

Regeneration and Economic Development Department

APPLICATION NO: 21/00572/FUL (PROPERTIES) LIMITED **APPLICANT:** ORBIT INVESTMENTS

WARD AFFECTED: Northwood

DEVELOPMENT: VARIATION OF CONDITION NO 1 (APPROVED PLANS AND DOCUMENTS), NO 2 (CONSTRUCTION MANAGEMENT PLAN), NO 4 (SURFACE WATER SUSTAINABLE DRAINAGE SCHEME), NO 5 (MANAGEMENT AND MAINTENANCE OF THE SUSTAINABLE DRAINAGE SYSTEM), NO 8 (HARD AND SOFT LANDSCAPING) ATTACHED TO PLANNING PERMISSION 20/00208/FUL (VARIATION/REMOVAL OF CONDITIONS NO. 2, 3, 13 AND 15 ATTACHED TO PLANNING PERMISSION 18/00269/FUL (ERECTION OF PETROL FILLING STATION AND COFFEE SHOP, WITH DRIVE-THRU FACILITY AND ASSOCIATED WORKS) TO ALLOW FOR AMENDMENT TO APPROVED PLANS IN RELATION TO RESITING OF COFFEE SHOP; LAYOUT; ALTERATIONS TO PARKING AND INSTALLATION OF LAYBY; RELOCATION OF BIN STORE/SERVICING AREA; LANDSCAPING AND BEE ORCHIDS; TOGETHER WITH VARIATION/REMOVAL OF CONDITIONS NO. 4, 5, 6, 7, 8, 11, 14 IN RELATION TO DRAINAGE, CONTAMINATED LAND, NOISE, CONSTRUCTION MANAGEMENT PLAN AND HARD LANDSCAPING FOLLOWING ADDITIONAL / NEW INFORMATION SUBMITTED.) TO ALLOW FOR CHANGES TO THE APPROVED PETROL FILLING STATION AND CONSEQUENTIAL CHANGES TO THE SITE LAYOUT AND APPROVED DOCUMENTS

LOCATION OF SITE: Academy Business Park, Lees Road, Knowsley Industrial Park, Kirkby, Knowsley, L33 7SA,

KNOWSLEY LOCAL PLAN ALLOCATION –

Strategic Road Network - Strategic Road Network

Land for Employment development - Land For Employment Development

Primary Industrial Area - Primarily Industrial Area

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

CS24 - Managing Flood Risk

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

ENV2 - Noise and Vibration

TECHNICAL CONSULTATIONS:

Highway Authority - No objections.

Environmental Health - No objections.

Arboricultural Officer – No objections.

United Utilities Water Ltd - No objections.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 39 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 accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ISSUES AND ASSESSMENT:

RELEVANT PLANNING HISTORY

95/00399/APP - Erection of 2.4m high palisade security fencing and gates. Granted - August 1995.

03/00261/FUL - Erection of 41,805 sq.m unit for commercial development (B1, B2, B8 Use). Granted - May 2003.

04/00276/FUL - Renewal of planning permission APP/99/00311 for the erection of a petrol filling station (granted July 1999). Granted - May 2004.

04/00276/FUL - Renewal of planning permission APP/99/00312 for the erection of a drive-through restaurant (granted July 1999). Granted - May 2004.

08/00151/FUL - Renewal of planning permission 03/00261/FUL for erection of 41.805 sq.m unit for commercial development (B1, B2, B8 Use). Granted - June 2008.

11/00245/DEMCON - Demolition of units 2, 5A, 5B and 6 together with the associated loading bay and covered roadway. Granted - July 2011.

13/00095/FUL - Alterations to all external elevations to include two roller shutter doors to north, new entrance door to south and alterations to cladding. Granted - April 2013.

14/00787/FUL - Demolition of units 3, 4, 5A/5B, 6, 8 and loading bay and erection of two industrial units comprising one Use Class B8 unit and one Use Class B1(c)/B2/B8 unit with ancillary offices together with access, car parking, landscaping and associated works. Granted - January 2015.

15/00819/FUL - Application to vary conditions 2, 4 and 5 attached to planning permission 14/00787/FUL to allow vehicular access of Arbour Lane to be included in Phase 1 and internal road to front of Unit 2 to be included in Phase 2, 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, roofs of units, additional glazing and revised cladding. granted - April 2016.

15/00822/FUL - Construction of new vehicular access and gates onto Arbour Lane (to serve staff car park fronting Unit 1 (Phase 1) of Academy Business Park redevelopment approved under application 14/00787/FUL) together with erection of pedestrian gate and dropped kerb crossing point. Granted - March 2016.

