

APPLICATION **NO:** **CASE OFFICER:** John Fleming
23/02643/FUL

WARD: Whiston & Cronton **PARISH:**

LOCATION: Symmetry Logistics Park Merseyside (Land at Former Cronton Colliery), Colliery Way, Cronton, Knowsley, L35 3AA

PROPOSAL: REMOVAL OF EXISTING FENCING, CONCRETE
HARDSTANDING AND DISMANTLING OF THE GAS VENT
STACKS TO FACILITATE A REDUCTION IN GROUND LEVELS,
ALONGSIDE THE REASSEMBLY OF VENT STACKS,
INSTALLATION OF REPLACEMENT BOUNDARY
TREATMENTS, RESURFACING AND NEW VEHICULAR
ACCESS

Site Description

The application site is located on the former Cronton Colliery and forms part of the the Halsnead Garden Village which is identified in the adopted Local Plan as a strategic site housing and employment development which will deliver approximately 1,600 new homes and at least 22.5ha of employment land.

The application site is located centrally within the commercial aspect of Halsnead Garden Village which is currently under construction with 1no. commercial shed having since been completed. The application site comprises a rectangular area of land adjoining the future access road. The site has remnants of 3no. mine shaft compounds and gas vent stacks associated with its former use. The land level subject to this application is relatively steep in comparison to the adjacent perimeter road.

Proposal

This application seeks permission for dismantling of mine shafts which were used during the life of the former Cronton Colliery together with dismantling of the gas vent stacks to a reduced height, erection of boundary fencing and reduction in ground floor levels.

The fencing would be erected around the entire parcel of land at an overall height of 2.4m and feature 1no. set of double doors to access the compound in a mesh finish coulered green.

The reduction in ground level will result in a difference of between -2.1 – 2.1m and will stand at a minimum 39.2m above sea level. The reduction in gas vent stacks will also be reduced but due to the reduction in ground levels they will appear the same height as what is currently in situ.

Consultations

Environmental Health – No objection subject to condition.

The Coal Authority – No objection. The Coal Authority has confirmed that other than the proposed reduction in ground levels all aspects of the development meet the exception criteria and on that basis the proposals are to the satisfaction of the Coal Authority

Merseyside Fire and Rescue – No response received.

LLFA – No response received.

Highways Authority – No objection.

Representations

This application has been publicised by letters sent to 14 neighbours and displayed by site notice. No representations were received during the publicity period.

Planning History

Ref: 74/02720/HIST - Coal Sampling House. Granted 20th December 1977

Ref: 93/00231/APP – Removal of colliery spoil (600,000m³) in connection with road. Granted 7th January 1994.

Ref: 99/00278/APP – Change of use of former colliery to form a sporting and leisure. Refused 1st February 2000.

Ref: 00/00695/FUL – Infilling of reservoir; and culvert replacement and regarding works to Fox's Bank Brook. Granted 6th December 2000.

Ref: 03/01148/OUT – Outline application for development of a business park to include B1/B8/C1/A3 & supporting ancillary uses, including formation of access & siting of phase 1 distribution centre with associated office building, B1 unit & Multi-storey car park. Application Withdrawn.

Ref: 07/00929/COU – Change of use from former colliery site to informal country park including associated access improvements. Granted 14th May 2008.

Ref: 15/00191/FUL – Installation of works to form a public country park on site of disused colliery & footpath cycleway along dismantled railway line. Granted 15th July 2015.

Ref: 20/00494/HYB – Hybrid planning application comprising: full application for the development of 161,900 sqft (15,041sqm) (GIA) of storage and distribution floorspace (Use Class B8), including ancillary offices (Use Class B1), security gatehouse, site access road, engineering earthworks to form a part country park, public car park to serve country park, and associated works; and outline application with details of point of access (Details of part-access, landscaping, appearance, scale and layout are reserved) for development of up to 838,100 sqft (77, 862sqm) (GIA) of storage and distribution floorspace (Use Class B8), with ancillary offices and light industrial (Use Class B1); engineering earthworks to form country park and drainage attenuation ponds; pedestrian/cycle/equestrian route connecting existing M62 footbridge with proposed country park; and associated works. Granted 4th March 2022.

