

APPLICATION NO: 22/00587/FUL

APPLICANT: Maro Developments
Ltd

WARD AFFECTED: Whiston & Cronton

DEVELOPMENT:

ERECTION OF 1 NO. COMMERCIAL UNIT (USE CLASS B8) WITH ANCILLARY OFFICES AND OUTBUILDINGS TOGETHER WITH ACCESS WORKS, LANDSCAPING, SERVICE YARD, CAR PARKING, SERVICING AND OTHER ASSOCIATED WORKS

LOCATION OF SITE: Land to The North Of Cronton Road And South Of The M62, Cronton, Knowsley

DEVELOPMENT PLAN ALLOCATION:

Sustainable Urban Extension – South of Whiston and Land South of M62

Local Wildlife Site (adjoining the site)

RECOMMENDATION:

Approve subject to the:

- (i) The conditions set out below
- (i) The applicant entering into a Section 106 legal agreement to secure the social value contribution.

CASE OFFICER

Clare Appleyard (0151) 443 2848

1. SITE AND SURROUNDINGS:

The application site forms part of Halsnead Garden Village. Halsnead has national significance as one of the first 14 sites in England awarded Garden Village Status by the Government in 2017. It is a strategic housing and employment development, which will deliver approximately 1,600 homes and at least 22.5ha of employment land, together with new education and health provision, 33 hectares of strategic greenspace and a new Country Park.

The Site is irregular in shape and comprises approximately 8.95ha of undeveloped land. The site was last used for agricultural purposes. The levels across the site are at their lowest in the south-eastern corner before raising in a north westerly direction. An overhead power line runs across the site from the northeast to southwest direction.

The former mineral railway line that served the adjacent site when it was in use as a colliery forms the northern boundary, and this sits at a higher ground level than the site. Self-seeded trees are located along the embankment. To the west is an area of broadleaved woodland bisected by a minor watercourse (Chapel Brook) that adjoins Tarbock Island; this is known as Strettles Bog. Immediately adjacent to the north of the site is Old Wood South which is a designated area of Ancient Woodland. This is predominantly broadleaf woodland with a ditch and marsh habitats. Immediately adjacent to the eastern boundary lies Mine Waste which is a predominantly self-seeded wooded site with ponds present on the northwestern side.

Tarbock Island sits to the west of the site in an elevated position and Strettles Bog woodland. Directly south, the site is bounded by Cronton Road, and a line of trees and vegetation of varying quality is located between the site and the highway. The M62 motorway runs along the north/northwest boundary of the site beyond Old Wood South.

Residential properties lie due south and east/southeast. The nearest residential properties are Tarbock Lodge which lies approximately 146m to the south of the site and from the site and Park Villas, with their rear elevations being located approximately 240M to the east of the site. There is a riding school that lies immediately south of Cronton Road approximately 10m at the closest boundary.

2. PROPOSAL

The application is for full planning permission for erection of a building for storage and distribution use (planning use class B8) with associated offices, outbuildings, parking and landscaping. The site is proposed to be served by two new signal controlled vehicular accesses from Cronton Road. The westerly of the accesses serves the car park that contains a total of 295 spaces. The easterly of the access points will provide access to the service yard as well as a road connecting with the future developments adjacent to the application site.

The proposed building contains a total quantum of floorspace of 29,081 square metres the vast majority of which is for the primary storage and distribution use. Some offices are located within the main body of the building and a gatehouse is proposed at the entry to the service yard serving the building.

The building is 244 metres by 108 metres with a height of 15 metres to eaves and 17.5 metres to the ridge. The ground level will be increased by up to 4 metres at the northern part of the site to create a level platform upon which the building will be sat.

3. RELEVANT SITE HISTORY

The application site has not been subject to any planning applications in the past. However, surrounding land has been subject to numerous planning applications in the past few years. The relevant applications as are follows;

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),; 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),

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 SQ FT (15,041 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSPACE (USE CLASS B8),

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

24/00145/REM APPLICATION FOR 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

An application for the country park (planning reference 20/00578/FUL) has a committee resolution to grant from members but no decision has been issued yet.

4. ARTICLE 35 STATEMENT

Officers have worked with the applicant in a positive and proactive manner in order to seek solutions to the issues relevant to the proposed development, consistent with the requirement in the National Planning Policy Framework (NPPF), paragraph 39.

5. EQUALITIES ACT 2010

In determining this application, the Local Planning Authority has considered the requirements under 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.

The application includes accessible parking spaces and inclusive access.

6. REPRESENTATIONS

The application was advertised by the display of several site notices, a notice in the local press and through letters sent to neighbouring households. Two rounds of consultation have been undertaken. 7 representations were received to the first round of consultation undertaken in October 2022 and 8 representations were received to the second round of consultation in May 2023. However, in total representations from 2 separate 'households' have been received in objection to the proposal, one of these being from the British Horse Society.

The objections raised to the second round of consultation are on the following grounds: -

- Historical and user evidence suggests indicates regular use of the site by horse riders and these routes should be given bridleway status, with no restrictions of access.
- If not possible to retain the route, then an alternative should be provided as part of the application.
- An application has been made to secure access rights for horse riders across the site and access should be provided into the country park. It is not suitable for horse riders to use Cronton Road to access the country park due to increased traffic levels. This application will add a bridleway across the middle of the warehouse proposed within the site.
- The local highway network does not have the capacity to support the development, and traffic regularly backs up along Cronton Road from Tarbock Island. The application needs to consider the impact of the

development against the remainder of the traffic generated by Halsnead Garden Village.

- The development will cause adjoining land to flood. Adjacent land has a history of flooding and there is concern that the proposal will worsen flood risk given increased amounts of hard standing and water runoff from Ibstock Brick clay pit.
- The development will have a negative visual impact on the area, causing the loss of open fields, affecting views, and will be highly visible as the proposed warehouse is over 20m high. As the land level needs to be built up so the building will be on a level platform, this will also make the building highly visible. No trees will be large enough to offer screening. Loss of light.
- The development will cause additional noise in an area that already suffers noise issues. This will impact on the well-being of horses.
- The equestrian business close to the site and neighbouring properties will be hugely affected by noise, dust, traffic and the visual impact of the proposal. It will be detrimental to the operations of the business.
- The land is grade 2 agricultural land which is important for food growth. It seems a waste to be classed with the disused colliery as brownfield land.
- As there are no traffic lights onto the roundabout from the Cronton Road side, residents could be sat for a long time to safely get onto the roundabout.

The objections raised to the first round of consultation are on the following grounds, but mainly re-iterate what is summarised above:

- There is a DMMO (Definitive Map Modification Order) application currently live and running for a track which, according to the objector is a public right of way, that cuts across the proposed warehouse. This track has been used by cyclists, horse riders, motorbikes, quads and 4x4s for as long as the objector can remember. There have been safety issues logged with the police as horses are disturbed or lessons in the nearby horse-riding arena, are disturbed by off road vehicles revving their engines up and down the track. The landowner did not secure the land at the boundary leading to anti-social behaviour issues on this site.
- No provision has been made for horses in the application.
- Access to the country park is required as well as the multi user route, due to the roads becoming busier due to a lot of development in the area.

- Concern about noise from both the operation of the development and increased road traffic noise from the increase in traffic generated by multiple proposal including this one.
- Complaints about Ibstock Brick works have been made and there is concern that with warehousing on the other side, the land/houses/business in between will become an echo chamber.
- Detrimental impacts on the Lodge Riding Centre due to flooding, safety issues from noise, visual impacts, dust and road congestion. There are issues already from existing industrial development causing respiratory issues so there is concern about future animal/staff/residents' safety and cumulative impacts.
- Adjacent housing is on a flood plain and increased development has led to more flooding along Ochre Brook. There is concern about increased flooding and drainage issues.
- Visual impacts of a large warehouse will affect business and residential amenity as it will be in sight lines.
- Detrimental traffic impacts. There is already highway congestion and this development, combined with Halsnead Garden Village, will cause increased problems affecting the local road and infrastructure network. There is an 'unbelievable lack of foresight.'

Objection from the British Horse Society

The proposed development does not make safe provision for horse riders nor does the proposal address barriers put in place due to road networks and does not expand peoples' travel mode choices, contrary to Highways England Accessibility. The proposal fails to comply with the NPPF, the development does not create a safe and accessible environment and does not plan positively or create opportunities for sport and recreation, thus impacting on health and well-being. The proposal does not create healthy communities and does not protect or enhance public rights of way. Para 75 of the NPPF states that local authorities should seek opportunities to provide better facilities for users of PROWs, for example by adding links to existing rights of way networks.

This development should support the automatic inclusion of horse riders on shared off road routes, unless there are cogent reasons why this is not possible. Equestrians are increasingly recognised as being part of the group of main vulnerable road users. Horse riding is recognised as offering therapeutic, physical and mental health benefits through both riding and carriage driving and is also beneficial for those with disabilities and the older population.

This proposal could make a significant contribution to safe off-road riding for vulnerable road users including equestrians, negating the need for equestrians to use heavily trafficked roads to access equestrian public rights of way networks and other routes. The proposal should incorporate multiuser routes (with a width of 3metres. Less than 3m could be accepted where passing places are included as well ensuing tolerance amongst users of any route.

The BHS objects to this proposal as it does not meet the requirements set out in the NPPF and in particular paragraph 100. The proposal should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

The BHS also objects to the application as they consider there is evidence of unrecorded routes through the site with bridleway status.

The points of objection raised are addressed later in the report.

7. CONSULTATIONS

Local Highway Authority (Knowsley Council) – No objections subject to the following conditions: provision of parking, servicing and vehicle manoeuvring to be surfaced, drained and permanently marked out in accordance with the submitted details prior to first occupation; submission of a travel plan; visibility splay condition; submission of full construction drawings for the internal road network built to the northeastern boundary; provision of a turning circle to accommodate HGVs at the entrance to the unit; and submission of a highways construction management plan. Informatives are also recommended in relation to s278 and s38 requirements.

Environmental Health (Knowsley Council) – No objections subject to the following conditions: construction management plan; lighting scheme; operational noise management plan; fixed plant noise; and contaminated land.

Conservation and Design – No objections raised.

Arboriculture (Knowsley Council) - No objection. Conditions are requested to ensure the development is carried out in accordance with the applicants' arboricultural impact assessment. A condition is also recommended to secure the submission of an arboricultural method statement. 5 days' notice of works is also required. 2 for 1 replacement planting also requested.

ESS – No objection. Landscaping plan acceptable subject to climax species being spaced out appropriately. Various comments made in relation to the planting, SUDs design and materials. Concern flagged regarding the impact of the loss of the green corridor fronting Cronton Road in relation to a 'severe' landscape impact and impact on visual amenity. Conditions recommended in relation to landscape management and maintenance.

Lead Local Flood Authority (Knowsley Council) – No objections in principle. Conditions are requested for details of a surface water scheme to be approved and on-going management and maintenance details of the agreed surface water scheme.

Merseyside Environmental Advisory Service (MEAS). – No objection. Conditions are requested relating to: the submission of a Construction Environmental Management Plan (CEMP) which shall include reasonable avoidance measures for bats, birds, terrestrial mammals, water voles and amphibians/reptiles. The CEMP shall also include submission of a method statement for the removal/treatment of Himalayan Balsam; submission of a lighting scheme and a site waste management plan. Other recommended conditions relate to: provision of waste facilities in accordance with the submitted details; provision of low/zero carbon measures in accordance with the Energy and Sustainability Statement; delivery of the ecological mitigation scheme and submission of a landscape and ecological management plan. Comments have also been made on the ecological impacts of the development, the impacts on Ancient and semi natural woodland and the possible need for a financial contribution for off-site mitigation. This is addressed later in the report.

The impact on bats is considered acceptable subject to an amended detailed landscaping plan that includes 10 additional native species trees on the eastern boundary where shade tolerant windflower meadow mix was originally proposed. A condition requiring the submission of an Arboricultural Method Statement is also advised.

National Highways – No objection subject to the following conditions: no development shall commence until a detailed construction plan working method statement (including a risk assessment method statement) relating to site earthworks and drainage alongside the M62 has been submitted to and approved by National Highways and the LPA; no development shall take place until a plan showing the alignment and elevational treatment of a close boarded fence, of not less than 2m high, erected along the NW boundary of the development site alongside the M62 has been submitted and approved and the fence to be erected in accordance with the approved details; no drainage from the proposed development shall connect into the motorway drainage system, nor shall any drainage from the site run-off onto the M62 motorway; and submission of a travel plan.

Environment Agency – No objection subject to a condition restricting finished floor levels to no lower than 21 metres above ordnance datum (AOD). An informative is also recommended drawing the applicant's attention to the potential need for a permit and past industrial activity in the area.

United Utilities – No objection subject to a drainage condition stating that the drainage for the development shall be carried out in accordance with principles set out in the submitted Foul and Surface Water Drainage Strategy 2956-FRA, dated June 2022 and that no surface water shall be permitted to drain directly or indirectly into the public sewer.

Coal Authority/Mining Remediation Authority – No objection. A standing advice note should be included on any decision notice in relation to coal mining.

Natural England – No objection raised.

Merseyside Fire and Rescue – No objection.

Merseyside Police – No objection.

SP Energy Networks – No objections raised. An informative is recommended relating to working safely around SP Energy Network's assets and information around when a diversion is needed.

Fusion 21 – A contribution of £36,351 is required which consists of a social value contribution of £21,811 and a social value monitoring fee of £14,541.

Active Travel England – No objections raised, and regard should be given to the Standing Advice.

