

**APPLICATION
NO:**

20/00494/NMA6

CASE OFFICER:

Clare Appleyard

WARD:

Whiston & Cronton

PARISH:

Whiston Town
Council

LOCATION:

Former Site of Cronton Colliery, Cronton Road, Cronton, Knowsley
L35 1QR

PROPOSAL:

NON-MATERIAL AMENDMENT TO AMEND THE WORDING OF PLANNING CONDITION 36 (M62 BOUNDARY TREATMENT DETAILS) PURSUANT TO HYBRID PLANNING PERMISSION REFERENCE 20/00494/HYB - FULL APPLICATION FOR THE DEVELOPMENT OF 161,900 SQ FT (15,041 SQ M) (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 THE DEVELOPMENT OF UP TO 838,100 SQ FT (77,862 SQ M) (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

Knowsley Local Plan

Allocated as a Sustainable Urban Extension

Relevant Policies

All listed within the principal permission and the reserved matters consents for the site.

Technical Consultations

None

Neighbour Notification

There is no statutory requirement to publicise NMAs. No representations have been received.

ARTICLE 35

The LPA 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 NPPF.

Equalities Act 2010

In formulating a recommendation on this application, the Local Planning Authority has considered the requirements of S149 of the Equalities Act 2010. Section 149 of the Act sets out a general duty that requires the council to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In this case the proposed non-material amendment proposal is not anticipated to have any potential impact from an equality perspective.

Site Description

The c50.8 hectare site is located within the masterplan area allocated for employment uses and a country park within Halsnead Garden Village. The site is accessed off Cronton Road and has residential properties to the south and north/northeast. The Country Park proposed site area (within the former Cronton Colliery) lies to the east and the M62 lies due north. The mineral line runs to the south of the site.

The hybrid consent was divided into two phases with the full phase 1 element comprising unit 1 and the access road and the rest of the development falling within phase 2. There have been three reserved matters applications. The most recent reserved matters for units 3 and 4 falls under reference 24/00145/REM and was granted consent in August 2025. Unit 2, which also benefits from a reserved matters consent, has now been completed.

Proposal

The proposal is for a non-material amendment to amend the wording of planning condition 36 on the hybrid permission reference 20/00494/HYB. Condition 36 currently requires the details of boundary treatments along the M62 motorway corridor to be submitted for approval by the Local Planning Authority on submission of the reserved matters application:

‘Any subsequent reserved matters application in respect of land that adjoins the M62 motorway corridor, pursuant to this approval shall provide details of boundary treatments along the M62 motorway boundary for the written approval of the Local Planning Authority. The boundary treatment shall be a solid structure not less than 2 metres in height and located at least 1metre within the site boundary. The agreed details shall be implemented in full and maintained at all times thereafter.

Reason: To ensure a robust boundary to restrict any possible access to the motorway is provided.’

The proposal seeks to amend the wording of this condition such that it reads:

*'Any subsequent reserved matters application in respect of land that adjoins the M62 motorway corridor, pursuant to this approval shall provide **indicative** details of the location of boundary treatments along the M62 boundary. ~~for the written approval of the Local Planning Authority.~~ The boundary treatment shall be a solid structure not less than 2metres in height and located at least 1 metre within the site boundary. ~~The agreed details shall be implemented in full and maintained at all times thereafter.~~*

Reason: To ensure appropriate space is incorporated within a future site layout accompanying any reserved matters application to facilitate the provision of a robust boundary to restrict any possible access to the motorway in the interests of highway safety.

Planning History

20/00494/HYB	HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION FOR THE DEVELOPMENT OF 161,900 SQ FT (15,041 SQ M) (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 THE DEVELOPMENT OF UP TO 838,100 SQ FT (77,862 SQ M) (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
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 - Granted
24/00145/REM	APPLICATION FOR THE APPROVAL OF RESERVED MATTERS (SCALE, ACCESS, APPEARANCE, LAYOUT AND PARTIAL LANDSCAPING) PURSUANT TO HYBRID PLANNING PERMISSION 20/00494/HYB, COMPRISING THE DEVELOPMENT OF 495,720 SQ FT (GIA) OF STORAGE AND DISTRIBUTION FLOORSPACE (USE CLASS B8) AND ANCILLARY OFFICES (USE CLASS E(G)) ACROSS TWO WAREHOUSE UNITS, TOGETHER WITH LANDSCAPING AND THE PROVISION OF INFRASTRUCTURE - Granted
20/00494/NMA	APPLICATION FOR A NON-MATERIAL AMENDMENT FOLLOWING GRANT OF PLANNING PERMISSION 20/00494/HYB (HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION FOR

THE DEVELOPMENT OF 161,900 SQ FT (15,041 SQ M) (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 THE DEVELOPMENT OF UP TO 838,100 SQ FT (77,862 SQ M) (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) - AMENDMENT SOUGHT TO ALLOW ALTERATIONS TO THE APPROVED EMERGENCY ACCESS AND SITE ROAD ACCESS JUNCTION TO UNIT 01 AND ASSOCIATED AMENDMENTS TO THE APPROVED LANDSCAPING STRATEGY - Granted

