

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 26/00072/FUL **CASE OFFICER:** Andrew Hunt

WARD: Prescott North **PARISH:** Prescott
Town Council

LOCATION: Whitakers Garden Centre, Liverpool Road, Prescott, Knowsley

PROPOSAL: APPLICATION FOR THE VARIATION OF CONDITIONS 2 (THE DEVELOPMENT HEREBY PERMITTED SHALL BE CARRIED OUT IN ACCORDANCE WITH THE APPROVED PLANS AND DOCUMENTS LISTED IN SCHEDULE 1) AND 16 (THE DEVELOPMENT SHALL BE CARRIED OUT IN FULL ACCORDANCE WITH THE RECOMMENDATIONS OF THE SUBMITTED ARBORICULTURAL IMPACT ASSESSMENT PREPARED BY TEP AND DATED NOVEMBER 2019) ATTACHED TO PLANNING PERMISSION 19/00684/FUL (ERECTION OF 227 NO. DWELLINGS TOGETHER WITH VEHICULAR/PEDESTRIAN ACCESSES, LANDSCAPING & ASSOCIATED INFRASTRUCTURE) TO AMEND LANDSCAPING AND ARBORICULTURAL PLANS TO ALLOW FOR THE REMOVAL / REPLACEMENT OF SELECTED TREES.

Site Description

The application site has an area of around 8 hectares and comprises of the former Whitakers Garden Centre including the main buildings, customer parking accessed from Liverpool Road, a builder's yard, storage and open space. The remainder of the site comprised undeveloped land that is not currently in any particular use. The site has now been developed for housing with many of the dwellings having been built. The site experiences various level changes across it with the lowest part in its south western corner, where the site sits some 3.5 meters below the level of Liverpool Road. The site levels tend to rise as the site extends northwards.

To the south, the site is bounded by Liverpool Road with the Clock Face public house adjoining the site in the south east corner. An attractive sandstone wall marks the southern boundary and separates the site from the road. To the east, the site primarily adjoins the rear gardens of residential properties along Knowsley Park Lane and various boundary treatments are evident. A small part of the site adjoining 3 Knowsley Park Lane extends up to the highway boundary. To the north, the site adjoins playing fields and a woodland with fencing and hedges forming the physical boundary. To the west the site adjoins the A58, and Dye House is located to the south west of the site.

Proposal

The proposal is for a variation of conditions 2 (Plans) and 16 (Arboriculture) of planning permission (19/00684/FUL – ERECTION OF 227 NO. DWELLINGS TOGETHER WITH VEHICULAR/PEDESTRIAN ACCESSES, LANDSCAPING &

ASSOCIATED INFRASTRUCTURE). The proposed plans amend the landscaping and arboricultural plans to allow for the removal/replacement of selected trees.

The main changes from the previous approval are:

- The proposed amendment will result in the removal of trees at the rear of plots 147 to 151 within the development.
- The proposed trees will be replaced by a 2.4m-high boundary fence and new planting.
- New planting is proposed within the rear gardens of Plots 147–151, comprising one to two trees per plot, up to a maximum of eight trees. The proposed planting will comprise small native species with a mature height of no more than 10m.
- As the remaining section of Group G17 is proposed for removal, temporary tree protection fencing is no longer required in this location.

Consultations

Arboriculture – No objections to the tree replacement in principle. The recommended replacement trees should provide some level of screening, from neighbouring properties alongside the additional planting around the site. The original design having a unregistered strip of land between boundary fences would cause future issues.

Representations

This application has been publicised by letters sent to 110 neighbours and by site and press notices. One objection has been received consisting of the following main points:

- The trees at the back of our property have already been removed without our permission and without planning approval.
- These trees were important for us in terms of our privacy.
- We have already had to spend significant money on fencing to block off some of the awful properties that have been built.
- We were already devastated that the land has been built on, endured over 3 years of noise pollution and building site views, and now they have also taken the trees.
- The trees were blocking the view of the houses which we want to see as little of as possible, and also supporting the land drainage.
- Please replace these. They should not have been removed without permission.

Planning History

19/00684/FUL - ERECTION OF 227 NO. DWELLINGS TOGETHER WITH VEHICULAR/PEDESTRIAN ACCESSSES, LANDSCAPING & ASSOCIATED INFRASTRUCTURE - granted - 18.12.2020

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
CS8 - Green Infrastructure
CS19 - Design Quality and Accessibility in New Development
CS21 - Greenspaces and Trees

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

DQ4 Trees and Development

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 main changes from the previous approval are:

- The proposed amendment will result in the removal of trees at the rear of

plots 147 to 151 within the development.