8. POLICY CONTEXT

- 8.1 Paragraph 11 and 12 of the National Planning Policy Framework (NPPF 2024), an extract from which is set-out below, states that:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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 usually 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.”

- 8.2 In this regard the Knowsley Local Plan: Core Strategy was adopted in January 2016, although certain saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of the NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.
- 8.3 The site is allocated for residential development (as a Sustainable Urban Extension) within the Knowsley Local Plan Core Strategy in order to help meet the borough's development requirements up to 2028. The relevant adopted policies for the assessment of the application are listed below.

Knowsley Replacement Unitary Development Plan (Saved Policies, 2006)

T5 – Location of Major Traffic Generating New Development.
T7 – New Development and Walking & Cycling Routes
T8 – Transport Assessments
T9 – Travel Plans
T10 – Access for the less mobile
DQ2 – Security in the Built Environment
DQ4 – Trees and Development
ENV2 – Noise and Vibration
ENV3 – Light and Pollution
ENV4 – Hazardous Substances
ENV5 – Contaminated Land

Knowsley Local Plan Core Strategy (2016)

SD1- Sustainable development
CS1 – Spatial Strategy for Knowsley
CS2 - Development Principles
CS4 – Economy and Employment
CS7 - Transport Networks
CS8 – Green Infrastructure
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
CS20 - Managing the Boroughs Historic Environment
CS21 – Design Quality and Accessing New Development
CS24 - Managing Flood Risk.
CS26 – Waste management
CS27 – Planning for and Paying for New infrastructure

Merseyside Waste Local Plan (2013)

WM8 – Waste Prevention and Resource Management

WM9 – Sustainable Waste Management Design and Layout for New Development

Supplementary Planning Documents

Ensuring a Choice of Travel SPD (2010)
Design Quality in New Development SPD (2016)
Trees and Development SPD (2016)
Developer Contributions SPD (2016)
Adding Social Value to Development: Employment and Skills SPD (2018)
Halsnead Garden Village Masterplan SPD

Also of relevance is the Halsnead Garden Village Design and Local Distinctiveness Guide that was adopted in May 2020. This does not have the status of a Supplementary Planning Document but is a material consideration in determining the application. This guide sets out detailed design requirements across the site.

9. ISSUES AND ASSESSMENT

The application was accompanied by an Environmental Statement which presents finding of an Environmental Impact Assessment undertaken in accordance with the TCP EIA Regulations 2017 as amended. This satisfies the regulation requirements and can form the basis for the determination of the application.

Principle of the Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up-to-date development plan without delay"

Site Allocation

The site falls entirely within the South of Whiston and Land South of M62 Sustainable Urban Extension as set out in Core Strategy Policy SUE1, which allocates it for residential and employment use and as a country park.

The delivery of significant employment floorspace as proposed within this application will also make a valuable contribution to the realisation of the potential of the land's allocation for development.

Site Specific Policy

Local Plan Core Strategy Policy SUE2 sets out key policy parameters with which new development within Sustainable Urban Extension sites must demonstrate compliance with to be acceptable. This policy confers significant weight to the Supplementary Planning Document and master plan for the wider Sustainable Urban Extension, outlining their important role in determining acceptability of this application.

Policy SUE2c of the Local Plan relates specifically to the South of Whiston and Land South of M62 site and confirms that employment development in this location should deliver: safe and convenient highway access; provision for public transport; walking and cycling; public open space within a wider Green Infrastructure network; key infrastructure and services. This policy provides site specific development requirements with which this application will need to deliver.

Consequently, the development of the site for employment purposes is acceptable in principle – because it is entirely consistent with the land's allocation for employment development in the local plan. However, to determine its overall acceptability, the details of the scheme need to be thoroughly considered against the detailed requirements of Policy SUE2; the Halsnead Garden Village Masterplan SPD, and other local planning policies (as addressed below).

Comprehensive Development

Nationally, the National Planning Policy Framework (NPPF) introduces an obligation to make the best use of the limited land resource with a view to creating well designed places. In paragraph 129 it states that “*Planning policies and decisions should support development that makes efficient use of land*”. In this case the wider site allocation was removed from the Green Belt to secure necessary development that supports sustainable growth in Knowsley. Such land is a very limited and rare resource and as a result the Council cannot countenance a position whereby such land cannot properly or effectively be developed because it is poorly connected. There is a significant risk that if the site is not brought forward with the appropriate connections the level of development expected to be delivered from the site will not be realised, with the consequence of increased pressure to allow development on less sustainable sites.

The need to ensure that planning permissions within the allocation deliver and facilitate comprehensive development of Halsnead Garden Village is a clear priority within the Council's Local Plan Core Strategy Policy SUE2 which states:

“Development within Sustainable Urban Extensions must [...] demonstrate a comprehensive approach to the development of the relevant Sustainable Urban Extension and to infrastructure provision (excerpt from Policy SUE2 part 1b) [...] Planning permissions [for the site] must be linked to any necessary legal agreements [...] which facilitate the comprehensive delivery of all phase of

development within the Sustainable Urban Extension in accordance with the single detailed masterplan.”

It follows that the need to ensure comprehensive development is also a strategic objective of the Halsnead Garden Village Masterplan SPD. Paragraph 8.5 states that:

“the Council will need to be satisfied that development of individual parcels will not sterilise or frustrate delivery of other parts of the site [...] all parcels will need to be sufficiently coordinated with appropriate green, social and physical infrastructure delivered at the correct time to support successful comprehensive development”.

Strategic objective SO2 of the Halsnead SPD requires that effective collaboration and partnership working ensuring that development is designed and implemented to ensure the comprehensive delivery of Halsnead as a whole, including the timely and coordinated provision of physical and community infrastructure.

Paragraph 5.62 of the Masterplan SPD states that: - *“every application should demonstrate how it would assist in overall delivery, and not compromise or prejudice, wider development of Halsnead as a Garden Village; this will include alignment with the infrastructure requirements and delivery principles set out in this SPD”.*

It is a clear thread of national and local policy that the site must be brought forward in a comprehensive manner and no one development shall restrict the neighbouring land coming forward for development.

The Masterplan SPD (at Fig 6.1) sets out the indicative locations of the primary vehicular routes through the site. This sets out the need to create a ‘looped route’ that will allow excellent access to all parts of the site and reduce traffic and environmental impacts along Cronton Road.

The proposal includes the provision of an access road into the development off Cronton Road that heads southeast to northeast running along the east side of the site. It is proposed that this loop road will run up to the site’s northeast boundary to allow a mineral line crossing to be implemented at a future date. The levels here will be important to ensure this is achievable and a condition is recommended to secure the access road levels detail along with ensuring that the road is delivered up to the site boundary to facilitate a future connection delivered by a third party.

The applicant has demonstrated a comprehensive approach in delivering the site, subject to the conditions reference above and, therefore, the proposal complies with the requirements of Policies SUE2 and SUE2c and the requirements of the Masterplan SPD.

Economic Impacts of the Development

Local Plan Policy CS4 supports the sustainable economic growth of the Borough and improving the accessibility to an appropriate range of jobs by encouraging proposals for new employment development.

The proposal will result in significant economic benefits for the borough, through both the construction of the buildings on site and then continuing through the operational phase of the development. It is predicted that up to 372 full time equivalent jobs will be supported through the construction phase of the development. It is reasonable to assume that a number of these employees will be local residents. This will give significant employment opportunities to local people.

In September 2018 the Council adopted a new Supplementary Planning Document "Adding Social Value to Development". The objective of the document is to maximise the employment and training of local people. The SPD requires that applicants for major developments such as this to submit a "Social Value Strategy" to the Council setting out how they propose to provide employment and training benefits for residents in the local area. In this case, the applicant is committed to the principles of the SPD and the submission and the applicant's implementation of an approved Social Value Strategy is recommended.

A financial contribution for delivery and monitoring for schemes delivering social value has been agreed with the applicant. The contribution is based upon the type and size of the development, with the proposed unit attracting a contribution of £36,351.

Subject to the applicant entering into a s106 to deliver the social value contribution, and subject to a condition to ensure the Social Value Strategy is implemented, the proposal is considered to comply with policies CS27 and CS4 of the Local Plan Core Strategy and the Social Value SPD.

Design, Layout and Masterplan Compliance

Policy SUE2 is clear in its requirement that proposals must demonstrate a comprehensive approach to development and be of a high design quality. The Halsnead Garden Village (SPD) has been prepared for the site and in addition Policy SUE2c sets out further requirements which the development should deliver and is further supported by the Halsnead Garden Village Design and Local Distinctiveness Guide.

The Masterplan sets out the Council's requirements for the layout in respect of main road alignment and overall design quality. The design and layout of the proposal also falls to be considered in respect of Policy DQ2 of the Replacement UDP and Policies CS2 and CS19 of the Local Plan: Core Strategy. Of relevance in considering the design and layout of the development is the Design Quality in New Development SPD. All these policies and SPDs share the same aim: to ensure that an acceptable level of quality in the development is achieved.

The site is proposed to be accessed from Cronton Road with two accesses serving the warehouse. The northwestern access is proposed to serve the car park area to the unit and includes the provision of a large retaining structure to secure retention of as much woodland as possible. The southeast access is proposed to serve the service yard area and includes a continuation of the access road up to the site boundary for a future loop road connection. Traffic lights and turning lanes are proposed to secure a safe access to the development.

The site is generally undulating with ground levels falling due south. The development will include the removal of the tree belt to the front of the site to accommodate a unit that will need to have the site levels raised adjacent to Cronton Road to accommodate a level floorplate across the whole building. Parts of the front of the site need to be raised by c2.75m to allow a level floorplate.

The building is substantial, measuring c256 metres in length at its maximum, 108 metres in width and a maximum of 17.5 metres in height. The building has a projecting office element and is not a regular shape. The scale of the building is typical of a building for large modern warehouse/logistics use. The applicant investigated design solutions to reduce the bulk of the building with different coloured cladding being assessed. The proposed design solution is to wrap the building in light silver-grey cladding with a dark plinth and darker cladding around the office building areas. Projecting glazed elements with solar shading to the main curtain wall facades is also proposed to break up the bulk of the building.

Other design considerations include the use of a hipped roof profile that includes the use of a parapet wall to screen the roof structure from the road. This will ensure the streetscape is viewed as a clean box with a roof colour that should seamlessly disappear when viewed from the street. The dark plinth level cladding should help to ground the building whilst the upper parts in various irregular shades of lighter silver/grey will offer some interest to the street scene whilst helping to reduce the massing of the building.

The dark cladding is proposed to be vertically laid profiled built-up cladding in anthracite whilst the upper layers will include horizontally laid profiled cladding in silver/light grey. This will be interspersed in a modern mid grey design in Alaska grey, again horizontally laid. Roof cladding will be goosewing grey. A condition is recommended to secure the material details and view a sample.

The corner facing the car park entrance on the southwest access point includes darker grey cladding, projecting window frames and brise soleil to add interest and the varying grey shades to the southeast facing elevation to Cronton Road will provide an interesting impression of shadows from the planting to create an enhanced elevation to this main viewpoint. The design solution approach to materials and appearance is considered to be acceptable and will add interest to a prominent Cronton Road facing elevation as well as an active frontage to the mineral line route.

The proposal includes a design with open surveillance over the car park as well as a layout that reduces the opportunities for crime and anti-social behaviour by ensuring that there are no hiding spaces around the building. Careful lighting will also help to minimise opportunities for crime and anti-social behaviour. A no open storage condition is recommended in the interests of visual amenity.

The layout and design of the proposal is considered to comply with the relevant local plan policies, including policy CS19 – Development Quality and Accessibility in New Development and guidance in the New Residential Development SPD. The relevant UDP policies including saved Policy DQ2 (Security in the Built Environment). Local Plan policies, including Policy CS2 (Development Principles), Policy CS19 (Development Quality and Accessibility in New Development), and guidance in adopted SPDs: and Design Quality in New Development SPD (2016).

Residential Amenity (inc noise)

In order for the proposal to be acceptable, it is important that it does not have a detrimental impact on the amenities of existing residents. Core Strategy Policies CS2 and CS19 combine to ensure that new development does not significantly injure the amenities of nearby residential neighbours. Saved Policy ENV2 of the Knowsley UDP seeks to ensure that new or existing developments are protected from new or existing noise sources and that, where necessary, effective mitigation measures are secured.

In relation to impacts on the amenity of existing residents, it is inevitable that some limited disturbance will occur as part of the construction process. This includes the need to alter the levels across the site as well as constructing the buildings themselves. Nevertheless, this would be for a temporary period only and separate legislation¹ is in place to address any 'statutory nuisance' experienced by residents. To protect residential amenity during the construction stage, it is recommended that a condition is imposed requiring the submission of a Construction Environmental Management Plan. This will include mitigation measures to control dust emissions, noise pollution, details of the location of any compound and operatives parking, pest control measures and details relating to any piling.

The EH Team has recommended inclusion within the CEMP of a travel route for vehicles associated with the construction of the development. However, this would be unenforceable and road signs control for use by heavy good vehicles where necessary.

The EH Team has recommended the imposition of a lighting condition including an isolux drawing to ensure the proposal does not lead to unacceptable levels of lighting overspill, in the interests of protecting residential amenity. EH have confirmed that the lighting details submitted with the application are acceptable.

¹ Environmental Protection Act 1990

The applicant has also submitted a Noise Assessment which assesses the impacts of the proposal during operation and construction on the nearest noise sensitive receptors including The Lodge Riding Centre which is approximately 140m to the south of the application site. Other noise sensitive receptors considered by the noise report included Halsnead Farm, Woodlands Bluebell Farm, Halsnead Park, Fox's Bank Lane and Park Villas. Both daytime and night-time periods were considered.