15/00819/NMA - Non-material amendment to vary conditions 2, 4 and 5 attached to planning permission 14/00787/FUL (three additional fire exit doors, one each to the front and both side elevations) and enlargement of two dock levellers to rear elevation). Granted - December 2017.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

18/00266/FUL - Construction of new vehicular access and gates onto Arbour lane to serve building 2 (Phase 2) of the Academy Business Park redevelopment together with erection of a pedestrian gate and associated works. Granted - July 2018.

18/00269/FUL - Erection of petrol filling station and coffee shop with drive-thru facility and associated works. Granted - July 2018.

19/00337/OUT - Outline planning application for the demolition of weighing station and the erection of 5 industrial units (Use Class B19c)/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 - February 2020.

19/00479/FUL - Application for variation of conditions 2, 3, 13 & 15 attached to Planning Permission 18/00269/FUL for erection of petrol filling station and coffee shop with drive-thru facility and associated works - to allow for re-siting of units; alterations to site layout and landscaping; reduction in number of petrol pumps and removal of air/water stations and alterations to coffe shop. Granted - October 2019.

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 B19c)/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 - June 2020.

20/00208/FUL - Variation/removal of Conditions 2, 3, 13 and 15 attached to planning permission 18/00269/FUL (Erection of Petrol Fulling Station and Coffee Shop with Drive-Thru facility and associated works) to allow for amendment to approved plans in relation to resiting of Coffee Shop; layout; alterations to parking and installation of lay-by; Relocation of bin store/servicing area; Landscaping and Bee Orchids; Together with variation/removal of Conditions 4, 5, 6, 7, 8, 11, 14 in relation to drainage, contaminated land, noise, construction management plan and hard landscaping following additional/new information submitted. Granted - July 2020.

PROPOSAL

Planning permission was granted on 30th July 2018 (18/00269/FUL) for the erection of a Petrol Filling Station (PFS) and coffee shop with drive thru facility, and associated works at Academy Business Park, KIP accessed off the roundabout on County Road at the junction with Arbour Lane.

Planning permission was later granted to vary/remove conditions 2, 3, 4, 5, 6, 7, 8, 11, 13, 14 and 15 attached to planning permission 18/00269/FUL on 22nd July 2020 (20/00208/FUL), which included amendments to the drive thru coffee shop. This consent has been implemented and Costa Coffee are now operating from the site.

Orbit, the applicant and developer have had discussions with agents and representatives of the proposed PFS operator. As such a number of amendments are needed for the PFS, to accord with the proposed operator of the PFS.

Accordingly, the following changes are proposed:

- Design / Materials: slight repositioning of the PFS kiosk and use of render and timber cladding. The retail kiosk is reduced in floor area and the number of petrol pumps has been reduced from 16 pumps to 10 pumps.
- Layout: changes to the internal pedestrian and vehicular circulation and amendments to the vacuum, jet wash and air/water facilities.
- Parking: alterations to car parking and HGV parking and the addition of six electrical vehicle charging points and associated power cabinets.
- Servicing: amended compound area and new delivery bay.
- Landscaping: amendments to the planting areas and hard landscaping.

POLICY CONSIDERATIONS

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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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 PFS kiosk and layout, and the proposed landscaping are acceptable with regard design and appearance and will be acceptable with regard the visual appearance of the Academy Business Park and the wider area. No crime or anti-social behaviour issues are raised by the proposals and revisions.

HIGHWAYS

The PFS will access off the County Road roundabout (as the existing Costa Coffee does). There would be no material impacts on the highway network with regard the proposed amendments to the previous approvals. The parking for the PFS would now be 12 spaces with 1 disabled persons space, whilst previously there was 11 spaces including 2 disabled persons spaces. There will now be 8 petrol filling points, with 6 EVCPs. HGV and tanker tracking together with service vehicle tracking has been provided and all are suitable. A 9m length refuse vehicle has been tracked instead of the 11m length requested; however, a 16.5m articulated HGV is noted to be able to navigate the same route and as such the tracking drawing is acceptable. The bin store and cycle storage area are suitable, with space for four bicycles. It is considered that the parking and fuelling/charging points are satisfactory. The Highways Engineer has no objections to the proposed changes and agrees the CMP.