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|---------------|--|
| 20/00494/NMA1 | NON MATERIAL AMENDMENT TO CONDITION 39 OF PLANNING PERMISSION 20/00494/HYB TO ALLOW UP TO 25,548SQ.M OF FLOOR SPACE TO BE USED BEFORE THE JUNCTION IMPROVEMENT WORKS TO TARBOCK ISLAND ARE COMMENCED - Granted |
| 20/00494/NMA2 | Non-material amendment to application 20/00494/HYB to allow for minor amendments to the approved plans to include the addition of a car park area to the west/northwest of unit 01, new fencing to the northern boundary of unit 01 and an amendment to the approved plans condition to reflect the addition of a substation approved under reference 20/00494/NMA – Remains undetermined |
| 20/00494/NMA3 | NON MATERIAL AMENDMENT TO VARY THE WORDING OF CONDITION 44 OF HYBRID PLANNING PERMISSION 20/00494/HYB (HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION FOR THE DEVELOPMENT OF 161,900 SQ FT (15,041 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSPACE (USE CLASS B8), INCLUDING ANCILLARY OFFICES (USE CLASS B1), SECURITY GATEHOUSE, SITE ACCESS ROAD - G, ENGINEERING EARTHWORKS TO FORM 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 THE DEVELOPMENT OF UP TO 838,100 SQ FT (77,862 SQ M) (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) TO |

AMEND THE CONDITION TRIGGER TO PROVIDE DETAILS OF THE BUS STOPS PRIOR TO OCCUPATION OF ANY FURTHER UNITS (EXCLUDING UNIT 02) UNDER HYBRID PLANNING PERMISSION REFERENCE 20/00494/HYB – Granted

- 20/00494/NMA4 NON MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 20/00494/HYB (HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION FOR THE DEVELOPMENT OF 161,900 SQ FT (15,041 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSFACE (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 THE DEVELOPMENT OF UP TO 838,100 SQ FT (77,862 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSFACE (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) TO REMOVE CONDITION 39 (TARBOCK ISLAND RESTRICTION) – Granted
- 20/00494/NMA5 APPLICATION FOR A NON-MATERIAL AMENDMENT FOLLOWING GRANT OF PLANNING PERMISSION 20/00494/HYB (HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION FOR THE DEVELOPMENT OF 161,900 SQ FT (15,041 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSFACE (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 THE DEVELOPMENT OF UP TO 838,100 SQ FT (77,862 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSFACE (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) - AMENDMENT SOUGHT TO UPDATE THE ACCESS DRAWING LISTED UNDER CONDITION 12 OF APPLICATION 20/00494/HYB
- 23/01949/NMA NON-MATERIAL AMENDMENT TO APPLICATION 23/01949/REM TO ALLOW FOR MINOR AMENDMENTS TO THE APPROVED PLANS INCLUDING MINOR CHANGES TO THE HEIGHT, FLOOR AREA AND SITING OF UNIT 02, LAYOUT ALTERATIONS AND CHANGES TO HARD AND SOFT LANDSCAPING – Granted

23/01949/NMA1 NON-MATERIAL AMENDMENT TO VARY CONDITION 4 (LOOP ROAD DRAWINGS/DELIVERY) TO SECURE THE DETAILS WITHIN 18 MONTHS OF OCCUPATION OF UNIT 02 ATTACHED TO RESERVED MATTERS CONSENT 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) – Granted

Assessment

This non-material amendment application seeks to amend condition 36 wording as described above. The reserved matters application for units 3 and 4, which adjoins the M62 motorway corridor, was granted planning permission on 20th August 25. This reserved matters application included an illustrative masterplan showing the location of the fencing adjacent to the M62 for both units 3 and 4.

In September 25 all the conditions were discharged that required a submission with the units 3 and 4 reserved matters application with the exception of condition 36. National Highways were consulted as part of the consideration process for the hybrid consent and the reserved matters consent. NH requested the imposition of more detailed conditions on the reserved matters decision notice which included additional geotechnical ground reports and full details of the siting and appearance of the M62 fence.

The above situation resulted in an outstanding condition on the hybrid permission. To avoid duplication and ensure there are no outstanding requirements, this application seeks to amend condition 36 from a precedent condition requirement to a compliance condition with the detail being sought through condition 6 of the reserved matters consent. This will result in the same detail needing to be approved, just in connection with the reserved matters consent.

The above changes are considered to be non-material in nature given that more detail is now being sought at the reserved matters stage via conditions 5 and 6. This NMA will just result in no duplication of submission requirements.

Consideration of the proposed change alongside all previous non-material amendments is also required to assess the cumulative impact of the non-materials changes.

