application was later approved separately for the construction of a new vehicular and pedestrian access to serve Phase 2 (Building 2) in July 2018 (18/00266/FUL). Planning permission was granted in November 2021 (21/00622/FUL) to 'renew' planning permission 18/00266/FUL as that had not been implemented and the permission expired in July 2021. The Proposed Site Plan (Drawing No. 389-PLA-2037-J) submitted as part of this current s73 application incorporates both approved Proposed Site Plans for 15/00819/FUL and 18/00266/FUL in to one overall Proposed Site Plan.

The current s73 application seeks to amend the previous approvals for Phase 2 - Building 2 to allow the unit to be sub-divided in the event two separate tenants seek rent/lease the building. The proposed changes include the following:

- The offices and ancillary area to be relocated to the centre of the front of the building to allow two entrance points to the building;
- The car parking layout updated to allow for the relocation of the offices and ancillary area to the front of the building;
- The dock levellers to be repositioned to the rear of the building;
- A 'possible future subdivision line' is shown on the drawings to indicate how the building could be subdivided.

As a result of the s73 application the schedule linked with Condition 2 (Approved Plans and Documents) is sought to be updated with the plans and documents submitted with this s.73 application.

Condition 3 (Materials);
Condition 4 (Parking and Servicing);
Condition 5 (Cycle and Motorcycle Parking);
Condition 7 (Contaminated Land);
Condition 8 (Construction and Demolition Environmental Management Plan);
Condition 12 (Surface Water);
Condition 17 (Japanese Knotweed); and
Condition 18 (Efficient Use of Resources)

have been previously discharged through 15/00819/FUL. With the change to the drawings and the documents submitted with the current planning application it is sought that these conditions now become compliance conditions linked to the amended scheme.

Phase 1 (Building 1) has been constructed and is shortly to be occupied by a tenant and the proposed amendments to Phase 2 (Building 2) are sought to enhance the marketing of the second warehouse in order to complete the redevelopment of this part of the site. The size, scale and materials of the warehouse and the number of car parking spaces remain the same as previously permitted.

POLICY CONSIDERATIONS

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The principle of development has been approved by the previous permissions granted. The current application accords with the above noted planning policies.

DESIGN, ACCESS AND CRIME PREVENTION

The proposed changes to the original scheme as outlined above are minor in nature and would detract visually from the originally considered and approved scheme and would not impact detrimentally on the visual appearance of Academy Business Park (existing or fully redeveloped appearance) or the visual amenities of the wider area. No crime or anti-social behaviour issues are raised by the proposed changes to the approved scheme.

HIGHWAYS

The proposals include the division of the Phase 2 building into two separate units, if required by potential end users, together with alterations to the proposed car parking layout with an access to Arbour Lane, as noted above.

A separate planning application (21/00622/FUL) was granted last year regarding the access onto Arbour Lane for this phase. It also included amendments to the parking layout.

Previous applications proposed 103 parking spaces for a B8 use, with additional parking to be provided should B1/B2 users occupy the site. This current application similarly offers to provide 103 parking spaces for a B8 use with an additional 130 spaces should a B1/B2 user occupy the site. The parking spaces are provided at a 2.4m x 4.8m width and length, with 6.0m aisle widths maintained. The parking proposed is acceptable, however it will need to be confirmed that the parking will remain unallocated.

The access remains the same as proposed and granted for 21/00622/FUL. However, the Highways Engineer notes a difference with 21/00622/FUL is that the northern visibility splay intersects with the adjacent site fencing. The Highways Engineer advises that this will either need to be amended and the fencing pushed back on plan, or amended with the s.278 agreement (required for the site access construction).

Minor alterations to the position of motorcycle parking and cycle storage are also proposed. Specific details for the bicycle storage can be dealt with by way of condition.

With regard the CMP a site plan is required, to highlight wheel wash facilities, construction staff parking and turning areas. Additionally a pre-commencement dilapidation survey of the surrounding highway should be completed and this stated in the document

RESIDENTIAL AMENITY

The proposals will not impact any more on the residential amenities of the nearest properties than the previously approved schemes.

OTHER ISSUES

Contaminated Land

- WML Consulting (August 2015) Phase 2 Geo-Environmental Investigation and Assessment Undertaken for Orbit Investments (Properties) Limited Ref: 6483/G/02
- WML Consulting (May 2017) Remediation Strategy for the Academy Business Park Lees Road, Knowsley Undertaken for Orbit Developments Limited, Ref: 7633/G/03

The above documents were previously submitted in 2017 for consideration of discharge of condition attached to 15/00819/FUL and Part A was discharged in June 2017.