The layout of the proposal includes car parking bays to the west and HGV parking bays to the north of the unit. The noise report states that because an occupier has not been found yet, they do not know the methods of unloading/deliveries and noise sources have been assumed to be noise from HGV deliveries, car parking noise and noise from mechanical services plant serving the building. With regards to deliveries, it has been assumed that HGVs reverse into the bay, unload, and then drive off. Consideration has been given to forklift truck noise in the service yard. Based on other warehousing facilities, it is assumed that internal noise would be significantly lower than external noise and noise breakout has not been considered further.

The noise report submitted by the applicant demonstrates that the internal noise levels as a result of a proposed development do not exceed the recommended indoor ambient noise levels in bedrooms at night of 30dB. The predicated noise levels from car parking activities indicates there would be no noise impact at noise sensitive properties. The noise surveys identify that there are relatively high background noise levels due to the surrounding roads and motorways. The noise assessment of activities on the proposed development site indicates that the proposal will result in acceptable internal and external nighttime noise levels and daytime noise levels. The survey reported that there is no significant adverse effect from activities at the proposed development during the day and nighttime periods. The Council's Environmental Health Team concur with the conclusion of the applicant's report and have stated that the Noise Report should be an approved document.

Given that the noise report has been undertaken using a series of assumptions, it is considered appropriate to impose an Operational Noise Management Plan condition to ensure that noise is appropriately mitigated when an occupier is found, in the interests of protecting residential amenity. This should detail any proposed mitigation.

It is noted that concerns have been raised about the impact of the proposal on the local riding centre business and concerns about being enclosed by noisy activities including the quarry/lbstock Brick Works and the proposed warehousing. Noise impacts in relation to the safety of riders is also raised as an issue. EH have carefully assessed the proposal and consider the impacts on residential amenity are acceptable. Whilst there are no specific guidelines concerning acceptable noise impacts on horses, it is considered that noise limits are within an acceptable range for humans and as such, meet WHO guidelines. The area already experiences high background noise levels from surrounding road networks primarily and the noise impacts on the local riding centre are considered to be acceptable by EH. The proposal is not considered

to materially impact on the safe operation of any business in the surrounding area.

Given the distance of the building from the nearest sensitive receptors, it is not considered that the proposal will lead to unacceptable levels of loss of light, dominance, overbearing or loss of privacy and the impacts on residential amenity in this regard is considered to be acceptable.

In conclusion, the proposal would not be significantly detrimental to the amenity of the occupiers of existing dwellings, subject to the conditions referenced above. The proposal, subject to appropriate planning conditions, complies with:

- the National Planning Policy Framework
- the National Design Guide
- Policies SD1, CS2, SUE2, SUE2c and CS19 of the Knowsley Local Plan: Core Strategy, and
- the Halsnead Garden Village SPD and Design & Distinctiveness Guide.

Trees and landscaping

Saved Policy DQ4 of the Knowsley UDP seeks to ensure that new developments include adequate tree and landscape provisions, whilst also seeking the protection or replacement of trees affected by development. This policy states that where tree loss is unavoidable the applicant will be required to make provision for replacement, normally on a 2 for 1 basis. This policy also seeks to retain trees and woodlands which make a positive contribution to amenity and should make provision for their retention where they contribute to visual amenity.

Policy CS21 of the Local Plan Core Strategy has the same aims and sets out the principles for mitigation where tree loss is unavoidable. Policy CS21 also states that the Council will encourage proposals for new development to incorporate the 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 interest. This approach is supported by the Trees and Development SPD.

The proposal would result in the removal of a large number of trees including to the front of the site and around the visibility splay areas. 19 Individual trees are also proposed to be removed which were deemed to be category B trees. This is to facilitate the Cronton Road southwestern access, the second south eastern access and the unit itself to allow appropriate levels to be created. The plans also indicate the removal of part of W29 and an area of 1298m² to the southwest of the site to allow the additional access to be sited. However, many of the trees removed are immature self-seeded specimens.

The LPA requested further survey work in relation to the group loss to the front of the site in order for an assessment to be made regarding tree impacts. The applicant has submitted an updated Tree Survey Note and numerous Arboricultural reports to assess the impact of the development on trees within

the site. The applicant's report estimates that 2746 trees are situated in the southern survey area, which are proposed to be removed, of which approximately 303 or 11% are category B trees and the rest being category C. The Survey suggests that approximately 45% of the trees are Sycamore, Ash and Beech with 35% being Willow and Hawthorn and 20% being Birch, Maple, Hazel and Oak.

The applicant's initial survey sets out the following impacts of the proposal on the development in terms of tree loss: 7 individual trees (T35, T37, T38, T40, T41, T44, T45), three tree groups (G2, G30 and G42) and a section of a further tree group (G46) assessed as moderate quality. The proposal will also involve the loss of 1 individual tree (T33) and 6 tree groups (G1, G31, G32, G34, G36 and G43) as category C; and 1 tree (T39) as category U.

It is noted that the updated survey was needed to further quantify and assess the loss of those trees to the front of the site adjacent to Cronton Road. The tree cover across the site consists of mainly moderate colonisation apart from T6 and T19-T21 which are all Oak trees of a higher quality (category A). These are proposed for retention. The trees fronting Cronton Road are considered to be important in terms of visual amenity and their contribution to the character and appearance of the area. The different tree surveys give identify the trees with different group and individual tree numbers so this report has to reference each separate tree survey by the company who carried out the assessment for transparency.

The site contains a number of TPO trees. Firstly, there is an area to the southwestern corner of the site which has a category B group TPO (W29). In this area there are a number of trees marked for removal to the frontage with Cronton Road and to facilitate the access and these trees include Beech, Ash and Sycamore and include 2 individual trees T1 and T2 category B Beech trees. The Tyler Grange Survey identifies c 129 category B trees in this group and a further 520 trees that are category C. There is a category A TPO Oak (T6) which is also proposed to be retained. Finally, TPO group G4 is located to the east side of the site. These trees are also proposed for retention.

The LPA has worked with the applicant to try to prevent removal of as many TPO trees within W29 as possible and this has resulted in a design solution that involves a retaining wall around the southwestern access. This reduces the need for a graduated slope towards the access point which would require more tree removal. Some pruning works to trees within the W29 area is also identified to allow for the location of a SUDS pond. The Landscape Architect (ESS) has raised concerns that the loss of the green corridor fronting Cronton Road, combined with the height of the building and raised levels. will have a severe landscape impact and an impact on visual amenity. However, following on from updated landscaping plans, the Landscape Architect has not objected and has confirmed that the landscaping plan is acceptable in terms of its mitigation to compensate for the tree loss.

The proposal involves a substantial landscaping scheme including extensive tree planting to the front of the proposed unit. The applicant has worked with

the Landscape Architect and Tree Officer to secure climax species planting within the fronting tree belt adjacent to Cronton Road. The total tree removal areas have been calculated at approximately 2869m² of which 303 are category B trees and 25 individual trees. The compensatory planting includes 325 individual trees ranging between extra heavy standards 16-18mm (of which there are 255 in total) to smaller girth trees (70 in total). 1:1 replacement is acceptable where extra heavy standards are proposed. So based on the proposed number of extra heavy standards vs the additional tree planting, the scheme would need to provide an additional 76 standard trees within the site.

However, there is also the area of woodland proposed to be lost as part of the scheme which totals c2869m². The planting scheme shows a total area of native woodland mix of 3,307m² as well as 901 linear metres of hedgerow. The total number of trees proposed to be planted across the woodland mix and hedgerow planting equals 2075 trees. As such there is a shortfall in tree planting across the site if it was expected that a 2 for 1 replacement of the area of trees being removed were to be achieved on site.

There is still a substantial landscaping scheme being proposed across the site and the Landscape Architect has confirmed that the planting scheme is acceptable. Regard is given to the extent of colonisation that has occurred on the site and resulting quality of trees that have established themselves as well as the effort made by the applicant to introduce a retaining structure to the access adjacent to W29. The introduction of a managed woodland area and tree planting introduces an opportunity to ensure better woodland management of the site. The masterplan SPD shows two access points that should be introduced to serve the site, and the allocation of this site has been accepted in principle together with a level of associated tree loss that the accesses and proposal would introduce.

This identified tree loss would result in the loss of existing trees which offer a positive contribution to the local environment in terms of visual amenity. However, on the basis of the above, the tree loss and the impacts on the contribution these trees make to visual amenity is given limited weight in the planning balance having regard to the constraints of the site, the allocation and the extensive landscaping proposed. This level of negative weight attributed to tree loss and impacts on visual amenity is also assessed to be at the lower end of the negative scale due to the temporary nature of this impact, whilst also having regard to the prominent position of the proposed unit. The landscaping will mature and after 15 years will be fully mature, so the impact is only a temporary one.

It is recommended that planning conditions are imposed to ensure the development is carried out in accordance with the submitted Arboricultural Reports and to secure the submission of an Arboricultural Method Statement to ensure the protection of the retained trees. 5 working days' notice for the erection of tree protection fencing is required by condition together with a landscape management plan, securing the landscaping scheme and a planting specification and securing a timetable for implementation.

Whilst there is identified conflict with Saved Policy DQ4 of the Knowsley UDP and Policy CS21 of the Local Plan Core Strategy as well as the Trees and Development SPD, this conflict is given limited weight for the reasons set out above.

Highways

Policy CS7 (Transport Networks) in the Local Plan Core Strategy requires new developments to be located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport, and incorporate access for private vehicles. The policy also requires new developments to make adequate provision for cycle and car parking. Policy CS2 of the Local Plan Core Strategy seeks to reduce the need to travel, especially by car and promote the use of sustainable modes of travel through encouraging the use of public transport, walking and cycling. This policy also seeks to ensure efficient use of resources and infrastructure by prioritising the location of development in line with the spatial strategy.

Policy CS19 of the Local Plan Core Strategy promotes the delivery of accessible places and seeks to ensure new developments provide safe, secure and convenient routes for movement, to meet the needs of all users. Core Strategy Policy SUE2 requires developments to incorporate good transport linkages both within the SUE site and with surrounding areas. Saved Policy T7 of the Knowsley UDP seeks to ensure new development preserves or where possible enhances the walking and cycling network as well as promoting access to green corridors to encourage healthy living and exercise and policy T10 seeks to ensure adequate access for the less mobile is provided in new developments. Saved Policy T5 of the Knowsley UDP requires major developments to be within 400 metres from a bus stop and/or 800m from a rail station and Policy T9 promotes the production of travel plans to encourage the use of sustainable modes of transport.

The NPPF requires new developments to ensure that appropriate opportunities to promote sustainable transport modes can be taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network, or on highway safety can be mitigated to an acceptable degree. Furthermore, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Impacts on the Strategic Road Network (M62)

Knowsley Council secured (in January 2019) £12m of funding from the Liverpool City Region Combined Authority (CA) to enable delivery of improvements identified as necessary to the local road network, to mitigate the impact of the whole Halsnead Garden Village site. The work includes that to Tarbock Island, at junction six of the M62, and a further six local junction improvements. The work will build adequate capacity and resilience in the

surrounding highways network and improve access to Halsnead and are as follows:

- Stoney Lane/Dragon Lane – Carriageway Widening – Works Complete November 2020
- Stoney Lane/Cumber Lane – Signalisation of Junction - Works Complete November 2020
- Greene's Road/Dragon Lane/Windy Arbor Road – Carriageway Widening - Works Complete Autumn 2020
- Fox's Bank Lane/Cumber Lane – Signalisation of Junction – Works Complete Summer 2020
- Cronton Road/Fox's Bank Lane – Construction of a roundabout – Works complete Summer 2022
- Lickers Lane/Windy Arbor Road – Signalisation of Junction – Works complete Spring 2022
- Tarbock Island – Works commenced 4th March 2024.

The improvements to Tarbock Island are of particular importance to this development and these works have now started. The applicant has submitted the necessary 'modelling' and trip generation information to demonstrate that the existing highway network can accommodate the traffic generated by the proposal. National Highways have considered this evidence and agree with the outcomes.

National Highways (NH) have raised no objections to the proposal subject to a number of conditions being imposed. These include the submission of a construction plan working method statement (including a risk assessment method statement) relating to site earthworks and drainage alongside the M62, submission of a plan showing the alignment and elevational treatment of a close boarded fence, of not less than 2m high, which shall be erected along the NW boundary of the development site adjacent to the M62 and submission of a travel plan. Additionally, a restriction on any drainage run-off from the proposed development into the motorway drainage system is also recommended.

Impacts on the Local Road Network

The development site is proposed to be accessed via two separate signalised junctions, with each encompassing a right turn lane. The northern access will facilitate access for a staff car park only, with the southern access allowing for access to the rear of the unit for HGVs. The intention is for the southern access to also facilitate a loop road through the wider south Halsnead development area.

Suitable swept path analysis has been provided for both accesses. A Road Safety Audit (Stage 1) has been completed and the designer's response provided is satisfactory to the Highway Authority. Any issues not addressed can be amended as required by the Site Development Engineer as part of detailed design. However, engagement has occurred with Site Development as part of the consultation process.

The proposal includes the provision of a retaining structure to allow the retention of more trees near the western access point. The external finish and precise detail can be secured via condition. The Highways Engineer also requested further clarification in relation to levels across the site and how the levels relate to the retaining structure and the highway. Additional levels information was submitted and clarified the intentions in relation to levels as well as showing more information about the interface between the retaining wall and the highway. Highways have confirmed they are now satisfied with the information provided to date including the TA. However, final levels details relating to the access road and details of all retaining structures are recommended to be secured by condition in the interests of visual amenity, highway safety and to ensure adequate tree retention.

