

Regeneration and Economic Development Department

APPLICATION NO: 21/00931/FUL

APPLICANT: EG Group

WARD AFFECTED: St Gabriels

DEVELOPMENT: VARIATION OF CONDITIONS 2 AND 4 OF PLANNING PERMISSION
19/00610/FUL TO CHANGE THE APPEARANCE OF THE BUILDING, SITE
AND CONSEQUENTIAL CHANGES TO APPROVED DOCUMENTS

LOCATION OF SITE: KFC - Unit 2, Coppice Lane, Huyton, Knowsley, L35 1QT,

KNOWSLEY LOCAL PLAN ALLOCATION –

Land for Employment development - Land For Employment Development

Primary Industrial Area - Primarily Industrial Area

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

RELEVANT POLICIES

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS4 - Economy and Employment

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

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

DQ3 - Gateway Sites and Corridors

ENV2 - Noise and Vibration

ENV3 - Light Pollution

TECHNICAL CONSULTATIONS:

Environmental Health - No objections but request fume extraction details condition.

Tarbock Parish Council - No comments received.

NEIGHBOUR NOTIFICATION:

This application has 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ISSUES AND ASSESSMENT:

PLANNING HISTORY

The site is part of a larger area of land with:

- full planning permission for a supermarket, the erection of one building to accommodate five Business and General Industrial (B1/B2) uses and associated works, and;

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

- outline planning permission for B1 and B2 buildings totaling up to 7,500 sq.m, a Petrol filling station with an associated retail unit of up to 400 sq.m and a pub / restaurant of up to 1000 sq.m floor area (ref 17/00301/HYB).

Planning Committee resolved to grant planning permission at its August 2018 meeting subject to conditions and a Section 106 legal agreement. The legal agreement was to secure:

- a commuted sum for the provision of CCTV for traffic monitoring;
- replacement trees for those to be lost along Wilson Road, and;
- maintenance of the traffic signals being provided at the site access junction with Cronton Road.

The S106 Agreement has been complied with and the food store is nearing completion.

A full planning permission (19/00481/FUL) also exists on the site for the erection of a car dealership comprising a showroom, offices, servicing and an MOT workshop. The car dealership development would be located on the areas of the site that also have full and outline planning permission for light and general industrial buildings.

The outline planning permission also allowed for up to 1000 sq.m of development for cafes, restaurants, and drinking establishments, such as pubs and wine bars.

A reserved matters application (19/00511/REM) for a petrol filling station, a café and associated works (such as car parking and access) was approved in October 2020. The drive thru restaurant proposed under that application was originally part of that development, however, because it was for a mixed use (restaurant, café and hot food takeaway), it did not fall under the scope of the outline planning permission, which only allowed a restaurant and café or drinking establishment and could not be approved under the reserved matters application.

The drive-thru restaurant was therefore the subject of a separate planning application (19/00610/FUL) which was considered by Planning Committee and subsequently granted planning permission in January 2021. However instead of that (McDonald's) drive-thru restaurant being constructed the current (KFC) unit was erected which is of a smaller floor area and size and the current planning application is to rectify the situation in order that the built development can be lawful development.

There have also been some applications to vary planning conditions on the site,

DEVELOPMENT

The drive-thru restaurant which has been built is smaller in floor area and size/scale than the previously approved drive-thru restaurant. This application seeks approval for the change in the size, scale and appearance of the drive-thru restaurant built and therefore subsequent changes in the approved drawings/documents. The unit is built and the drive-thru has been operating for a number of months.

POLICY CONSIDERATIONS

The principle of a drive-thru restaurant on the site has been agreed previously with the previous approval of the drive-thru McDonald's restaurant. The current planning application complies with the above noted planning policies.

DESIGN, ACCESS AND CRIME PREVENTION

The design and materials of the KFC drive-thru is acceptable and is not detrimental to the visual amenity of the locality which is that of a commercial area comprising the application building, a Starbucks store plus Euro Garages petrol filling station with associated retail unit. The KFC is smaller in floor area and size than the approved drive-thru restaurant. Whilst landscaping details have been provided these relate to the hard landscape elements with the remainder of the site noted as being turf. The hard landscape elements are satisfactory and further detail/approval is not required. However, it is expected that there be some planting in the form of trees/shrubs rather than left to grass and therefore a soft landscape scheme is recommended. The unit does not raise crime or anti-social behaviour issues.

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

HIGHWAYS

The application store has a smaller floor area and size than the approved store. As such no increase in vehicular movement is likely to the previously approved scheme. The parking is satisfactory in the context of the site location and the overall development site. Cycle parking has been provided in the form of three Sheffield stands giving six cycle parking spaces. Whilst a covered secure stand is usually required for staff in this instance such lack does not appear to have caused issues and therefore is recommended that such is not required.