The Verification Report for Phase 1 was considered, and the relevant part of the condition be discharged IN 2021. The current application seeks to vary Conditions 2, 4 & 5. Council consultants advise that any changes to site layout should be taken into consideration with the land contamination

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assessment and, if necessary, the Remediation Strategy revised to reflect any deviations from that previously agreed.

Noise

The proposals would not add any significant additional noise from the site that would be detrimental to the amenity of the locality. However, to ensure this, and because this application would effectively supersede previous permissions would need conditions attached to ensure that this remained so.

CONCLUSION

It is considered that the proposed amendments to the previous schemes would not give rise to any additional residential amenity issues for local residents and would be acceptable with regard visual amenity. The submissions with regard the conditions attached to the previous permissions are acceptable in the main, but some would need to remain/be amended as advised by the consultees. It is considered that the proposals taking on board existing permissions and site-specific circumstances is in compliance with planning policies, and the application is therefore recommended for approval.

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) Notwithstanding submitted details prior to the commencement of development on land named Phase 2 in the submitted application and covering letter from the agent a Demolition and Construction Environmental Management Plan (CMP) that details the means of mitigation of demolition/construction effects has been submitted to and agreed in writing by the Local Planning Authority.

For the avoidance of doubt the CMP shall include a site plan that highlights wheel wash facilities, construction staff parking and turning areas. The CMP shall also include the requirement for a pre-commencement dilapidation survey of the surrounding highway, and details of the findings of this and when it was undertaken shall be reported in the CMP together with mitigation measures if required, to be agreed with the LPA in consultation with the Local Highway Authority. The said survey should be undertaken with a Local Highway Authority Engineer. For the avoidance of doubt the submitted CMP highlights a time scale from 2020 which will need to be amended.

Other aspects of the previously submitted CMP appeared to be acceptable so can be resubmitted with the required additional information / amendments as identified above incorporated.

All site works shall then proceed only in accordance with the approved CMP.

Reason: To ensure the satisfactory development of the site and in the interests of the amenity of the area 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.

- 3) No construction works shall take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Public Holidays.

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Reason: In the interests of amenity and to comply with the National Planning Policy Framework and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 4) Prior to the commencement of development on land named Phase 2 in the submitted application and covering letter from the agent, a drawing showing the required site access/egress visibility splay shall be submitted to and agreed in writing by the Local Planning Authority. The drawing shall show that the visibility splay does not intersect with the adjacent site fencing, and the adjacent site fencing shall be shown moved back to ensure this. The agreed scheme, including the relocation of the adjacent site fencing, shall be implemented prior to first use of the unit (either whole or sub-divided) and shall remain as agreed at all times that the site is in use. For the avoidance of doubt the visibility splay shown on the required drawing and to be implemented shall be 2.4m x 90m unless otherwise agreed.

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

- 5) Notwithstanding submitted information prior to the commencement of development on land named Phase 2 in the submitted application and covering letter from the agent a scheme shall be submitted to and agreed in writing with the Local Planning Authority to show how any changes to the site layout have taken the previously submitted Phase 2 Geo-Environmental Investigation and Assessment by WML Consulting into consideration and how the Remediation Strategy by WML Consulting has been revised to reflect this if necessary.

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 development (or relevant phase of development) being brought into use.

Reason: In the interests of safety to prevent any risk to the public/employees and general pollution of the environment and in accordance with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 6) 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 risks from contamination of any imported soils to the future users of the land and neighbouring land are minimised, together with those to controlled waters and ecological systems in accordance with Policy CS2 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) The material to be used on the building(s) shall be as noted on approved drawing Proposed Elevations with materials noted – Dwg. Nos. 389-PLA-2039-G only.

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Reason: For the avoidance of doubt, in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 8) The development hereby permitted shall not be brought into use for any phase until the areas indicated on the submitted plans to be set aside for parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) for that particular phase have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 389 - PLA - 2037- J and these areas shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the Phase 2 Building shall provide 227 car parking spaces unless all activities within the building fall under Use Class B8, under which circumstances 103 car parking spaces shall be provided and those indicated as Additional Parking for B2/E(G)(iii) shall not be implemented in such instance.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 9) Notwithstanding submitted details prior to the first use of any part of the building(s) a scheme for the provision of cycle and motorcycle parking, in accordance with the Councils current standards, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before any part of the Phase 2 development is brought into use and shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for parking cycles and motorcycles within the site in the interests of sustainability and ensuring choice of modes of travel and to comply with policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 10) Notwithstanding any submitted details prior to the commencement of development on land named Phase 2 in the submitted application and covering letter from the agent, a scheme for the provision and implementation of a surface water sustainable drainage scheme to manage the risk of flooding from both overland flow and from the sewer network, has been submitted to and agreed in writing, by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the first use of any part of the Phase 2 site.