The parking provided on site is appropriate. This proposal includes 280 parking spaces including 12 accessible spaces, parking for 16 motorcycles and 36 cycle spaces. The accessible parking, cycle and motorcycle parking all meet the parking standards set out in the Ensuring a Choice of Travel SPD. The standard parking spaces fall slightly short (268 standard spaces compared with the actual maximum parking standard of 291). However, the parking standards SPD sets out maximum requirements and the number of spaces is only marginally less than this standard with no concerns raised on highway safety grounds from the Highways Engineer. On this basis, parking is acceptable. A condition is recommended to secure provision of the parking, servicing and vehicle manoeuvring areas prior to first occupation. Conditions are also recommended to secure adequate cycle parking within the site and to secure a travel plan is implemented, to promote sustainable modes of transport.

A condition is recommended to secure visibility splays within the red line area to allow safe access from the delivery yard area adjacent to the mineral line. A condition is also recommended to secure the turning circle for HGVs at the entrance to the proposed unit. These conditions are recommended in the interests of highway safety. The highways engineer has confirmed that subject to the above conditions, the proposal is acceptable in highway safety terms and the traffic generation associated with the development can be safely accommodated on the road network.

Additionally, the highways engineer has requested that a condition is imposed securing full construction details showing the internal road network being built up to the northeastern boundary of the site, as defined by the red line in the direction of the mineral line. These details shall include the proposed road ground level and level details relating to any land regrading, construction details of the road and details of the highway drainage and lighting. This condition is recommended to secure comprehensive development.

Extensive correspondence has taken place between the applicant, KMBC Highways and National Highways. These conversations have meant an array of modelling scenarios have been completed ranging through 2018, 2024, and 2032. These assessment years have included the proposed development being in place and not being in place, as well as the Tarbock Island improvement scheme being in place / not being in place. Committed developments in the area have been considered, as well as a sensitivity test which assessed the future loop road in place with the proposed eastern access (50% of the adjacent Tritax development traffic passing through this junction). The results are acknowledged and accepted by the Local Highways Authority.

Bus stops are proposed on Cronton Road. These are accepted by the Local Highway Authority, but additional conversations will need to be held with Mersey Travel at detailed design so that these can be implemented as part of s278 works. The Local Highways Authority has also recommended a travel plan condition to promote sustainable modes of travel.

Definitive Map Modification Order (DMMO)

A DMMO application has been made to create a PRow Bridleway across the development. This was submitted during the consideration process for the planning application. The DMMO has not been formally determined by KMBC and once determined there is a process of appeal if the DMMO were to be rejected. Any appeal of a DMMO determination will be referred to the Planning Inspectorate to be validated, and if valid, then a decision will be made within 30 weeks. It is noted that objections have been raised about a path leading through the application site.

A DMMO application seeks to amend the Definitive Map to record a public right of way which the applicant states exist but has been missed off the LHA's map. The fact that a DMMO application exists is a material consideration. However, the claimed route is a dead end and therefore does not satisfy the basic requirements of a highway. There is no recorded PRow across the site as the situation currently stands. As such, the DMMO application is given only negligible weight. However, if an Order were to be made and confirmed, such as on appeal, this could affect the implementation of this proposal. It is noted that a planning permission does not override a confirmed DMMO. As such, an informative is recommended noting the DMMO application and the fact that if confirmed, this would not override a confirmed DMMO.

In connection with this, the British Horse Society have objected to the proposal. They consider that the development does not make safe provision for horse riders nor does the proposal address barriers put in place due to road networks and does not expand peoples' travel mode choices, contrary to Highways England Accessibility Strategy. The BHS also considers that the

proposal fails to comply with the NPPF and does not create a safe and accessible environment and does not plan positively or create opportunities for sport and recreation, thus impacting on health and well-being. The BHS consider that the proposal does not create healthy communities, nor does it protect or enhance public rights of way.

The BHS therefore consider that the proposal is contrary to the NPPF as authorities should seek opportunities to provide better facilities for users of PROWs, for example by adding links to existing rights of way networks. They consider that more opportunities for more off-road links for equestrians should be created. The BHS state that equestrians are increasingly recognised as being part of the group of main vulnerable road users and horse riding is recognised as offering therapeutic, physical and mental health benefits through both riding and carriage driving and is also beneficial for those with disabilities and the older population.

As such the BHS considers that the proposal could make a contribution to safe off-road riding, negating the need for equestrians to use heavily trafficked roads to access equestrian public rights of way networks and that multiuser routes (with a width of 3metres) should be included. The BHS considers that equestrians are being marginalised in the scheme. It is considered that the scheme excludes equestrians and arguments for inclusivity of walkers and cyclists can be extended to include equestrian using the mechanism of the Equality Duty. This is a form of discrimination, and the Equality Act 2010 created a public sector Equality Duty for authorities to provide equal opportunities for all, which means that an authority needs cogent reasons for excluding equestrians.

The BHS also objects to the application as they consider there is evidence of unrecorded routes through the site with bridleway status. These PROWs should be asserted and not subsumed within the development. BHS make reference to applications that have been made to the Council and consider that routes should be upgraded to at least bridleway status, if not restricted byway status as a condition of any permission granted. The BHS would be willing to withdraw their objection if definitive bridleways are provided and the route affected by the definitive map modification order should be dedicated as a public bridleway and a public bridleway should be provided around the perimeter of the site. These routes should be at minimum public bridleway status or multiuser routes for all non-motorised users including equestrians. BHS also suggests using S278 funding to create a multiuser route within the site for pedestrians, cyclists and equestrians and s106 funding to improve and extend the equestrian access network surrounding the site and improving connectivity off the network within Knowsley.

The development is not considered to be discriminatory against any group by individuals by virtue of not including a public bridleway. There is no formal

PROW across the site and the claimed route is a dead end. The scheme is not obliged to accommodate equestrians through establishing a bridleway. However, the scheme does include a 3m wide route that is separate from the access road leading from Cronton Road north up towards the mineral line. This 3m wide route is separated from the highway by a 2m wide flowering lawn mix and so offers a route that is not directly adjacent to the access to the unit. Due to land ownership and levels, the north south path proposed on the eastern side of the development leading towards the mineral line route (which has not been constructed in connection with the country park yet) will not provide an immediate connection to the mineral line. It would not be reasonable or necessary to impose the provision and connection of the mineral line route on the developers as it is not a designated PROW and the Council cannot enforce works on land owned by 3rd parties. Provisions are in place through various applications to facilitate the loop road and loop road crossing such that all route users can access and cross the mineral line multi user route once it is constructed.

The applicant does not own the land to the north that would allow the connection to the mineral line and this would need to be delivered through the country park application and the Tritax application to create a joined up approach to the wider masterplan area. However, the intention is there to include linkages to the mineral line area for a possible future connection, via a level crossing and a route up to the mineral line and country park pathways. This is considered satisfactory to provide access for cyclists, walkers and pedestrians. It is considered that whilst the DMMO application is a material planning consideration, the route is not supported and results in a dead end. As such, the weight given to the presence of the DMMO application is negligible. Due regard has been given to the Equality Act and the provisions of the NPPF whereby opportunities are made for inclusive access and multi modal routes have been incorporated into the development. The proposal is considered to comply with the NPPF in relation to the issues raised by the BHS.

Comments in relation to Active Travel

Active Travel submitted standing advice relating to this development. The development included a transport statement which concludes that the proposal can be safely accommodated without leading to severe transport impacts on the local highway network. The wider site masterplan includes active travel principles including improved/upgraded bus stops on Cronton Road, new Toucan crossings and advanced stop lines for cyclists at the proposed signalised junction and legible links to the surrounding area. A bespoke travel plan will be provided for this unit and this will bring forward a range of measures to encourage use of sustainable transport modes.

The wider site access road comprises a shared footway and cycleway. There is a transport strategy for the wider masterplan which reduced the speed limit

on Cronton Road for a section between Tarbock Island and Fox's Bank Lane; this improves conditions for active travel users. This application includes extensive cycle parking facilities, internal layout provision of showers and changing areas, and marked crossing points within areas of the car park. A condition is included to secure the cycle parking.

Assessment of public transport availability has found that the site is in a sustainable location with bus stops within 400m. The site provides connections with adjoining development and facilitates the provision of a loop road which helps makes the route through the wider site more sustainable.

Subject to the above conditions, it is considered that the development makes adequate provision to promote active travel, deliver a development with acceptable impacts on highway safety as well as promoting the use of sustainable transport modes and delivering an inclusive development. The proposal is considered to comply with saved policies T5, T7, T8 and T9 of the Knowsley UDP, Core Strategy policies CS7, SUE2 and CS19 and the NPPF.

Summary

Subject to the to the recommended conditions referred to above, the application accords with policies CS2, CS7 (Transport Networks) and CS19 (Design Quality and Accessibility in New Development) in the Knowsley Local Plan: Core Strategy Policy, policies T5, T7, T8, T9 and T10 of the Knowsley UDP and the NPPF. It is considered that the development would not result in any significant adverse impacts on highway or pedestrian safety.

Impacts on Heritage Assets

Policies CS19 and CS20 of the Local Plan Core Strategy, chapter 16 of the NPPF and Historic Environment Good Practice Advice in Planning: 2 (Historic England: 2015) all seek to preserve or enhance the Borough's historic and architectural assets and any archaeological remains. Policies CS19 and CS20 of the Local Plan Core Strategy seek to ensure new development complements and enhances features of historic interest, preserves local distinctiveness and character through sensitive design as well as ensuring new development includes appropriate integration with the setting and immediate landscape.

Section 66(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to show special regard to the desirability of preserving and enhancing listed buildings and their settings, in exercising their planning functions. Considerable importance and weight should be given to the desirability of preserving listed buildings and their settings. Section 72(1) of the Act states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

The NPPF also provides guidance on the approach that should be taken in considering the impacts against the level of harm (if any) that has been identified to listed buildings and their settings. Paragraph 212 is of particular importance and in summary states that in considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The applicant submitted a Heritage Impact Assessment with the application. This sets out that there are no designated heritage assets within or directly adjacent to the application site. However, the proposal has the potential to affect the settings of the following listed buildings:

- Old Halsnead, (Grade II listed building)
- Carr House Farmhouse (Grade II)
- The Paddocks and the Stables (Grade II)
- Barn at Snapegate (Grade II)
- North East Lodge to Halsnead park (Grade II)
- Gate Piers beside North East Lodge to Halsnead Park (Grade II)
- Sandfield House (Grade II)

The proposals have the potential to affect the following built or landscape non-designated heritage assets and/or their settings:

- Halsnead Park, historic landscaped park
- Tarbock Lodge
- Administrative Boundary of the Township of Whiston/Tarbock (This is the route of the stream along the southern boundary of the site, and has been picked up in previous heritage assessments)
- Cronton Colliery

The Conservation and Design Officer considers that a few designated heritage assets have been excluded from the assessment that are affected by the proposal. However, the HIA concludes that the contribution that the site makes to the identified designated and non-designated heritage assets and is assessed as negligible and the conclusions are that the proposals will have little to no effect on their significance. The Conservation and Design Officer agrees with these findings.

In terms of archaeological assets, there are no statutory designations located within or adjacent to the study site boundary or within 1km of the study area. There is one scheduled monument located 2km from the application site and this will not experience any impacts. The applicant's HIA did not identify any designated archaeological assets which will be negatively impacted by the proposal. However, whilst not identified by the applicant, there is one non-designated heritage asset recorded on the Merseyside Historic Environment Record within the proposed development site: Halsnead Park. A review of available evidence has confirmed that the application site has a moderate

potential to contain prehistoric and roman archaeology and high potential for post medieval finds and features with a low potential for all other periods.

Non-designated heritage assets

In terms of the non-designated heritage assets, Halsnead Park should be considered. The application site is formed of the former Halsnead Estate parkland landscape, which is believed to be an 18th or possibly early 19th Century landscape. The re-routing of Cronton Road, construction of the M62 and the building and reclamation of the Colliery, and later construction of housing, have resulted in loss of features that has diminished the coherence of the historic parkland, although key parts of its structure and features remain intact. The Conservation and Design Officer has stated that prior to any redevelopment, Halsnead Park, likely held regional levels of significance as a designed parkland. This level of significance diminishes with each development granted.

Effect on settings of Listed Buildings

The proposals must be considered in light of the duty within s66 of the Planning (Listed Buildings and Conservation Areas) Act as referenced previously. The settings of the listed buildings affected by the proposal are set out above. The site forms part of the designed 'Halsnead Park' historic context and setting of the listed buildings. The surviving tree belts and waterways of the parkland appear to be largely retained in the proposed layout, albeit with felling/re-planting in places. However, the open field, and historic route north through the site from Tarbock Lodge are largely overbuilt with the B8 unit and hard standings for parking/manoeuvring laid out in a rectilinear fashion. This results in loss to the naturalistic open green character and designed features of the historic parkland and consequently also results in harm to the contribution the site makes to the historic and design significance of the listed buildings.

There is no intervisibility or intimate designed relationship between listed buildings and this site, which is at some distance from all of the listed buildings. The level of harm to the settings of all the listed buildings is negligible-low. These impacts should be avoided or minimised where possible and any residual harm considered in the context of the 'less than substantial harm' test at paragraph 215 of the NPPF.