AMENITY

The unit is not close to residential properties and does not impact on residential amenity. However, no information has been submitted with regard the fume extraction/odour control system that has been installed. Therefore, a condition requiring details of the system that has been installed to be submitted and approved is recommended, and the system revised if necessary.

The lighting system that has been installed to the site, including the car park area, is acceptable and does not cause issues. Details have been provided and therefore a lighting details condition is not required this time.

An acoustic barrier was originally proposed along the western boundary of the overall site through condition and such requirement was also attached to planning permission 19/00610/FUL. However, planning application 19/00610/NMA was submitted proposing to remove the requirement for the provision of the acoustic barrier for which was submitted to remove this requirement.

Two litter bins have been installed, one either side of the drive-thru access which is also by the parking area. These are standard KFC litter bins which are slightly bigger than municipal bins. The bins are acceptable with regards to appearance in the context of the site and provide adequate litter deposit facilities, with no litter around the site when a site visit was undertaken. As such it is recommended that a litter bin details condition is not required for the current application.

AIR QUALITY, DRAINAGE AND CONTAMINATED LAND

With the overall reduction in floor area and as a result no material increase in vehicular movements there will not be a material increase in air quality resulting from the change in the building on site over that previously approved scheme.

It has been confirmed that the drainage installed is that which has previously been approved and therefore there is no need for a further drainage condition.

With regards to contaminated land parts of the previous application condition relating to contaminated land have been discharged, namely Parts A-C of condition 11 attached to planning permission 19/00610/FUL. This was discharged as the information was submitted with regard planning permission 17/00301/HYB, with part C being the submission of a verification report. However, it is recommended that an updated verification report is submitted stating that no unexpected contamination was found and information on any soils imported to the site (unexpected contamination reporting was Part D of the Condition and soil importation details Part E).

CONCLUSION

The drive-thru restaurant which has been built is acceptable in design and parking and has not had tangible highway impacts or material impacts on air quality greater than the previously approved scheme. The drive-thru restaurant complies with planning policies and is recommended for approval.

RECOMMENDATION:

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

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

- 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) Within 3 months of the date of this planning permission a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. 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 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 agreement of the first Travel Plan 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 Policy CS7 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy T9 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 3) 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 1 metre from the closest affected window of the nearest noise sensitive property.

Reason: To prevent undue noise nuisance in the interests of the residential amenities of local residents and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted June 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 4) The litter bins which have been installed at the site by the parking area and drive-thru access, or similar litter bins, shall remain on site for customer use at all time the unit is in use.

Reason: To mitigate against waste arising from sales from the unit in the interests of visual amenity and vermin control and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

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

- 5) Within three months of the date of this planning permission Electric Vehicle Charging Points shall have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The charging points shall be implemented and made available for use in accordance with the approved details in the stated timescale and thereafter retained in accordance with the approved details.

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.

- 6) 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 or corral area without the prior approval in writing of the Local Planning Authority

Reason: In the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core strategy adopted January 2018.

- 7) Within two months of the date of this planning permission and notwithstanding any submitted details, details of soft landscaping to be carried out within the application site and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out in accordance with the agreed scheme. Any trees / shrubs which form the scheme 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 planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the development 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) Within one month of the date of this planning permission details of the system of fume extraction and odour control which has been installed within the unit shall be submitted to and approved in writing by the Local Planning Authority. The details shall include specifications of how the smoke and odour from the kitchen is controlled. If changes/revisions are deemed to be necessary specified revisions shall be implemented within a timescale that has been agreed in writing with the Local Planning Authority.

The information submitted must include;

- a) Details / specification of the equipment that will be installed to control odour and smoke
- b) The siting and details of any external ventilation stack.

Any modifications must be carried out in accordance with the agreed timescale and the fume extraction and odour control system shall thereafter be retained and operated to the approved details and manufacturers 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 Core Strategy adopted January 2016.

- 9) Within 3 months of this decision a verification report which provides evidence that the development has been carried out in accordance with the approved remediation scheme, that no unexpected contamination was found during the implementation of the development, and that any soils imported onto the site were screened to ensure they were suitable for use on the site.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters and ecological systems, 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
20/12/2021	160979 - PLNG 154	-	Proposed Site Plan (1:200)
20/12/2021	160979 - PLNG 155	-	Proposed Site Plan (1:500)
20/02/2021	160979 - PLNG 157	-	Drive - Thru Unit Elevations
20/02/2021	160979 - PLNG 156	-	Site Elevations
04/01/2022	Letter	-	Covering letter from agent.
19/04/2021	Email	-	Email from agent confirming that drainage installed is as previously approved.

Informatives

- 1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Lee Osborne
 4 May 2022

Alan Kilroe
 6 May 2022

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