

Knowsley Council  
Regeneration and Economic Development Directorate.  
Delegated Planning Report

**APPLICATION NO:** 22/00630/NMA      **CASE OFFICER:** Andrew Hunt

**WARD:** Whiston & Cronton      **PARISH:** Whiston  
Town Council

**LOCATION:** Land At Mp Foods, Lyneham, Whiston, Knowsley, L35 3TN

**PROPOSAL:** NON-MATERIAL AMENDMENT TO THE APPROVED PLANNING  
PERMISSION TO CHANGE THE POINT IN TIME THE CONDITION  
(14) NEEDS TO BE DISCHARGED

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### **Site Description**

The application site consists of a car park serving a shop and grassed areas surrounding this. There are trees located in the eastern part of the site on the northern and southern boundaries. The site is bounded by a road to the east (Haslemere) which leads to the entrance and exit of the estate and by existing houses to the north and west. Lyneham form the southern boundary of the site and residential properties are located on the opposite side of Lyneham.

### **Proposal**

The proposal is for a non - material amendment to the approved planning permission to change the point in time condition 14 needs to be discharged.

### **Consultations**

N/A

### **Representations**

N/A

### **Planning History**

22/00630/FUL - RESIDENTIAL DEVELOPMENT FOR THE ERECTION OF 19NO DWELLINGS TOGETHER WITH OTHER ASSOCIATED WORKS INCLUDING 1NO VEHICULAR ACCESS TO LYNEHAM. Approved 22.09.2023.

### **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out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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

CS19 - Design Quality and Accessibility in New Development

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

N/A

#### **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**

##### **Condition 14**

Condition 14 of the original planning permission (22/00630/FUL) stated the following:

*“14. Prior to the implementation of any landscaping or removal of trees a landscape scheme to replace lost trees and enhance biodiversity shall be submitted to and have been approved by the local planning authority.  
The landscaping shall include native tree and plant species and shall include bird and bat nesting boxes.*

*The scheme shall include replacement tree planting on a 2:1 basis. The scheme should include the location, size and species of the replacement trees. The trees shall be a minimum of 20-24cm girth.*

*The tree planting shall be wholly implemented in its finally approved form in accordance with the approved scheme within the first available planting season following the substantial completion of development. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage.*

*Reason: To enhance biodiversity and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016”.*

This required a landscape scheme prior to the removal of any trees. However, this partially conflicts with the requirement to avoid tree felling during the bird breeding season 1<sup>st</sup> March to August (Condition 21). Therefore, the current application has been submitted to enable tree felling to go ahead prior to the 1<sup>st</sup> March and enable works on site to be completed before the bird breeding season.

The amending of the condition to require landscaping details prior to occupation will still allow the landscape provision to be secured, whilst avoiding tree clearance outside of the bird breeding season. As a result, the change is considered to be a non-material amendment.

*“21. No tree felling or scrub clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then trees and scrub are to be checked first by an appropriately experienced. ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.*

*Reason: In order to protect breeding birds”.*

## **Conclusion**

The proposal would be acceptable in relation to secure Landscaping and would be a non-material change. The application complies with local planning policies and is recommended for approval.

**Signed Case Officer<sup>1</sup>:**                      **Andrew Hunt**

**Signed Authorising Officer<sup>2</sup>:**                      **K Foster**

**Date:**                      **29 January 2024**

## **Informatives**

N/A

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