Archaeological Heritage Assets

A review of available evidence has confirmed that the application site has a moderate potential to contain prehistoric and roman archaeology and high potential for post medieval finds and features with a low potential for all other

periods. The continuous use since the prehistoric period and nearby Roman tile manufacturing suggest any remains could be of at least regional significance. The post medieval archaeology is likely to relate to the development of the Halsnead Estate and adjacent colliery and would be of local significance. There is also one non-designated heritage asset recorded on the MHER: Halsnead Park.

The former colliery/railway and the M62 construction may have had direct and indirect impacts on the survival of any archaeology. The modern ditch engineering works will also have removed any archaeology and has the potential to have indirectly impacted any surrounding features.

As there is moderate to high potential for prehistoric, Roman and post medieval remains identified, MEAS has advised that a programme of archaeological work is undertaken and secured by condition. This will required these works to be carried out in accordance with a Written Scheme of Investigation which includes the submission of a phased programme and methodology of site investigation and recording; a programme for post investigation reporting to include the production of a final report of the significance of the below ground archaeological interest, provision for appropriate publication of an archaeology report and provision for archive deposition of this report, finds and records of the site investigation. Imposition of this condition would be in accordance with the NPPF and policy CS20 of the Local Plan Core Strategy.

Subject to the above conditions, it is considered that the proposal is capable of complying with policies CS2, CS19, SUE2 and CS20 of the Local Plan Core Strategy. The proposal is considered to comply with the Halsnead Masterplan SPD, the NPPF, Planning Practice Guidance and regard has been given to Managing Significance in Decision Taking in the Historic Environment Good Practice Advice in Planning : 2 (2015), Conservation Principles, Policies and Guidance, Historic England 2008 and The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3 (2nd Ed) 2017 by Historic England.

Air Quality

Policy CS2 of the Local Plan Core Strategy seeks to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with the NPPF and the Government's Air Quality Strategy.

An Air Quality Assessment report has been submitted with the application (as part of the Environmental Statement) and assessed by the Council's Environmental Health team. The report considers the impact of dust from the construction phase and commits to mitigating dust impacts through implementing best practice during construction phases to minimise dust pollution. There would no impact on air quality (from dust) following completion of the development. The report demonstrates no significant impacts from dust during the construction phase.

Environmental Health Unit have reviewed the applicant's Air Quality Assessment. As part of their remit, EH monitor local air quality at the junction of Cronton Road and Whitefield Lane. Exceedances in the annual NO_x levels in this area mean that an Air Quality Management Area is likely to be declared soon. The Local Authority will be required to develop an air quality action plan to help reduce pollutant levels and to mitigate against future increases in air pollution.

EH raised queries in relation to the methodology used for the Air Quality Assessment. Concern was raised about how the AQA had assessed the impact that this development will have on air quality levels at the Whitefield Lane and Cronton Road junction. EH considered that the applicant's report utilised background concentrations relating to air pollution that are not a true reflection of actual and predicted concentrations between 2019 and 2024. Additionally, the Air Quality Assessment did not consider more up to date monitoring data for 2021 and 2022 which KMBC EHU hold from their passive diffusion tube monitoring.

Whilst the air quality assessment submitted did demonstrate that the air quality level at the proposed site will not exceed the AQOs, the report was considered to have some flaws in terms of the impacts on the Whitefield Lane / Cronton Road junction. Poor air quality is linked with ill health and the Local Authority is required to take steps to ensure that air quality meets the National Air Quality Objectives as far as possible. Environmental Health considered that regard should be given to the cumulative impact of development on air quality with particular emphasis on the area at the junction of Whitefield Lane / Cronton Road – approximately 960m to the west of the site. The wider Halsnead Garden Village development is highlighted, which will have a total of approximately 1500 dwellings when complete, combined with the possible impacts of this application. Other significant developments such as at Beacon 62, Cronton Road are assessed by the Environmental Health team as combining to have a potential negative impact on air quality for the residents of a single dwelling adjacent to the Cronton Road / Whitefield Lane junction.

The applicant confirmed that they used the 2019 data because the background concentrations were utilised to provide a worst-case scenario of estimated background concentrations throughout their modelling extents; use of 2021 and 22 monitoring data was not included within the report as this data had not been ratified by the DEFRA at the time of reporting. Additionally detailed dispersion modelling was undertaken at the Whitefield Lane/Cronton Road junction including use of 2024 traffic data and 2019 emission factor and background receptors were identified within the vicinity of the Whitefield Lane/Cronton Road junction and included within the assessment. This found air quality impacts to be considered negligible and not significant in accordance with the Institute of Air Management Land-Use Planning and Development Control: Planning for Air Quality at all receptors across the modelling extents.

EH accepted the air quality modelling on the basis of the above and confirmed no further remodelling was required to be undertaken by the applicant, also

having regard to the use of the national bias adjustment figure used and following on from the assessment work from Knowsley's Air Quality Annual Status Report 2023.

Whilst EH still raise concerns about the cumulative air quality impacts on this junction, regard is given to the anticipated traffic generation from this development. It is not anticipated that the development will generate significant volumes of new traffic through this junction (c11 vehicles per hour in peak times), so any impacts directly from this development will be minimal. Furthermore, in mitigation of the development's impact on air quality, the provision of electric vehicle charging points is proposed (11% of the total car parking spaces across the application site). It is also proposed to ensure the necessary ducting is put in place to allow this provision to increase provision in the future. It is therefore recommended that a planning condition is imposed to secure delivery of the electric vehicle charging points shown on the submission plans. Regard is also given to the move away from petrol/diesel fuelled cars and the move towards electric vehicles which will have positive benefits on air quality.

A Travel Plan has also been submitted to support and promote active travel and car sharing and if planning permission is granted, a condition is recommended to ensure the submission of further details and the Travel Plan's implementation to promote sustainable modes of transport use. Cycle parking is also being secured by condition to encourage use of more sustainable modes of transport other than the private car.

As a result, limited conflict is identified with policy CS2 (Development Principles) of the Local Plan: Core Strategy on air quality grounds. However, this is considered to be limited given the reasons set out above. It is considered that the benefits of the application clearly outweigh the limited harm caused in respect of air quality, as set out in the conclusion later in the report.

Furthermore, any lesser impacts from the development on existing residents need to be considered in the context of the planning balance and weighed against the positive benefits accruing from the development.

Ecology

Policy CS8 of the Local Plan Core Strategy, at various points, aims to ensure that new development protects and enhances biodiversity, including the protection of designated sites, priority habitats and protected and endangered species. This is fully consistent with the aims of the NPPF. The application is accompanied by a comprehensive ecological assessment including a Preliminary Ecological Appraisal, an Arboricultural Impact Assessment, Biodiversity Net Gain Assessment and a Biodiversity Enhancement Management Plan.

Natural England and Merseyside Environmental Advisory Service (MEAS) have been consulted in the determination of this planning application. Natural England has raised no objections to the proposal and consider that the

proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Habitats

Strettles Bog Local Wildlife Site (LWS) is within the proposed development site and The Old Wood South LWS is immediately to the north; Old Wood South is also to the north and is designated Ancient Woodland. There is evidence to suggest that the woodland within Strettles Bog and the Old Wood South LWS is potential Ancient and semi natural woodland (ASNW) having been once linked to the ASNW within Old Wood South to the north of the site. This woodland is identified as potential ASNW in a review of the Ancient Woodland Inventory led by NE and Local Environmental Record Centres. The trees within the LWSs are also protected by TPO.

Ancient woodland is irreplaceable habitat. The NPPF advises that LPAs refuse planning permission that would result in the loss of deterioration of ancient woodland unless there are wholly exceptional reasons and a suitable compensation strategy is in place. MEAS considered that the proposed development will have an effect on what could be considered potential ancient woodland within Strettles Bog LWS and has the potential to harm the potential Ancient Woodland within the Old Wood South, caused by machine access.

The applicant undertook an Ancient Woodland assessment which set out that the trees requiring removal are not Ancient Woodland nor are the majority of these trees high quality. The identified habitats with the potential to be ancient woodland were found not to be Ancient Woodland. The applicant also prepared a set of overlays considering the existence of links between Old Wood South Ancient Woodland and the woodland areas within Strettles Bog and the Old Wood South LWS. They clarified that Strettles Bog and Old Wood South are not designated Ancient Woodland. MEAS have accepted this.

The separation distances between Old Wood South Ancient Woodland and the nearest proposed building is approx. 72 m away and 35 m away from the nearest hardstanding. The appropriate buffer between the designated Ancient Woodland and any development has been exceeded and, being more than 15m, is policy compliant. The applicant considered that aerial imagery proved there has been no link with Old Wood South Ancient Woodland for at least the past 24 years. The proposal will therefore not affect Old Wood South Ancient Woodland to the north and complies with policy CS8 of the Local Plan Core Strategy and the Masterplan Plan SPD in this regard.

Amphibians

No evidence of Great Crested Newt use or presence was found and the Council therefore do not need to consider the proposals against the tree tests within the Habitat Regulations. MEAS accept that GCN are highly unlikely to be present within the site. However, the site provides habitat for other species of amphibian. As such, it is recommended that reasonable avoidance measures

are carried out during construction and included in the Construction Environmental Management Plan (CEMP). These measures should include: ensuring existing vegetation on the site is cut gradually and removed under ecological supervision to encourage any amphibians present to move away from the areas affecting during works; keeping the working area, together with any storage areas clear of debris and stored materials shall be kept off the ground on pallets to prevent amphibians/reptiles from seeking shelter or protection within them; and any open excavations (e.g. foundations/footings/service trenches) shall be covered with plywood sheeting or similar at the end of each working day. The edges of these sheets shall be covered with a thick layer of topsoil or similar, to prevent amphibians/reptiles taking shelter. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunities to remove hazard to amphibians.

Bats

No evidence of bat use or presence was found. Therefore the three tests do not need to be considered. Habitats on or adjacent to the site may provide roosting, foraging or commuting habitat for bats and therefore lighting may affect the use of these areas. A lighting scheme condition is recommended to protect ecology and ensure the development does not result in excessive light spill onto the habitats in accordance with the NPPF and Local Plan Core Strategy policy CS8.

MEAS had confirmed that the removal of the trees will not entirely remove the existing commuting corridor but will reduce the amount of food resource currently available to foraging and commuting bats. As the commuting corridor will not be completely severed, it is considered that additional mitigation planting of appropriate native species will be sufficient to ensure the local bat population will not be harmed by the proposals. As such the landscaping plan is recommended to include further native tree planting. This can be secured by condition to accord with policy CS8 of the Local Plan Core Strategy.

Breeding Birds

The site provides nesting opportunities for breeding birds. An informative is recommended to ensure that no clearance of vegetation shall be undertaken during bird nesting season unless first checked by a supervised ecologist.

Terrestrial Mammals

The habitats on site are suitable for badger and hedgehog which are protected and priority species. The following RAMs are recommended to ensure there are no adverse effects: a pre-commencement check for badger and/or hedgehog mammals; all trenches and excavations should have a means of escape (e.g. ramp); any exposed open pipe systems should be capped to prevent mammals gaining access; and appropriate storage of materials to ensure mammals do not use them.

Water Vole

The ecology report submitted with the application concludes that Ochre Brook and the joining ditch do not provide suitable habitat for Water Vole and this species is discounted from the assessment. MEAS have accepted these findings and have confirmed that Water Vole is highly unlikely to reside in the Brook. However, due to the dispersing nature of this species, Water Vole may use the Brook for commuting. As this is a protected species and in line with best practice guidance, it is advised that no works are carried out within a minimum of 5 metres of the top of the bank and details of methods of protection to this zone are submitted for approval. These RAMs are recommended to be delivered via the CEMP condition.

Invasive Species

Himalayan Balsam is present within the Strettle Bog Local Wildlife Site which is within the site boundary and at TN1 and TN2. Himalayan balsam is listed on Schedule 2 of the Invasive Alien Species (Enforcement and Permitting) Order 2019. MEAS has recommended that the applicant submit a method statement, prepared by a competent person, which includes the following information:

- A plan showing the extent of the plant;
- The methods that will be used to prevent the plant/s spreading further, including demarcation;
- The methods of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of after treatment/removal.

It is recommended that this is secured via the CEMP in accordance with the NPPF.

MEAS has advised that the applicant prepare a Construction Environmental Management Plan (CEMP) to manage and mitigate the main environmental effects during construction. The CEMP will address and proposed measure to minimise the main construction effects of the development including ecological mitigation details, waste management, pollution prevention and soil resource management. The CEMP should include the following agreed method statement to mitigate or avoid adverse environment impacts:

- Measures to protect amphibians;
- Measures to protect terrestrial mammals;
- Measures to protect breeding birds;
- Measures to protect water voles; and
- Measures to control Himalayan balsam.

The CEMP should be compiled in a coherent and integrated document and should be accessible to site managers and contractors. This can be secured via condition.

Ancient Woodland considerations

The applicant has submitted updated information in relation to the trees and groups requiring removal. They also undertook an Ancient Woodland assessment which set out that the trees requiring removal are not Ancient Woodland nor are the majority of these trees high quality. The identified habitats with the potential to be ancient woodland were also found not to be Ancient Woodland. The applicant also prepared a set of overlays considering the existence of links between Old Wood South Ancient Woodland and the woodland areas within Strettles Bog and the Old Wood South LWS. They clarified that Strettles Bog and Old Wood South are not designated Ancient Woodland.

Separation distances between all these designated habitats and the proposed development were considered; Old Wood South LWS being c37 m away from the nearest building and the approx. nearest TPO being within c16m of the nearest building; and Old Wood Ancient Woodland being approx. 72 m away from the nearest building and 35 m away from the nearest hardstanding. The appropriate buffer between the designated Ancient Woodland and any development has been exceeded and, being more than 15m, is policy compliant. The applicant considered that aerial imagery proved there has been no link with Old Wood South Ancient Woodland for at least the past 24 years. The proposal will therefore not affect Old Wood South Ancient Woodland to the north.