Ref: 20/00494/NMA1 – Non material amendment to condition 39 of planning

permission 20/00494/HYB to allow up to 25,5498sqm of floor space to be used before the junction improvement works to Tarbock Island are commenced. Granted 27th January 2023.

Ref: 22/00162/REM – Application for approval of reserved matters pursuant to permission 20/00494/HYB (Hybrid planning application comprising: full application for the development of 161,900 sqft (15,041sqm) (GIA) of storage and distribution floorspace (Use Class B8), including ancillary offices (Use Class B1), security gatehouse, site access road, engineering earthworks to form a part country park, public car park to serve country park, and associated works; and outline application with details of point of access (Details of part-access, landscaping, appearance, scale and layout are reserved) for development of up to 838,100 sqft (77, 862sqm) (GIA) of storage and distribution floorspace (Use Class B8), with ancillary officers and light industrial (Use Class B1); engineering earthworks to form country park and drainage attenuation ponds; pedestrian/cycle/equestrian route connecting existing M62 footbridge with proposed country park; and associated works - Approval sought for (scale, access, appearance, layout and landscaping). Granted 30th June 2023.

Ref: 23/01949/REM – Application for the approval of reserved matters (scale, access, appearance, layout and partial landscaping) comprising of the development of 272,091 (GIA) of storage space and distribution floorspace (use class B8) and ancillary offices (use class e(g)), provision of infrastructure submitted pursuant to planning permission 20/00494/HYB. Pending consideration.

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 (adopted 2016)

SD1 – Sustainable Development
CS1 – Spatial Strategy for Knowsley
CS2 - Development Principles
CS4 – Economy and Employment
CS7 – Transport Networks

SUE1 – Sustainable Urban Extensions and Safeguarded Land
SUE2 – Sustainable Urban Extensions – Development Principles
SUE2c – Sustainable Urban Extensions – South of Whiston and Land south of M62
CS19 - Design Quality and Accessibility in New Development
CS21 – Design Quality and Accessing New Development
CS26 – Waste Management

Knowsley Replacement Unitary Development Plan (Saved Policies, 2006)

T5 – Location of Major Traffic Generating New Development
DQ2 – Security in the Built Environment
ENV5 – Contaminated Land

Merseyside Waste Local Pla (2013)

WM8 – Waste Prevention and Resource Management
WM9 – Sustainable Waste Management Design and Layout for New Development

Supplementary Planning Documents

Design Quality in New Development SPD (adopted January 2016)
Halsnead Masterplan SPD (adopted June 2017)

The site is allocated for mixed use development in order to help the borough meet its housing and employment requirements up to 2028. As such, the development is acceptable in principle as it will allow for the facilitation of the wider development of the site subject to the aforementioned policies listed above.

Article 35 Statement

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.

Assessment

Design

The proposals will result in the reduction of ground levels which would be in keeping with the adjacent permitter road to allow access and is also required to facilitate the wider development of the site which will be subject to future applications.

The mine shaft is simple in appearance and largely consist of a circular vent pipe with the development proposals only seeking to reduce its height. The vents would measure the same vertical height as what currently exists but given the overall reduction in ground floor level they would appear less prominent within the wider landscape of the area.

The boundary fencing appears to be steel mesh which will be finished in green attaining a maximum height of 2.4m. The fencing is necessary to provide adequate security and are of a sufficient scale in relation to the overall site surroundings which will be

comprised as 4no. commercial sheds of a significant scale.

The service yard will be entirely of concrete with a small selection of bitumen macadam proposed at the site entrance.

Overall, the development is simple in nature and is acceptable in terms of design.