20/00494/NMA was granted and this allowed alterations to the approved emergency access and the site road access junction to unit 1 and associated amendments to the landscaping strategy. In more detail these amendments included:

- The amendment to unit 1's bell mouth entrance (removal of the pedestrian refuge island);
- Reconfiguration of the footpath at unit 1 access junction;
- Reconfiguration of the footpath/road at the northern element of the estate road leading into the outline area;
- Removal of the access road between the internal estate road and Fox's Bank Lane;
- 20 additional cycle spaces;

- Surface finishes at the entrance of unit 01 car park have been amended;
- Block paving has been replaced with tarmac to prevent damage from HGVs;
- Amended landscaping to regularise and accommodate the other amendments;
- Primary substation;
- Relocation of SUDs pond to the east of unit 1;
- Secondary substation between mine shafts and estate road;
- Amendment to unit 1 elevations to reflect changes to the loading bays to include double height shelters;
- Realignment of the access into the southern unit to accommodate the reconfiguration of that unit to retain the trees to the east.

20/00494/NMA1 was also granted to amend condition 39 of the hybrid to allow up to 25,548sq metres of floor space to be used before the junction improvement works to Tarbock Island were implemented. The original condition imposed a limit of 17,000 sq. metres before the junction improvement works were required to be implemented. The amended condition and the original condition both stated that the remaining floorspace (within the employment units) could not be first brought into use until the upcoming junction improvements to Tarbock Island had been implemented.

A subsequent NMA (20/00494/NMA4) has been granted to remove condition 39 altogether following consideration of the cumulative traffic impacts on Tabock Island and the fact that the Maro application did not require this condition. It was considered by NH that condition 39 was no longer necessary and this condition has been removed by the NMA.

Another NMA has also been submitted (reference 20/00494/NMA2) which seeks to gain approval for a new fence and amendments to the car park. However, this remains undetermined.

A non-material amendment has also been granted in connection with the unit 2 reserved matters consent. This NMA (reference 23/01949/NMA) varied the height, floor area and siting of unit 2 and included layout alterations and changes to hard and soft landscaping. The unit height was reduced and the re-siting was very minor in this case.

A further NMA (20/00494/NMA3) has been granted to amend the wording of condition 44 on the hybrid consent to allow the trigger for the submission of details and a timetable for implementation relating to the bus stops to be moved from 'prior to the occupation of unit 2' to 'prior to the occupation of units 3 or 4 (whichever is first)'.

A further NMA (reference 20/00494/NMA5) has been granted to ensure that the access plan referred to within condition 12 of the hybrid consent matched the final approved drawing under the s278 works.

Finally, a non-material amendment application (reference 23/01949/NMA1) has been approved to allow the loop road details to be submitted within 18 months of occupation of unit 2. This varies condition 4 on the unit 2 reserved matters consent.

The NMAs referred to above, combined do not result in material cumulative impacts having regard to the scale, nature and impacts of the proposed changes with many resulting simply in some minor re-siting, design, layout and height changes to approved buildings and their associated infrastructure and minor changes to wording or triggers within conditions including the removal of one condition. Some changes have evolved as the wider scheme has progressed to ensure a comprehensive development is delivered that aligns with other consents. The proposed changes considered cumulatively and individually are considered to be non-material when considering the changes within the context of the wider scheme.

The changes will not result in adverse highways, environmental, visual, social, economic or amenity impacts beyond those impacts already consented.

On this basis, the proposal, both as a stand-alone proposal and in combination with all the other approved NMAs, is considered to be non-material and it is recommended that this application be approved.

Conclusion

The proposed changes will not result in material impacts beyond the principal permission or any subsequently granted reserved matters consents. On this basis, the proposed revisions are non-material in nature, and it is recommended that this NMA be approved.

Recommendation

To approve this non-material amendment application subject to the condition set out below.

Conditions

- 1) The development shall be carried out in accordance with the approved plans and conditions attached to the hybrid planning permission issued under reference 20/00494/HYB except where superseded by non-material amendment references 20/00494/NMA, 20/00494/NMA1, 20/00494/NMA3, 20/00494/NMA4, 20/00494/NMA5 and this decision notice.

Reason: For the avoidance of doubt.

- 2) Condition 36 on hybrid consent 20/00494/HYB shall reads as follows:

Any subsequent reserved matters application in respect of land that adjoins the M62 motorway corridor, pursuant to this approval shall provide indicative details of the location of boundary treatments along the M62 boundary. The boundary treatment shall be a solid structure not less than 2metres in height and located at least 1 metre within the site boundary.

Reason: To ensure appropriate space is incorporated within a future site layout accompanying any reserved matters application to facilitate the provision of a robust boundary to restrict any possible access to the motorway in the interests of highway safety.

Signed Case Officer¹: **C Appleyard**

Signed Authorising Officer²: **A Kilroe**

Date: **21 April 2026**

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