The tree surveys identified the quality of the trees to be removed from the development site. A number of category B individual trees were identified for removal alongside numerous groups of category B and C trees and a number of individual category C trees. The tree removal is required to facilitate the floorplate of the proposed building, appropriate levels to allow a level floor plan, along with tree removal to allow the east and west accesses to be created in line with the Masterplan.

Many trees within the groupings were self-seeded small trees of less than 75mm. All trees proposed for removal were considered either moderate or low quality and there were no high-quality trees that required removal to accommodate the access road. Within the TPO area in the southwest area of the site, an area of moderate and low-quality trees were marked for removal (see tree section). The proposed tree loss will result in a small to moderate loss of trees which constitutes a small incursion into the TPO and the Strettles Bog LWS area. The updated Tree Survey indicates that the trees adjacent to the SUDS pond will now be retained (east of the woodland on site) and only subjected to pruning. One tree has some encroachment into the root plate but only by 20% and this can be mitigated through an AMS condition and appropriate tree protection measures secured.

The proposal will result in biodiversity net gain overall. The net gain calculations, based on original mitigation planting was calculated at 10.71% net gain units, 17.35% increase in river habitat units and 100% increase in

hedgerow units. The tree loss and resulting impacts on visual amenity are considered to be sufficiently offset by the proposed tree planting, provision of longer-term habitat benefits and biodiversity net gains. On this basis, having regard to mitigation planting, only limited weight against the proposal is apportioned due to negative visual amenity and wider landscape impacts resulting from the loss of trees which are considered to offer a positive contribution to the local environment; this is discussed further in the tree section of the report.

MEAS has advised that the landscaping plan is acceptable subject to minor amendments to secure commuting bat mitigation. The biodiversity net gain details have been reviewed and the following condition is recommended:

Prior to occupation of the development, the ecological mitigation scheme shall deliver an enhancement in biodiversity units to the receptor site equal to or greater than the loss of biodiversity units on the development site, such that there is no net loss of biodiversity units as a result of the development. The approved ecological mitigation scheme shall be implemented no later than the first appropriate season following the occupation of the development. The season to be agreed with the local planning authority as part of the approval of the ecological mitigation scheme.

However, MEAS has accepted the updated landscaping plan which includes the ecological mitigation following on from a number of updates and amended documents relating to habitat and landscaping. On this basis, the above condition is not recommended for inclusion and a condition to secure the approved landscaping scheme is recommended together with a timetable for implementation. A landscape, ecological and habitat management plan is also recommended to be submitted by condition.

Landscape Impacts

Local Plan Policy CS8 states that development should preserve the character and function of valued landscapes and sustain and promote priority habitats and biodiversity. Policy CS19 states that developments should complement and enhance (where possible) existing landscape and its topography. The proposal will result in significant change to the existing landscape made more noticeable by the removal of trees fronting Cronton Road. However, regard is given to the mitigation planting and the medium to long term screening capability of a better managed tree belt. As such only limited weight is given to the negative landscape impacts associated with the proposal in the early stages of the development when planting is less mature. Having regard to the landscaping, habitat benefits and bio-diversity net gains, only limited weight against the proposal is given to this identified limited conflict with policies CS8 and CS19 of the Local Plan Core Strategy in relation to loss of the green corridor fronting Cronton Road and the resulting landscape character impacts. After 15 years this impact will be fully mitigated, and regard is given to the allocation of the site within the HGV Masterplan SPD.

It is noted that objectors raise concerns about visual amenity impacts and state that the height of the building together with the proposed landscaping will mean that the proposed warehouse will never be fully screened. However, this is an allocated site and it is not the intention nor the requirement of planning policies to secure the full screening of a development such that it cannot be seen. The landscaping is considered to be acceptable and will soften the impact of the building but the principle of changing the landscape character from open fields to a business/employment park has been accepted through its allocation in the Local Plan Core Strategy as a sustainable urban extension.

Flood Risk and Drainage

Policies CS2 and CS24 of the Local Plan Core Strategy combine to ensure that development will not cause an unacceptable risk of flooding, and that surface water is drained in a safe and sustainable manner. Policy SUE 2 and SUE2c also set out that proposals should demonstrate a comprehensive approach to infrastructure provision and that having adequate drainage in place is key in achieving this.

The applicant has submitted a Flood Risk Assessment, Surface Water Drainage Strategy and Foul Water Drainage Strategy. The application site has Fox's Brook to the east. Chapel Brook (a main river) runs across the southwest corner of the site and flows openly in the corner of the site but flows north to west between culverted sections. An ordinary watercourse flows through the northwest of the site from a culvert that runs under the mineral railway, which takes flows originating from Big Water. These flows finally discharge into Chapel Brook. Site levels fall gently, broadly from the east to the southwest.

The application site lies mainly within flood zone 1 with the areas around Chapel Brook, but outside the development footprint areas, lying in flood zones 2 and 3. The EA flood mapping indicates a minimal extent of surface water flooding with small areas of high risk surface water flooding identified at the southern area of the site at the highways land boundary and small areas of low risk surface water flooding in the north eastern area of the site.

Because the site lies within flood zones 1, 2 and 3, consideration of the sequential test has been undertaken having regard to the NPG. The proposal lies within an allocated site for employment, residential uses and a country park, together with delivery of tier one open space around Big Water amongst many other masterplan requirements. Having regard to the fact this site is extensive and the masterplan requirements, it is not considered that the development could be accommodated elsewhere in an area of lower flood risk. Having regard to the fact that the building envelope is not in flood zones 2 or 3, it is considered that the sequential test has been satisfied and there are no other suitable and available sites that have lower risks of flooding.

The applicant has considered the hierarchy of drainage options and proposes to discharge attenuated site surface water to Chapel Brook to the southwest of the site. It is proposed that the surface water from the new adopted HGV access road catchment will discharge into Fox's Brook in line with the existing highway drainage system. Surface water flow rates are proposed to be limited to pre-development greenfield run off rates up to and including the 1:100-year event plus 30% climate change. A pond structure has been included in the scheme to provide necessary on-site surface water storage capacity and surface water will be attenuated by the SUDs pond and a constructed outfall.

The proposal includes no off-site surface water flood routes generated by the development during an enhanced 1 in 100-year storm and all surface water run off will remain on site in a 1:100-year event plus climate change. In relation to flood risk management measures, the applicant states that a health and safety document will be prepared in respect of the site.

The proposal is classed as less vulnerable development within the Flood Risk and Coastal Change Planning Policy Guidance. Less vulnerable development in flood zone 1 is acceptable (and flood zones 2 and 3a). Given the building envelope is in flood zone 1, it is not considered that the exception test is required. However, with parts of the site falling within flood zone 3, those areas would be water compatible uses of the site, being as they are landscaped areas. Even if the exception test were to be required, there are wider sustainability benefits that would outweigh the flood risk which include job creation, delivery of an allocated employment site, facilitation of meeting the Borough's employment needs as set out in the Spatial Strategy and provision of employment uses on land released from the Green Belt which will ease pressure on other sites. The proposal will also include levels that ensure it will be safe for its lifetime without increasing risk of flooding elsewhere and taking account of the less vulnerable use status, whilst there is no increase in flood risk on the site.

It is proposed that post development levels will be engineered to protect the development from flooding and not provide any increased risk of flooding elsewhere. The type of flooding that could affect the development is fluvial flooding although it is noted that the site lies mainly in flood zone 1. The scheme incorporates safe access and egress from the Cronton Road entrance in extreme conditions. Oil interceptors are recommended to be included in the car park and service yard areas to reduce hydrocarbons from entering the SUDs pond.

In terms of residual risk, there will be no residual flood related risks remained once the development has been completed and the building envelope lies in flood zone 1. A post development safe emergency access can be maintained at all times from Cronton Road during a flood event.

Neither the Environment Agency, United Utilities nor Local Lead Flood Authority have raised objection to the surface water drainage scheme proposed. The Environment Agency has requested that if planning permission is granted, a condition is imposed to restrict the finished floor level to a minimum of 21 metres

AOD (above ordnance datum). An informative is also recommended drawing the applicant's attention to the comments from the EA and advising that an environmental permit is likely to be required.

The LLFA has raised no objections subject to a detailed surface water drainage condition and United Utilities has raised no objection subject to a condition requiring the drainage for the development to be carried out in accordance with the principles set out in the submitted Foul and Surface Water Drainage Strategy submitted with the application. United Utilities also require a condition stating that no surface water shall be permitted to drain directly or indirectly into the public sewer. As the LLFA have requested a detailed surface water drainage condition and it is the LLFA (or the EA) that determines discharge rates into watercourse systems. As such a detailed condition is recommended to secure the surface water drainage scheme for approval by the LLFA and UU and a condition is also recommended to ensure surface water does not drain to the public sewer.

In terms of foul water, due to the absence of foul or combined water infrastructure nearby, detailed discussions with the EA were undertaken. It was agreed in principle to treat foul water from the development in a proprietary treatment plant and discharge treated water to Chapel Brook until such time as foul water infrastructure is provided by the statutory undertaker in Cronton Road. It is noted that a permit is required to discharge into a watercourse from the EA and consent in relation to the package plant is required. This is included as an informative.

As a result, it is considered that the surface and foul water drainage proposals for the site are acceptable in principle. The proposal satisfies the sequential test and there is no requirement to undertake the exception test given the location of the building envelope. However, it has also been demonstrated that the exception test is capable of being met regardless. The proposal is considered to have acceptable impacts on flooding and drainage subject to conditions and the development complies with Policies CS2 and CS24 of the Knowsley Local Plan Core Strategy.

Ground Conditions/Contaminated Land

Saved Policy ENV5 of the Knowsley UDP seeks to ensure that development does not occur on contaminated sites that could place future occupiers at risk from contaminants within the ground. The applicant has submitted Phase 1 and Phase 2 Geo-Environmental Investigation reports and a ground investigation report with their application. Environmental Health has raised no objections to the proposal subject to a full contaminated land condition being imposed which will require submission of a risk assessment and remediation scheme, implementation of the approved remediation scheme, reporting of unexpected contamination, submission of a materials management plan and the submission of a testing methodology for the importation of soil/materials. The Environment Agency has also been consulted and raised no objections to the proposal on contamination grounds.

The submitted information is acceptable subject to conditions and, therefore, the proposed development complies with: -

- the National Planning Policy Framework
- Policies SD1, CS1, CS2, SUE2, SUE2c and CS19 of the Knowsley Local Plan: Core Strategy, and
- Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan.

Waste Management

The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.

In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved will need to be submitted and this can be included within the construction waste management plan condition.

The applicant has provided sufficient information in Proposed Waste Compound Drawing to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8). It is recommended that the layout plan is secured by condition to secure appropriate waste facilities are included within the development.

Subject to the imposition of the above conditions, the proposal is considered capable of complying with policies WM8 and WM9 of the Waste Local Plan and the NPPF.

Low Carbon

Section 6 *Sustainability* of the Design and Access Statement outlines the measures to be incorporated into the design and the applicant has submitted an Energy and Sustainability Statement which confirms that the proposed development is targeting a minimum BREEAM standard of 'very good'. The proposal seeks to achieve a fabric first approach but will also look at opportunities of incorporating low and zero carbon technologies into the development. These are air source heat pumps and photovoltaics. This is considered acceptable, and the proposal is capable of complying with policy CS22 of the Local Plan Core Strategy. It is advised that a condition is imposed to ensure the development adheres to the Energy and Sustainability Statement

in the interests of mitigating the impacts of the development on climate change and to secure details of the low and zero carbon technologies proposed to be used within the development.

Agricultural Land

Policy G3 of the Knowsley UDP states that development involving the loss of best and most versatile agricultural land (Grade 1, 2 and 3A) in a way which would practically prevent it from future return to agricultural use, will not be permitted unless it has been demonstrated that: the development cannot be accommodated on PDL or on land within the boundaries of an urban area; and it has been demonstrated that sufficient land of lower agricultural quality is unavailable or if available should not be developed.

The application will involve the loss of grade 2 agricultural land. However, this is an allocated employment site and is part of the wider allocation of Halsnead Garden Village Sustainable Urban extension. On the basis of the allocation under policy SUE1 of the Local Plan Core Strategy, the principle of developing the land south of the M62 for a country park and employment, as outlined in both policy and within the Masterplan SPD, is accepted. The loss of this grade 2 agricultural land has been accepted. However, it is also considered that Policy G3 can be met as the development of a garden village of Halsnead's scale could not be accommodated elsewhere in the Borough whilst also meeting requirements of the SPD and development principles. Additionally, the development, as part of an employment business park, could not be accommodated on lower quality agricultural land. As such the requirements of policy G3 are met.

Developer Contributions

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider whether the requirements within the S106 are:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fair and reasonably related in scale and kind to the development.

It is considered that the social value contribution required as part of this application are justified and meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

As set out previously in the report the following contribution is proposed by the applicant in respect of the monitoring and provision of social value. The contribution is considered to be fully compliant with the CIL Regulations.

Description of Contribution	Contribution Amount
Social Value	£36,351

10. CONCLUSION & PLANNING BALANCE

The proposal would secure a high-quality employment development on one of the Council's allocated employment sites and make a valuable contribution towards meeting the borough's development needs.