- The proposed trees will be replaced by a 2.4m-high boundary fence and new planting.
- New planting is proposed within the rear gardens of Plots 147–151, comprising one to two trees per plot, up to a maximum of eight trees.
- The proposed planting will comprise small native species with a mature height of no more than 10m.
- As the remaining section of Group G17 is proposed for removal, temporary tree protection fencing is no longer required in this location.

Trees

Part 10 of Policy CS21 (Greenspaces and Trees) states that the Council will encourage proposals for new development to incorporate: a) Retention of existing trees, woodland, vegetation and other habitat features which offer a positive contribution to the local environment in terms of visual amenity, recreation value or biodiversity/wildlife interest; b) Appropriate planting of trees, other soft landscaping and installation of habitat features for the benefit of biodiversity; and c) Adequate replacement provision where tree loss is unavoidable, comprising two additional trees for every tree lost and taking account of species and size.

Saved UDP policy DQ4 states proposed developments shall include appropriate planting of trees and other soft landscaping, having regard to the character of the surrounding area.

In relation to trees, the proposal would result in the removal of existing trees (located in an area outside of any defined ownership) and their replacement within the rear gardens of 147-151. This is to avoid maintenance and other difficulties with the trees being outside any particular ownership, leaving maintenance arrangements unclear. The trees lost are Category C (low quality) and are not of high value or significance with only some amenity value. Their loss would be acceptable provided that replacement planting is provided (which is the case in the current application).

The detailed tree details have been submitted and are considered to be acceptable. This is supported by the views of the council's landscape officer. Therefore, the application complies with Core Strategy Policy CS21 and UDP policy DQ4.

Amenity

Policy CS19 in the Core Strategy requires new developments to maintain a good standard of amenity for all existing and future occupants of land and buildings by avoiding unacceptable impacts on existing residents and future occupiers.

There are residential properties to the east on Knowsley Park Lane that are close to the trees to be removed (11 – 19). In terms of privacy, the removal of the trees would have some impact on privacy if they were not replaced, however, as the trees are to be replaced with trees located in the back gardens of plots 147-151, there would be only limited minor loss of privacy in the short term (whilst the trees grow) and no harm to privacy overall once the trees are fully grown. The proposed trees would be

located further away from the neighbours and closer to plots 147 -151 and would therefore not result in harm to neighbours. Overall, the minor reduction in privacy in the short term would not cause significant harm to residential amenity. The development complies with Core Strategy Policy CS19.

Conditions

The following conditions have already been discharged under 19/00684/DISCON.

- 4 - 5 Days Notice
- 5 – Social Value
- 6 – Written Scheme of investigation
- 7- CMP
- 8 – Badger survey
- 9 - Reasonable Avoidance measures
- 10 - Surface water drainage
- 11- United Utilities
- 12 - Method Statement
- 14 - Bird and Bat Boxes
- 15 - Nesting Season
- 18 – Utility Buildings
- 20 - Ev Chargers -
- 23.- Landscaping
- 25 - Lighting
- 26 - Temporary Access

Conclusion

The proposal would be acceptable in relation to trees and amenity. The application complies with local planning policies and is recommended for approval.

RECOMMENDATION:

That planning permission be granted subject to the following condition(s):-

1) Plans

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) Contamination

A. Risk Assessment

No development shall take place until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated

land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include (where relevant):

- i. a survey of the extent, scale and nature of contamination, including a proposed phasing of site investigations to allow the garden centre to remain on site for up to 2 years.
- ii. an assessment of the potential risks to: -
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and
 - service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.

B. Submission of Remediation Scheme

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.

C. 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.

D. 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.

E. 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.

F. Importation of Soil/Material

No top 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 Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

3) Flood Risk Assessment

The development shall be carried out in full accordance with the recommendations of the Submitted Flood Risk Assessment prepared by Waterco Consultants and dated November 2019.

Reason: To ensure the site is adequately drained.

4) Trees

The development shall be carried out in full accordance with the recommendations of the Submitted Arboricultural Impact Assessment prepared by TEP and dated November 2019.

Reason: To ensure the development adequately protects the remaining trees.