RESIDENTIAL AMENITY

In terms of residential amenity considerations, the principles were considered with the previous application. The cottage at 40 Arbour Lane has effectively been incorporated into the adjoining concrete and waste transfer company site, whilst 90 Arbour Lane is more than 400m from the site. Other properties are located on Delfby Crescent on the opposite side of County Road from the site with the nearest dwellings being more than 120m from the site boundary. It is considered that the current proposals would not adversely impact on Delfby Crescent given the separation distance, and County Road itself. Environmental Health have no objections to the application.

OTHER ISSUES

The Bee Orchids which were the site and the translocation of which were part of the previous applications have since been relocated, and as such are no longer an issue with regard this site.

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 the proposed revisions to the PFS and layout would be acceptable with regard visual amenity. The submissions with regard the conditions attached to the previous permissions are acceptable in the main so such conditions would no longer be warranted (other than for surface water drainage). It is considered that the proposals taking on board existing permissions and site specific circumstances is in compliance with local planning policy, 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.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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- 2) The development shall only be carried out in accordance with the submitted Construction Management Plan by Jones Contracts dated September 2021.

Reason: For the avoidance of doubt, to protect the amenities of nearby properties and local residents 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) Contaminated Land

A. Reporting of Unexpected Contamination

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.

B. Importation of Soil/Material

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.

- 4) Prior to the commencement of any further above ground development, 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 occupation of the PFS.

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.

- 5) Prior to the first occupation of the PFS 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.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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.
- 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.

- 6) Fixed plant and machinery associated with the development shall be designed to a level that is at least 5 dB(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 1 metre from the closest affected window of the nearest noise sensitive property.

Details of the noise mitigation measures required to achieve the level detailed above and their technical justification shall be submitted to and approved by the Local Planning Authority. All such measures shall be fully implemented prior to occupation of each part or phase of the development and shall be maintained thereafter in accordance with the agreed details.

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.

- 7) The landscaping scheme shall be implemented in accordance with the approved landscape scheme identified on the drawings 18-0004 Rev F and 389-PL-2014-A, and the Landscape Maintenance and Management Plan document by Michael Vinsun Landscape Design, and maintained in accordance with the agreed details.

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) Notwithstanding any description of materials in the application, prior to any above ground construction works to the PFS kiosk occurring, samples and full specification of materials to be used externally on the PFS kiosk shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out only in accordance with the agreed schedule of materials.

Reason: In the interests of visual amenity and to comply with Policy 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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Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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25/10/2021	389-PL-2002-L	-	Site Plan as proposed for Drive-Thru + PFS
25/10/2021	389-PL-2003-M	-	Site Plan as Proposed for Drive-Thru + PFS (1:200)
30/09/2021	Construction Management Plan	-	Construction Management Plan (Jones Contracts)
19/08/2021	P183-445-I	-	Academy Business Park External Lighting
09/07/2021	18-004	F	Soft landscape Detail
09/07/2021	389-PL-2007-B	-	PFS Kiosk Proposed GA Floor Plan
09/07/2021	389-PL-2008-B	-	PFS Kiosk Proposed Roof Plan
09/07/2021	389-PL-2009-C	-	PFS Kiosk Proposed Elevations
09/07/2021	landscape Maintenance and Management Plan	-	Landscape Maintenance and Management Plan (Michael Vinsun Landscape Design)
09/07/2021	389-PL-2011-A	-	Proposed PFS Elevations
09/07/2021	389-PL-2014-A	-	Proposed Site Plan showing Hard Landscaping
09/07/2021	389-PL-2010-E	-	Site Section A-A for Proposed Drive-Thru + PFS

Informatives

- 1 NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments:

A5208 Roundabout

For any further proposals for Academy Business Park requiring access to the roundabout, capacity and flow assessments will be required, as below:

The assessment should consist of, but not be limited to, an ARCADY analysis of the five arm roundabout that includes Arbour Lane and County Road to satisfy the Local Planning Authority (LPA) that the number of vehicular trips generated by the development will be:

- a) reasonably be able to clear the roundabout on entering / exiting; and
- b) able to progress on the immediate site roads without their route being obstructed by queuing traffic.

Further, it will be required that not only does assessment review operational but also safety performance.

It is advised that if the results of the above assessments indicate a problem then a solution should be offered to the LPA at the earliest opportunity.

Site Inspection

Prior to the commencement of the development, a joint inspection between the applicant and the Council as Local Highway Authority of the condition of the existing

Document Reference PS/DC/OP04/05	Document Issue Number 003	Document Issue Date 23/9/02
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footways/carriageways in the vicinity of the site should be carried out. The applicant is advised to contact
SiteDevelopment@knowsley.gov.uk to discuss the matter further.

2 United Utilities.

Lee Osborne

12 November 2021

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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