The development has several significant economic benefits to which significant weight can be attached. These include the economic benefits set out in the report such as the contribution the development will have to the local economy through the creation of local jobs, the contribution that the development would have towards delivering employment uses on an allocated site, the contribution the development would make towards achieving the Borough's Spatial Strategy as set out in policy CS1 of the Local Plan Core Strategy in relation to meeting employment needs, contributing towards planned employment provision for the Borough up to 2028 and helping ease development pressures on other areas within the Borough that are within the Green Belt. Significant weight is attributed to these benefits.

The tree loss on the site and the resulting harm to the local environment in terms of visual amenity is given limited weight. The extent of replacement proposed which is below the 2:1 replacement policy requirement, is also given limited weight in the planning balance having regard to the constraints of the site, the allocation and the extensive landscaping proposed which will mature at year 15. This level of negative weight attributed to tree loss and impacts on visual amenity is also assessed to be at the lower end of the negative scale due to the temporary nature of this impact, whilst also having regard to the prominent position of the proposed unit. In association with this tree loss only limited weight against the proposal is given to the identified limited conflict with policies CS8 and CS19 of the Local Plan Core Strategy in relation to loss of the green corridor fronting Cronton Road and the resulting temporary landscape character impacts.

The associated conflict with policies CS8, CS19 and CS21 of the Local Plan Core Strategy and policy DQ4 of the Knowsley UDP is given limited negative weight in the planning balance in so far as it relates to the above tree loss and associated landscape and visual amenity impacts.

Limited conflict has also been identified with policy CS2 (Development Principles) of the Local Plan: Core Strategy on air quality grounds. EH consider that the cumulative impacts of the development in connection with other developments in the local area will have a detrimental impact on the Whitefield Lane/Cronton Road junction. However, having regard to the traffic generated through this junction as a result of the proposal, only limited

negative weight is given to the air quality impacts on this junction. Conditions are recommended to mitigate air quality impacts.

The DMMO application is given only negligible negative weight and it is noted that a decision has not been issued regarding this. However, if an Order were to be made and confirmed, such as on appeal, this could affect the implementation of this proposal. However, the current scheme includes a separate 3metre wide path leading up to the north of the site and conditions provide for the continuation of a loop road should future developments come forward in the interests of comprehensive development.

In terms of heritage impacts, the level of harm identified is set out in the report and is generally negligible-low for all designated and non-designated heritage assets with the exception of minor/moderate harm to the non-designated Halsnead Park heritage asset. Intervening built form, existing natural screening, topography and distance from the assets all ensure there is limited intervisibility with the application site; severance of historic ownership or functional links also ensure that the proposal will have little effect on the significance of the designated and non-designated heritage assets.

Less than substantial harm has been identified to the setting of Old Halsnead, Carr House Farmhouse, The Paddocks and the Stables, Snape Gate Barn, North East Lodge, Gate Piers beside North East Lodge and Sandfield House designated heritage assets. However, it is considered that the less than substantial harm identified is outweighed by the public benefits of the scheme. These are considered to be substantial and include facilitating the delivery of an allocated site for employment use, the provision of jobs within the Borough and the associated construction and supply line jobs that will be created. These benefits associated with the scheme are also considered to outweigh the minor/moderate harm to Halsnead Park and the negligible-low level of harm to Tarbock Lodge non designated heritage assets. The LPA is considered to have had due regard to s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in its duty to preserve listed buildings and their settings.

Suitable and adequate mitigation is proposed to address the development's impacts on residential amenity, ground contamination, ecology, highways impacts, flooding and drainage impacts, noise, and construction impacts. Given the proposal seeks to provide mitigation rather than betterment in these areas, these are not considered as benefits of the scheme and are considered neutral in the planning balance.

The identified negative impacts do not significantly outweigh the economic benefits of the proposal and the contribution to employment land supply. It is considered that the proposal represents sustainable development in which the positive benefits of the scheme significantly and demonstrably outweigh the adverse effects. The proposed development complies with the development plan as a whole, so is in accordance with Paragraph 11 of the NPPF, and it

should be approved without delay. There are no material considerations which would require a determination other than in accordance with the development plan. Rather, the material considerations further support the grant of permission, subject to conditions and a Section 106 agreement.

11. RECOMMENDATION

That the application be granted subject to the conditions set out below and the applicant entering into a s106 agreement to secure £36,351 for a contribution towards provision and monitoring of Social Value.

- 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 below:

Site Location Plan drawing no. 17021-FRA-AV-XX-DR-A-0101 REV P1

Proposed Site Sections drawing no. 17021-FRA-AV-XX-DR-A-0701 REV P4

Proposed Site Sections 2 drawing no. 17021-FRA-AV-XX-DR-A-0702 REV P1

Levels Layout Sheet 1 of 1 drawing no. 001 REV P7

Detailed Planting Plan drawing no. CLPD 075 P01 REV H

Proposed Site Plan drawing no. 17021-FRA-AV-XX-DR-A-0501 REV P5

Proposed GA Elevations drawing no. 17021-FRA-V1-XX-DR-A-2101 REV P4

Proposed Office GA Plans drawing no. 17021-FRA-V1-00-DR-A-2002 REV P1

Proposed GA Section drawing no. 17021-FRA-V1-XX-DR-A-2201 REV P1

Proposed Ground Floor GA Plan drawing no. 17021-FRA-V1-00-DR-A-2001 REV P3

Proposed Boundary Treatments drawing no. 17021-FRA-AV-XX-DR-A-0905 REV P2

Tyler Grange Arboricultural Addendum Note, ref 16162_R02A
21/05/2024_WS

Tyler Grange R01a Arboricultural Note

Tree Protection Plan 16162_P03 REV A

Tree Retention and Removal Plan 16162_P02 REV A

Arboricultural Impact Assessment v4 September 2023 by Urban Green

West Access Road with Retaining Wall

Swing Clearance Study BQ34 - BQ35 132kV Overhead Line drawing no. LDT-451-BQ-SWING-001 A1

Section through Overhead Powerlines looking North East at Corner of Unit

Proposed Cycle Shelter drawing no. 17021-FRA-AV-XX-DR-A-0901 REV P1

Proposed Waste Compound Details dwg no. 17021-FRA-AV-XX-DR-A-0902 REV P1

Proposed Gatehouse drawing no. 17021-FRA-AV-XX-DR-A-0903 REV P1

Proposed Roof Plan drawing no. 17021-FRA-V1-R1-DR-A-2003 REV P1

Preliminary Ecological Appraisal September 2023 by Urban Green

APPENDIX 3 - HABITAT MAP (TO BE READ WITH ECOLOGY REPORT)

Biodiversity Net Gain Metric UG_1602_BNG_CALC_02

Biodiversity Net Gain Design Stage Assessment UG_1602_ECO_BNG_03

Biodiversity Enhancement Management Plan UG_1602_ECO_BEMP_02

Ancient Woodland Technical Briefing Letter PN3072

Ancient Woodland Assessment September 2023 by Urban Green

Noise Assessment dated 6.9.22 reference P3603/R4/WJK by Acoustic and Engineering Consultants Ltd

Design and Access Statement 17021_05_06_01 REV P02

External Lighting Statement (1.8.22) ref 3944-HAN-ZZ-RP-MEP-006

Reason: For the avoidance of doubt.

- 3) The development shall not be brought into use until the areas indicated on the approved site plan (drawing no. 17021-FRA-AV-XX-DR-A-0501 REV P5) be set aside for parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety.

- 4) The proposed development shall not be brought into use until the cycle storage scheme detailed on Proposed Cycle Shelter Drawing No. 17021-FRA-AV-XX-DR-A-0901 Rev P1 has been implemented in accordance with the approved details.

Reason: To promote sustainable modes of transport other than the private car.

- 5) Within 3 months of the development being brought into use a Travel Plan will be submitted and approved in writing by the Council as Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to:

- o Involvement of employees.
- o Information on existing transport policies, services and facilities, travel behaviours and attitudes.
- o Access for all modes of transport.
- o Targets for mode share.
- o Resource allocation including Travel Plan Co-ordinator and budget.
- o A parking and management strategy.
- o A marketing and communications strategy.
- o Appropriate measures and actions to reduce car dependence and encourage sustainable Travel.
- o An action plan, including a timetable for the implementation of each of the above.
- o Mechanisms for monitoring, reviewing and implementing the Travel Plan.

The approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The report shall include a review of the Travel Plan measures, monitoring data and updated action plan.

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

- 6) Prior to commencement of development a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority that details the

means of mitigation of construction effects. This shall include but not be limited to the following:

- a. Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which will operate overnight;
- b. Methods for dust control and suppression;
- c. Control of transfer of mud out of the site to include details of wheel washing facilities including location and type;
- d. Location and layout of the site compound including identification of areas for the storage of plant and materials, loading/unloading and turning areas for delivery vehicles;
- e. Management of deliveries including prevention of waiting/layover of construction related traffic on the highway, measures for the control of traffic to and from the site and consideration of any temporary traffic management arrangements which may be necessary during periods of construction. Note reversing on the highway is not permitted without a Banksman.
- f. Construction staff parking arrangements
- g. A programme of works including phasing, if applicable.
- h. Adequate provision for addressing any abnormal wear and tear to the highway, if applicable.
- i. Details of relevant pest control measures to be taken during both the construction and demolition phases;
- j. Submission of a waste management plan/audit;
- k. No construction / demolition work shall take place outside the hours of 08:00 - 18:00 hours Monday to Friday, 08:00 hours - 13:00 hours Saturday and not at all on Sundays/Public Holidays;
- l. Measures to protect amphibians (implementation of reasonable avoidance measures). These shall include: ensuring existing vegetation on the site is cut gradually and removed under ecological supervision; measures to keep the working area, together with any storage areas, clear of debris; stored materials shall be kept off the ground on pallets; any open excavations (e.g. foundations/footings/service trenches) shall be covered with plywood sheeting or similar at the end of each working day; the edges of these sheets shall be covered with a thick layer of topsoil or similar; and any excavation shall be infilled and made good to ground level with compacted stone or similar at the earliest opportunity;
- m. Measures to protect terrestrial mammals. These shall include: pre-commencement check for badger and/or hedgehog mammals; all trenches and excavations should have a means of escape (e.g. ramp); any exposed

open pipe systems should be capped to prevent mammals gaining access; and appropriate storage of materials;

- n. Measures to protect bats and breeding birds;
- o. Measures to protect water voles. These shall include: no works carried out within a minimum of 5 metres of the top of the bank of Ochre Brook; submission of details of methods of protection to this zone;
- p. Measures to control Himalayan balsam. These shall include a plan showing the extent of the plant; methods of control that will be used including details of post control monitoring; and how the plants will be disposed of after removal or treatment.
- q. Details of how the construction manager will communicate with local residents in relation to works, including details of how complaints can be raised and contact details for local residents wishing to raise construction related issues.

The Construction Environment Management Plan shall be compiled into a coherent and integrated document and shall be made available to site managers, all contractors and sub-contractors working on the site. All site works shall then be carried out in accordance with the approved Construction Environmental Management Plan during construction.

Reason: To protect biodiversity, in the interests of pollution control, to protect residential amenity and in the interests of highway safety. This is a pre-commencement condition to ensure appropriate working practices and mitigation measures are put in place prior to any construction/works on the site.

- 7) The ecological mitigation and landscaping scheme shall be delivered in accordance with an updated Detailed Planting Plan and Planting Schedule, based on plan reference CLPD 075 P01 REV G, that has been submitted to and approved in writing by the Local Planning Authority prior to first occupation. This updated plan shall include 10 native species of tree planting on the eastern boundary within the shade tolerant wildflower mix area. The approved ecological mitigation and landscaping scheme shall be implemented no later than the first appropriate season following the occupation of the development and shall then be fully implemented in accordance with an approved timetable for implementation that has been submitted to and approved in writing by the local planning authority prior to first occupation.

Prior to any above ground works, a Planting Specification shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall then be undertaken in accordance with the approved Planting Specification.

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 promote biodiversity and in the interests of visual amenity.

- 8) The development shall be carried out in accordance with the information contained within the Energy and Sustainability Statement dated 1.3.23, reference 3944-HAN-ZZ-XX-RP-N-001-REV 01. Prior to first occupation, details of low or zero carbon technologies used within the development hereby permitted, together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The low and zero carbon technology measures shall then be implemented in accordance with the approved details.

Reason: To minimise the impact of the development on climate change.

- 9) Prior to first occupation, a lighting scheme which includes the steps necessary to minimise light intrusion (both to ensure no excessive light spill occurs onto habitats and to protect neighbour amenity) shall be submitted for the written approval of the local planning authority. The scheme shall include an isolux plot to demonstrate that the obtrusive light limitations suggested in the Institution of Lighting Engineers Guidance Notes for Light Pollution are met. All works which form part of the scheme shall be completed prior to the unit hereby permitted becoming operational and shall be maintained thereafter in accordance with the agreed scheme.

Reason: To protect residential amenity and to preserve and enhance biodiversity.

- 10) No development or demolition shall take place until the applicant has secured the implementation and submission of a report on a programme of archaeological works. That programme of archaeological works should be undertaken in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority prior to works taking place. The WSI must include:
- o A phased programme and methodology of site investigation and recording;
 - o A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest;
 - o Provision for appropriate publication and dissemination of the archaeology and history of the site;

- o Provision for archive deposition of the report, finds and records of the site investigation; and
- o Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

Reason: To ensure that necessary archaeological investigation is undertaken. The use of such a pre-commencement condition is necessary to ensure the implementation of the required scheme of archaeological investigation and its appropriate publication.