For the avoidance of doubt, the surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Reason: To prevent increased risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to comply with Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy adopted January 2016.

- 11) Prior to the first use of any part of the Phase 2 site, a Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development through an appropriate legally binding agreement shall be submitted to and approved in writing by the Local Planning Authority.

This shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by an agreed management company.
- b) A schedule for on-going inspections relating to performance and condition.

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- c) Details for planned maintenance and a mechanism for remedial and urgent repair works.
- d) Means of access for inspection and maintenance purposes.

The plan shall be implemented in accordance with the timeframes contained within it.

Reason: To ensure effectiveness of the flood risk measures during the lifetime of the development and to comply with Policies CS2 and CS24 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 12) The soft landscape scheme shown on drawing 21/10-01 shall be implemented prior to first occupation of the unit(s) or within the first available planting season after if first occupation occurs between April and September. 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. An establishment and maintenance scheme shall have previously been submitted to and agreed in writing by the Local Planning Authority prior to the planting.

Reason: In the interests of visual amenity and to ensure the development complies with Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 13) The development shall only be carried out in accordance with the submitted Site Waste Management Plan by Jones Contracts dated 19 June 2017.

Reason: In the interests of sustainability and waste minimisation in accordance with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 14) Prior to the unit(s) coming into use a scheme for the collection and storage of waste, including separated recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority for the unit(s). The agreed scheme shall be implemented at all times that the unit(s) are in use.

Reason: To ensure that waste created by the use of the unit(s) can be suitably stored in appropriate waste streams and is collected from the site(s) at appropriate times by a suitable waste collection agency or firm in the interests of sustainability and to comply with Policy CS26 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 15) The level of noise emitted from the site shall not exceed 42 dB L Aeq (1 hour) between 07:00 and 23:00 Monday to Friday and 32dB L Aeq (5 mins) at any other time, as measured on the boundary of the residential properties on Delfby Crescent as stated in the Noise Impact Assessment ref 6243382 - 00, by Bureau Veritas.

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.

- 16) Before any fixed plant is used on the premises, it shall be assessed to ensure it meets the performance outlined in the Noise Impact Assessment ref 6243382 - 00. If it does not meet this standard, it shall be installed in accordance with a mitigation scheme to be previously submitted to and agreed in writing by the Local Planning Authority. Documentary evidence of the works shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the equipment.

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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.

- 17) The site shall be regularly monitored for Japanese Knotweed on a bi-annual basis and if any such is found it shall be eradicated in accordance with details specified in the submitted Japanese Knotweed Treatment report by Great Grounds dated 4th July 2017.

Reason: To ensure that Japanese Knotweed remains eradicated from the site, and to comply with Policies CS2 and CS8 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 18) No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 19) No vehicle repairs or maintenance shall be carried out outside the buildings hereby permitted on the site.

Reason: In the interests of visual and general amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policies EC3 and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 20) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended, the unit(s) to which this permission relates shall be used for light industrial, general industrial or storage and distribution use falling within Use Classes B2, B8 and E(g)(iii) only and for no other purpose including any other use falling within Class E of the Schedule to that Order as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission; for the avoidance of doubt the office annexes are ancillary office accommodation to the main use of the buildings.

Reason: To enable the Local Planning Authority to assess any proposal for a further use of the unit(s) in relation to car parking levels, whether or not it falls within the same Use Class and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
15/11/2021	389-PL-2036-F	-	Proposed Demolition Plan
15/11/2021	389-PL-2037-J	-	Proposed Site Plan
15/11/2021	389-PL-2038-E	-	Proposed Floor Plans
15/11/2021	389-PL-2039-G	-	Proposed Elevations with materials noted
15/11/2021	389-PL-2042-E	-	Proposed Overall Site Plan

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15/11/2021	389-PL-2047-B	-	Proposed Hard Landscaping
15/11/2021	21/10-01	-	Proposed Soft Landscaping
15/11/2021	CEMP	-	Demolition and Construction Environmental Management Plan - Jones Contracts
15/11/2021	KNOTWEED REPORT	-	Japanese Knotweed Treatment - Great Grounds
15/11/2021	6483/G/02	-	Phase 2 Investigation Report - WML Consulting Ltd
15/11/2021	7633/G/03	-	Remediation Strategy - WML Consulting Ltd
15/11/2021	SITE WASTE MANAGEMENT PLAN	-	Site Waste Management Plan - Jones Contracts
15/11/2021	389-PLA-2048	-	Proposed Building Sections

Lee Osbourne

24 February 2022

Signed by

Mark Quinn

25/02/2022

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