

<u>APPLICATION NO:</u>	23/01778/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>	ERECTION OF 1NO. DRIVE-THRU UNIT (CLASS E(A) AND/OR CLASS E(B) AND/OR SUI GENERIS (HOT FOOD TAKE-AWAY)) TOGETHER WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS		

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.

Unit 6B was granted planning permission to be split into two units, and the building together with approved Unit 6A is to be sited at the south eastern tip of the overall site adjacent the County Road / Lees Road roundabout.

Proposal

Planning permission 22/00543/FUL granted permission to reconfigure the approved Unit 6B into two units 6B (1) and 6B (2). The floorspace of Unit 6B was 186 sq.m whilst the combined floorspace of the approved Unit 6B (1) was 93 sq.m and Unit 6B (2) was 130 sq.m, totalling 223 sq.m. One unit was granted was to be a kiosk unit with Class E(a) and/or Class E(b) and/or Sui Generis (hot food takeaway) use and one unit was to have been a drive-thru unit with Class E(a) and/or Class E(b) and/or Sui Generis (hot food take-away).

The current planning application seeks to amend the approved units and to have one

drive-thru unit for this area of the Academy Business Park due to the requirements of the likely end user.

The changes to the previously approved unit granted by planning permission 22/00543/FUL are as follows:

- Removal of sub-division wall.
- Removal of one front entrance door.
- Introduction of a set of double doors.
- Alterations to the layout of the external seating.

The floorspace of the proposed unit subject to this planning application would be 229 sq.m., 6 sq.m greater than the total of the approved semi-detached Unit 6B (1) and Unit 6B (2). Siting of the unit would be similar to the approved Units. The parking area would be to the north of the unit and there would be planting along the southern boundary of the site adjacent to the County Road / Lees Road roundabout.

Consultations

None Required

Representations

This application has been publicised by letters sent to 39 neighbours. 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 RESITING 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.

22/00505/FUL - 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. Granted: 30.11.2022

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. Granted: 10.01.2023.

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. Granted: 01.02.2023.

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

CS2 - Development Principles
CS4 - Economy and Employment
CS7 - Transport Networks
CS19 - Design Quality and Accessibility in New Development
CS24 - Managing Flood Risk

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

EC3 - Primarily Industrial Areas
ENV2 - Noise and Vibration
ENV3 - Light Pollution
ENV5 - Contaminated Land

Article 35 Statement

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.

Assessment

The principle of the development and uses has been established by the granting of previous planning permissions. As such the main considerations with regards this planning application is the design and visual amenity considerations, if highways concerns are raised and general amenity considerations.

Design and Visual Amenity Considerations

The design of the unit is satisfactory and similar in appearance and materials to the previously approved units. The landscaping is acceptable and the planting would provide a soft edge to the site. The proposal as amended would not be detrimental to the visual amenities of nearby properties or the area in general.

The application complies with Policies CS2 and CS19 of the Core Strategy and saved Policy EC3 of the UDP.

Highways Considerations

The proposal would not be significantly different to the previously approved scheme and would not be detrimental to highway safety. Sufficient parking is proposed for the unit, and there is additional parking within the overall Business Park site.

The application complies with Policies CS2 and CS7 of the Core Strategy and Policy EC3 of the UDP.

General Amenity

The application site is not close to housing and therefore residential amenity impacts are not an issue. The proposal would not generate additional noise above the previously approved units and would not cause noise nuisance concerns. However as with the previously approved units it would be prudent to attach a fixed plant noise condition to any planning permission granted.

Odour and Fumes

In order that the odour from cooking within the unit is not an issue in the locality it is recommended that a condition requiring a scheme for fume extraction and odour control to be submitted and approved prior to first use of the unit, and the agreed scheme installed. In such case it is considered that the odour from cooking at the units would not be an issue.

Contaminated Land

A submitted document provides a review of the Phase II report submitted in support of a wider site planning permission (19/00337/OUT) and discusses the impact the proposed change of development has on the land contamination assessment of the site. The intrusive works did not identify any contamination that would require any remedial actions. The consultants have advised that further DCP (Dynamic Cone Penetrometer) is carried out due to the increased area of pavement surrounding the proposed drive-thru unit in order to assess the geotechnical properties of the soils. However as this relates to the soil and installation of the (non-adopted) paving rather than contamination it is considered that a condition requiring such testing would fall outside of the planning remit. Any unexpected contamination should be reported as soon as possible to the Local Planning Authority to ascertain if there are risks and if any mitigation is required.

As the development contains an area of landscaping any imported soil must be suitable for its intended use, and sufficient evidence provided that material is suitable for its intended use by condition.