Residential Amenity

Given the context of this application site which is located centrally within the wider Garden Village and the nearest residential property located approximately 186m from the application site to the north there would be no adverse impact to residential amenity in relation to the proposed application.

Other issues

Highways

No highways safety issues associated with the proposed development.

Conclusion

On balance, it is considered that the development would be acceptable in terms of design, residential amenity and highway safety and complies with the relevant Core Strategy, Replacement UDP and guidance in the NPPF and PPG and is therefore recommended for approval subject to conditions.

Recommendation

That planning permission will 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) Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives

and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

Implementation of Approved Remediation Scheme

The approved remediation scheme shall be implemented, and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

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.

Materials Management Plan

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, signed off by a Qualified Person, shall be submitted to and agreed in writing with the local planning authority. The MMP shall demonstrate that any reuse of contaminated materials does not result in increased risk to the environment or human health.

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: In the interests of safety, to prevent pollution of the water environment and to comply with Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 4) No part of the development hereby permitted shall be commenced until a construction management plan has been submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction / demolition effects. This shall include but not be limited to the following:

- Methods for the mitigation of noise and vibration from building works, including any piling works, and from the operation of any temporary power generation or pumping plant which will operate overnight.
- Methods that can be put in place quickly, should odour control be required. (There is potential for odour from the historic use of the site, particularly when ground excavations take place).
- Methods for dust control and suppression.
- Details of wheel washing facilities including location and type.
- The areas for the storage of plant and materials.
- Location of site compound.
- Details of relevant pest control measures that will be put in place during the construction phase.

All site works shall then proceed only in accordance with the approved management plan unless otherwise agreed in writing beforehand with the Local Planning Authority.

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the National Planning Policy Framework; Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016; Policy WM9 of the Merseyside and Halton Joint Waste Local Plan 2013 and saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 5) No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the National Planning Policy Framework; Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016.

SCHEDULE 1

Date Received	REF. NO	Version	Drawing/Document Title
11.10.2023	18128 P2001	REV D	MINESHAFT LOCATION PLAN
11.10.2023	VN23255 7 – TR104	REV D	MINESHAFT AREA MAINTENANCE ACCESS PROPOSAL
11.10.2023	L005- TIE-ZZ- XX-DR- C-6046	REV T2	MINE SHAFT AREA CDM
11.10.2023	L005- TIE-ZZ-	REV T4	MINE SHAFT AREA EXTERNAL WORKS AND DRAINAGE

	XX-DR-C-6004		
11.10.2023	TE1163-TE-00-XX-TN-GE-002-V03		TECHNICAL NOTE – MINE SHAFT CAP INVESTIGATION
16.10.2023	T/18/212 6 60-41	REV T3	MINESHAFT CAP SECTIONS – SHEET 1
16.10.2023	T/18/212 6 60-42	REV T3	MINESHAFT CAP SECTIONS – SHEET 2
16.10.2023	T/18/212 6 60-43	REV T3	MINE SHAFT CAP SECTIONS – SHEET 3
11.10.2023	TE116-TE-00-XX-RP-GE-003-V01		SUPPLEMENTARY GROUND INVESTIGATION AND COAL MINING RISK ASSESSMENT REPORT
03.10.2023	18128 P2003	REV B	PROPOSED FENCING DETAILS
03.10.2023	18128 P2004	REV B	MINESHAFT EXTERNAL FINISHES PLAN
03.10.2023	18128 P2005	REV B	MINESHAFT EXISTING AND PROPOSED SECTIONS
03.10.2023	18128 P2002	REV B	PROPOSED SITE PLAN
04.09.2023	--		COVER LETTER

Signed Case Officer¹: **John Fleming**

Signed Authorising Officer²: **K Foster**

Date: **13 December 2023**

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.

² 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.

INFORMATIVE

COAL AUTHORITY

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024

Appendix 1 – Site visit photographs