5) Travel Plan

The development shall be carried out in accordance with the Approved Framework Travel Plan referenced 2595.TP03 and received by the Local Planning Authority on 12 October 2020.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable.

6) Acoustic Report

Prior to the occupation of any dwelling, the recommendations for glazing, ventilation and acoustic fencing, as detailed in Hepworth Acoustics report, reference P19-160 R01-V3, dated July 2020, shall have been implemented. All works shall be retained at all times thereafter.

Reason: To ensure the amenity of the approved dwellings is protected.

7) Vehicular access

None of the approved dwellings shall be occupied until the means of vehicular access shown on plan reference 2940-D001 has been constructed in accordance with the approved plans and the vehicular access from Liverpool Road into the garden centre car park is stopped up to prevent vehicular access.

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.

8) Parking provision

The parking provision shown within the curtilage of each dwelling on the approved plans shall be provided prior to first occupation of the dwelling to which it relates. The parking provision shall not be used for any other purpose other than the parking of vehicles and shall be hard surfaced.

Reason: In the interests of highway and pedestrian safety and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

<u>Signed Case Officer¹:</u>	<u>Andrew Hunt</u>
<u>Signed Authorising Officer²:</u>	<u>Jo Sheridan</u>
<u>Date:</u>	<u>22/05/2026</u>

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

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
17/03/2026	-	-	Location Plan
20/02/2026	D7523.07.001	-	Arb Addendum V1
20/02/2026	6145.16 r	M	Landscape Masterplan
20/02/2026	6145.10	L	Landscape Proposals
18/09/2020	2940-D001 E	-	GENERAL ACCESS ARRANGEMENT

12/10/2020	GAR12-01	-	TWIN GARAGE PLANS
12/10/2020	GAR21-01 A	-	SINGLE GARAGE PLANS
12/10/2020	PLA-01 G	-	PROPOSED SITE LAYOUT
12/10/2020	SS/01 A	-	STREETSCENES
12/10/2020	6145.08	D	LANDSCAPE PROPOSAL
12/10/2020	6145.09	D	LANDSCAPE PROPOSAL
12/10/2020	6145.11	D	LANDSCAPE PROPOSAL
12/10/2020	6145.12	D	LANDSCAPE PROPOSAL
12/10/2020	6145.13	D	LANDSCAPE PROPOSAL
12/10/2020	6145.14	D	LANDSCAPE PROPOSAL
12/10/2020	6145.15	D	LANDSCAPE PROPOSAL
12/10/2020	SW01 1.8M		HIGH SCREEN WALL
12/10/2020	SW07 2.0M	-	HIGH SCREEN WALL
12/10/2020	SF19 1.8M	-	PERSONNEL GATE
12/10/2020	SF16	-	1.8 – 2.0M ACOUSTIC FENCE
12/10/2020	SF01 1.8M	-	CLOSE BOARDED SCREEN FENCE
12/10/2020	WMP-01	C	WASTE MANAGEMENT PLAN
12/10/2020	MAT-01	F	MATERIALS PLAN
12/10/2020	BTP-01	F	BOUNDARY TREATMENTS
12/10/2020	3 BEDROOM RANGE	A	3 BEDROOM HOUSE TYPES
12/10/2020	4 BEDROOM RANGE	A	4 BEDROOM HOUSE TYPES
19/10/2020	12625	-	FRA AND DRAINAGE STRATEGY
19/10/2020	P19/160/R01/V4	-	NOISE IMPACT ASSESSMENT
19/10/2020	20288-UU-01	B	UU ASSET LOCATION PLAN
19/10/2020	AQ109195	-	AIR QUALITY ASSESSMENT
12/10/2020	2595.TP03	-	TRAVEL PLAN FRAMEWORK
19/10/2020	TA.WG.L34	E	ENERGY STATEMENT
19/10/2020		-	HERITAGE ASSESSMENT
18/12/2019	A107718	-	WHITAKERS REPTILE REPORT_V3
18/12/2019	A107718	-	WHITTAKERS GARDEN CENTRE EA_V3
18/12/2019	A112935	-	WHITAKERS MITIGATION ADDENDUM_ISSUE
18/12/2019	A112935	-	WHITAKERS GARDEN CENTRE_BADGER SIR_V2
18/12/2019	A112935	-	WHITAKERS GARDEN CENTRE_SIR_APRIL2019_V2

Informatives

1) N/A