Drainage

The site forms part of a larger development site which has had a drainage scheme approved by condition discharge. As such the drainage of the site should accord with that approved drainage scheme. Due to the cooking to be undertaken at the unit details of a grease trap should be required to be submitted and approved, and the approved details installed prior to the first use of the unit, as with the previous approval.

Conclusion

The proposal is to allow the unit to be one larger unit with minor changes to appearance and internally, with very slightly larger floor space and some minor

changes to the site layout. These proposed changes would not impact on the overall Academy Business Park redevelopment or the wider area to any significant degree whilst the principle of development and use was established at the outline planning permission stage (19/00337/OUT). As such the proposal is acceptable, complies with planning policies and is therefore recommended for approval.

Recommendation

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

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) 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.

- 3) All works which form part of the scheme identified within the approved construction management plan (Jones Contracts, July 2023) shall be implemented whilst construction works are ongoing.

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.

- 4) 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 Policies CS2 and CS19 of the Knowsley Local Plan adopted January 2016 and Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 5) 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.

- 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 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.

- 7) Fixed plant and equipment 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 BS 4142:2014+A1:2019, 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: 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.

- 8) Prior to the first use of the unit a scheme for the extraction and treatment of fumes and odours shall have been submitted to and agreed in writing by the Local Planning Authority, and the agreed scheme implemented. The agreed scheme shall be operated when the unit is in use and shall be retained as agreed thereafter.

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.

- 9) The drainage from the kitchen areas shall incorporate a grease trap(s) of a design which has previously been submitted to and approved in writing by the Local Planning Authority before its connection to any private or public sewer. The trap(s) shall be installed and operating prior to the either unit coming into first use. The trap(s) shall thereafter be retained and operated in accordance with the approved specification at all times that either unit is in operation for the sale of hot food.

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.

- 10) The areas indicated on approved Proposed Site Plan (200) 1373-PL-2005 dated 07.06.23 to be set aside for cycle, motorcycle and car parking, servicing, vehicular manoeuvring (including provision for pedestrians / cyclists) shall have been surfaced, drained and permanently marked out or demarcated in accordance with details and specifications previously submitted and agreed in writing with the Local Planning Authority prior to the unit hereby permitted coming into first use. These areas shall be retained as such thereafter.

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

- 11) Any external lighting works shall only be in accordance with a scheme previously submitted to and agreed in writing by the Local Planning Authority and shall be undertaken only in accordance with the agreed scheme. The lighting as agreed shall be maintained thereafter only in accordance with the agreed scheme.

Reason: For the avoidance of doubt, in the interests of amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy and Saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 12) All soft landscape works shall be carried out in accordance with the approved details shown on Landscape Proposals - Unit 6B received 12.07.2023 and referenced Dwg. Nos. 2271_12. The works shall be carried out before any part of the development is occupied or in accordance with a timeframe to be agreed in writing with the Local Planning Authority prior to any above ground development commencing. 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 unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development 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
12/07/2023	1373-PL-2001	-	SITE LOCATION PLAN (1250) UNITS 6B DRIVE-THRU RESTAURANT
12/07/2023	1373-PL-2002	-	SITE LOCATION PLAN (500) UNITS 6B DRIVE-THRU RESTAURANT
12/07/2023	1373-PL-2003	-	PROPOSED SITE PLAN (1250) UNITS 6B DRIVE-THRU RESTAURANT

12/07/2023	1373-PL-2004	-	PROPOSED SITE PLAN (500) UNITS 6B DRIVE-THRU RESTAURANT
12/07/2023	1373-PL-2005	-	PROPOSED SITE PLAN (200) UNITS 6B DRIVE-THRU RESTAURANT
12/07/2023	1373-PL-2006	-	PROPOSED HARD LANDSCAPING UNITS 6B DRIVE-THRU RESTAURANT
12/07/2023	1373-PL-2007	-	PROPOSED UNIT PLAN UNIT 6B DRIVE-THRU RESTAURANT
12/07/2023	1373-PL-2008	-	PROPOSED ROOF PLAN UNIT 6B DRIVE-THRU RESTAURANT
12/07/2023	1373-PL-2009	-	PROPOSED ELEVATIONS UNIT 6B DRIVE-THRU RESTAURANT
12/07/2023	-	-	CONSTRUCTION MANAGEMENT PLAN
12/07/2023	2271_12	-	LANDSCAPE PROPOSALS - UNITS 6B

Signed Case Officer¹: **Lee Osborne**

**Signed Authorising
Officer²:** **K Foster**

Date: **26 October 2023**

Informatives

1. United Utilities comments submitted to 22/00543/FUL.
2. Merseyside Fire Service comments submitted to 22/00543/FUL.

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

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