- 11) Finished floor levels shall be set no lower than 21.00 metres above Ordnance Datum (AOD). The mitigation measures set out in the FRA/Surface Water and Foul Water Drainage Strategy Document (reference 2956 FRA) relating to the levels, safe access and egress and provision of a site management health and safety document in relation to flood risk management, shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 12) No development pursuant to this application shall commence until a detailed construction plan working method statement (including Risk Assessment Method Statement) relating to site development earthworks and drainage alongside the M62 has been submitted to and approved by National Highways and the Local Planning Authority.

Reason: In the interests of highway safety and to ensure that the safety and integrity of the M62 motorway is not compromised. This is a pre-commencement condition to secure the safe working practices adjacent to the M62 motorway before any works begin on site for safety purposes.

- 13) No development shall take place until:
 - (a) A plan showing the alignment and elevational treatment of a close boarded fence of not less than two metres in height to be erected along the North-Western boundary of the development site alongside the M62 (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of this) has been submitted to and approved in writing by the local planning authority in consultation with National Highways; and

(b) The fence approved by part (a) of this condition has been erected in accordance with the agreed details.

Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition.

Reason: In the interests of highway safety and to ensure that the safety and integrity of the M62 motorway is not compromised. This is a pre-commencement condition to secure the safe working practices adjacent to the M62 motorway before any works begin on site for safety purposes.

- 14) No drainage from the proposed development shall connect into the motorway drainage system, nor shall any drainage from the site run-off onto the M62 motorway.

Reason: To ensure that the safety and integrity of the M62 motorway is not compromised.

- 15) 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 protecting residential amenity.

- 16) 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. Prior to any further ground investigations taking place, the scope of works for these investigations must be agreed, in writing, with the local planning authority. The assessment must also 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 (were relevant):

(i) a survey of the extent, scale and nature of contamination.

(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 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 protect human health and to prevent pollution of the water environment. This is a pre-commencement condition to ensure that a safe development is delivered, and the risks assessed at the earliest stages of the process.

- 17) The waste compound facilities shall be delivered in accordance with the approved drawing entitled 'Proposed Waste Compound Drawing' (reference 21.07.22, Ref: 17021-FRA-AV-XX-DR-A-0902 Rev P1) prior to first occupation of the development hereby permitted.

Reason: To ensure sustainable waste facilities are provided to serve the development.

- 18) The drainage for the development shall be carried out in accordance with the principles set out in the submitted Flood Risk Assessment, Surface Water Drainage Strategy and Foul Water Drainage Strategy 2956-FRA dated June 2022 prepared by Integra consulting.

Development shall not commence until a detailed SUDS based drainage scheme based on the principles of the SUDS Manual (C753) and the criteria as set out within Knowsley Strategic Flood Risk Assessment (SFRA, Levels 2), has been submitted and approved in writing by the Local Planning Authority (LPA). The applicant should provide suitable drainage drawings, summary calculations and results of all investigations detailing the proposed surface water drainage based on site characteristics. The drainage works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details. The proposed surface water and drainage strategy, detailed design drawings, calculations and supporting information shall be expected to consider the following elements:

- (i) Currently, the proposed drainage design is based on an assumption which infiltrating-based features will not be feasible. Final destination of surface

water runoff should be determined based on site characteristics by following the surface water drainage discharge hierarchy. As requested by National Planning Practice Guidance applications should aim to discharge surface water runoff as high up the following hierarchy of drainage options as reasonably practicable:

- o into the ground (infiltration)
- o to a surface water body
- o to a surface water sewer, highway drain, or another drainage system, and
- o to a combined sewer.

For infiltrating-based methods, the soakaway test should be completed according to the BRE 365 method and their results should be submitted with the full application. Should the infiltration rate on site would be sufficient for infiltration-based features, the proposed drainage design should be revisited.

(ii) A SuDS aims to minimise the impacts from a proposed development on water quality and maximise amenity and biodiversity. In designing an appropriate set of SuDS techniques for a development site, the LLFA will therefore be expecting above ground, green SuDS to be prioritised to promote water quality, amenity and biodiversity.

(iii) Water quality should be taken into account as part of the proposed drainage design. It will be required to demonstrate that adequate water quality of the off-site surface water flows (draining into a sewer, watercourse and ground) in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved. In this case that an industrial yard is proposed, water quality risk to surface water bodies and groundwater should be assessed (screening risk or detailed risk assessment) and mitigation measures to be adopted to ensure that risk to both surface water bodies, and groundwater are effectively managed (see Table 26.1 of the SUDS Manual).

(iv) Given the topography of the site, the risk of surface water runoff entering the site from off-site should be assessed and, if required, protection / interception measures to be proposed.

(v) If the proposed surface water runoff destination to an ordinary watercourse is retained in the final design, the maximum discharge rate of 33 lit/s will be acceptable. An OWC will be required.

(vi) The impact of climate change on rainfall events should be considered as 40% (not 30%).

(vii) Should the proposed drainage network is retained in the final design, the extent and depth of surcharged flood water during 1 in 100 and 1 in 100 plus 40% events should be determined.

(viii) Drainage Plan showing drainage layout, manholes including cover and invert levels, proposed finished floor levels, pipe sizes and gradients, all on -

line controls, on and off line storage structures and outfall details will be required. Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated will be required.

(ix) A drawing showing the proposed impermeable and permeable areas, suitably annotated will be required.

(x) Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event. Flow routes need to be considered when all on site drainage systems have been overwhelmed by an event of greater intensity than the design scenario. The impact of exceedance flows from and on adjacent land should also be considered. The duration of flooding, maximum depth and the route of flood flows shall be established and managed so as to mitigate the flood impact to people and property. For the assessment of an exceedance event impact, it would be expected to consider the 1 in 200 rainfall event plus climate change.

(xi) The risk assessment should include for blockage of pipes, blockage of outlet structures and risk of impediments across planned flood routing paths. The application should be supported by a designer's risk assessment that identifies key points of failure of the system and what means have been engaged to limit risk of failure. This will also inform the maintenance plan with regards to corrective actions needed should a failure occurs.

(xii) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.

(xiii) Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided.

Oil interceptors shall also be provided within the drainage scheme for car park and service yard area. The drainage schemes shall then be completed in accordance with the approved details prior to first occupation and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development, to ensure a satisfactory drainage system is provided to serve the site and to prevent an undue increase in surface water run-off and to reduce the risk of flooding. This is a pre-commencement condition to secure adequate drainage of the site at the earliest stage of the development process and to promote sustainable drainage solutions.

- 19) No surface water will be permitted to drain directly or indirectly into the public sewer.

Reason: To ensure a satisfactory form of development, to ensure a satisfactory drainage system is provided to serve the site and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

- 20) A Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development through an appropriate legally binding agreement shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. This shall include:
- (i) The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by a resident's management company.
 - (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
 - (iii) Details for planned maintenance and a mechanism for remedial and urgent repair works.
 - (iv) Means of access for inspection and maintenance purposes.
 - (v) Timeframes for implementation.

The plan shall be implemented in accordance with the approved details and in accordance with the timeframes contained within it.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

- 21) Prior to any above ground construction, full details of the materials to be used in the external construction of the development hereby permitted and the hard landscaped areas, to include samples where requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the development integrates well with the surrounding area.

- 22) Prior to any above ground works, full details of any proposed retaining structures including the materials, siting, height, elevation appearance and sections (including adjacent land levels) shall be submitted to and approved in writing by the Local Planning Authority. The retaining structures shall then be

constructed prior to first occupation in accordance with the approved details and retained thereafter.

Reason: To ensure the impact of the development on the locality/proposed street scene is acceptable, in the interests of highway safety and in the interests of visual amenity.

- 23) Prior to any above ground works, full section details of the proposed SUDs shall be submitted to and approved in writing by the Local Planning Authority. The SUDs shall then be constructed in accordance with the approved details prior to the development being brought into use.

Reason: To secure safe sustainable drainage of the site.

- 24) Prior to first occupation of the building hereby permitted, the electric vehicle charging point provision, including parking spaces, associated ducting and equipment/charging ports to allow vehicles to be charged, shall be provided, in accordance with the Site Plan drawing no. 17021-FRA-AV-XX-DR-A-0501 REV P5.

Reason: In the interests of air quality and promoting sustainable travel opportunities.

- 25) A least five working days written notice, prior to the commencement of development, shall be given to the Local Planning Authority of the intention to commence development. The tree protection works/fencing shall be undertaken in accordance with the Urban Green Arboricultural Impact Assessment dated September 2023 with all tree protection erected prior to the commencement of the development. An Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. These details shall include the tree protection measures, detailed construction methods for any development within root protection areas and a plan showing those trees to be retained and those to be removed. The Arboricultural Method Statement shall be implemented in accordance with the approved details.

Reason: To ensure that the proper protection of trees has been carried out and to ensure that the tree protection fencing is in place prior to works commencing, in the interests of visual amenity and biodiversity. This condition is a pre-commencement condition to secure the protection of the retained trees at the earliest stages of the development.

- 26) Prior to first occupation, full details of the access road running from the southeast to the northeast of the site shall be submitted to and approved in

writing by the Local Planning Authority. The access road (also known as the loop road link) shall be delivered in full, up to the site boundary, prior to first occupation or in accordance with an implementation timetable that has been submitted to and approved in writing by the Local Planning Authority prior to first occupation. The loop road link/access road shall then be constructed in accordance with the approved details and the approved timetable for implementation. The loop road link/access road between Cronton Road and the northeastern boundary of the site shall then run to the site boundary and remain in place and accessible to vehicular traffic and pedestrian/cyclists/equestrians in perpetuity and the entire route shall not be closed off or obstructed in any way in perpetuity.

Reason: To deliver a comprehensive development and in the interests of highway safety.

- 27) The development shall be carried out in accordance with the Mercury 62 Social Value Strategy dated 15th July 2022.

Reason: To promote local job opportunities and training.

- 28) Prior to first occupation of any of the dwellings hereby permitted, a Landscape, Habitat and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include timing/implementation details and shall include, but not be limited to the following:

- (i) Submission of a breeding bird mitigation scheme which shall include details of the siting and type of bird boxes to be erected;
- (ii) Submission of the bat mitigation scheme which shall include details of the siting and type of bat boxes to be erected;
- (iii) Hedgerow planting, wildflower mix and aquatic planting management;
- (iv) Hibernacula for amphibians and measures for invertebrates and measures for invertebrates such as bug hotels;
- (v) Planting specification to aid establishment.

The LEMP shall also include the following:

- (ix) Description and evaluation of the features to be managed;
- (x) Ecological trends and constraints on site which may influence management;
- (xi) Aims and objectives of management;
- (xii) Appropriate management options for achieving aims and objectives;

- (xiii) Prescriptions for management actions;
- (xiv) Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- (xv) Personnel responsible for implementation of the plan;
- (xvi) Confirmation of funding and ownership; and
- (xvii) Details of a programme of monitoring and remedial measures triggered by monitoring.

The LEMP shall then be carried out in accordance with the approved details.

Reason: To protect and preserve the ecological mitigation and landscaped areas and in the interests of visual amenity.

- 29) There shall be no open storage of materials, equipment, machinery or goods within the application site.

Reasons: In the interests of visual amenity.

- 30) Before first occupation of any part of the approved development, an Operational Noise Management Plan, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority setting out mitigation to protect residential properties from noise. The agreed mitigation shall be implemented in full accordance with the approved details, retained thereafter, and the unit shall operate in accordance with the approved Operational Noise Management Plan thereafter.

Reason: To protect residential properties from noise impacts.

- 31) Before first occupation of any part of the approved development, details of boundary treatments (excluding retaining structures required under condition 22), shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall then be implemented as approved prior to first occupation of the unit hereby permitted.

Reason: In the interests of visual amenity.

- 32) No part of the development shall be brought into use until visibility splays of 2.4 metres by 70 metres, have been provided at the proposed (site access) junction with the loop road (linking the service yard to Cronton Road) for so far

as they extend to the site red line boundary. The splays shall be provided clear of obstructions to visibility above the height of 0.6 metres measured from the footway/verge level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.

Reason: To ensure adequate visibility at the junction or site access is made and maintained in the interests of highway safety.

- 33) Before the first occupation of the unit hereby consented, and notwithstanding the approved levels details within condition 2, full construction standard drawings showing the internal road network being built to the northeastern boundary of the site, as defined by the solid red line (as shown on Drawing 17201-FRA-AV-XX-DR-A-0501 Rev P5) in the direction of the former mineral railway line, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall include the following details:

- (i) The proposed road ground level and levels details of any regrading of the land (including any retaining structures) to include a section detail;
- (ii) Construction details of the road to an adoptable standard and provisions for how any future road connection may tie into the constructed road;
- (iii) Full details of the proposed highway drainage;
- (iv) Full details of the proposed highway lighting;
- (v) Timetable for implementation.

The internal road network to the northeastern boundary shall be constructed in full in accordance with the approved details and shall remain open and unobstructed in perpetuity.

Reason: To ensure the delivery of a comprehensive development and ensure an alternative future access into the site is provided.

- 34) No part of the development shall be brought into use until a turning circle, capable of accommodating an HGV, of diameter no less than 24m, has been implemented at the entrance to the service yard, in accordance with Drawing 17201-FRA-AV-XX-DR-A-0501 Rev P5 unless otherwise agreed with the Council as Local Planning Authority. The turning area shall remain available for use until such time as the loop road is completed, or a replacement turning facility is agreed, to the satisfaction Council as Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the development in the interests of highway safety.

Signed Case Officer²: **C Appleyard**

**Signed Authorising
Officer³:** **K Foster**

Date: **18 February 2025**

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

³ 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