

Housing, Planning and Building Control
PO Box 26
Archway Road
Huyton
Knowsley
Merseyside
L36 9FB

VIA THE PLANNING PORTAL ONLY

32322/A3/LS/DM

26th May 2021

Dear Sir/Madam,

**RE: PROPOSED DEMOLITION OF THE FORMER SAUNDER'S NURSERY, WINDY ARBOR ROAD,
HALSNEAD GARDEN VILLAGE, WHISTON**

We write on behalf of our Client, Nuvu Developments Ltd (hereafter referred to as 'the Applicant'), to submit a full planning application for the demolition of redundant buildings comprising one single storey brick building and agricultural shed at Saunder's Nursery on Windy Arbor Road, Whiston.

This Application is accompanied by the following Plans and Reports:

- Site Location Plan
- Proposed Demolition Plan
- Photographs
- Demolition Specification
- Bat Survey

We also ask that you consider the contents of this letter when determining the Application, which provides a description of the Site and the proposed demolition and includes an assessment of the proposals against the relevant local and national planning policies.

Site Location and Description

The Site is located to the east of Windy Arbor Road and forms the north western boundary of Halsnead Garden Village. The Site is bound by Main Drive to the north, trees and vegetation to the east, residential development and a children's play area to the south, and Windy Arbor Road to the west.

The Site, along with the land to the east, was previously utilised as a garden centre. However, it has been unoccupied for a considerable period, is heavily overgrown with self-seeded vegetation and is in a state of disrepair with rubbish and garden centre paraphernalia dispersed throughout the Site.

There are remnants of hardstanding where greenhouses and buildings have already been demolished. There are also two dilapidated outbuildings towards the south east corner, one a single storey brick construction and the other an agricultural shed. Both buildings would be removed as part of the proposed demolition.

In the wider surrounding area, to the north of the Site on the northern side of Main Drive at the junction of Windy Arbor Road is a large detached house and rectangular pond that is enclosed by trees and vegetation. Beyond this to the north is Windy Arbor Road Playing Fields.

To the south west of the Site is a children's playground and dwellings on Windy Arbor Road and Foxshaw Close which back directly onto the playground. To the west of Windy Arbor Road is the Grade II Listed St. Nicolas Church and its associated graveyard.

The Site is not located within a Conservation Area and there are no designated heritage assets within the boundary of the Site. In terms of other statutory designations, the Site is not designated for its landscape value and the Site is located within Flood Zone 1, at the lowest risk of flooding.

Planning History

A review of the Council's online planning search tool has been undertaken and confirms a number of planning applications have been submitted in relation to the development of the Site for residential development. These are set out below.

Outline planning application **08/00709/OUT** for the erection of 70 bed nursing home together with car park for use by St Nicholas Church and Community Centre (all matters reserved for future approval), which was withdrawn in December 2008.

Outline planning application **10/00118/OUT** for the erection of 70 no. extra care apartments together with associated car parking, access and landscaping; provision of off-street car parking spaces for sole use by St Nicholas Church and Community Centre; and laying out remainder of site as private amenity open space (all matters reserved for future approval), which was approved in April 2011.

Application **20/00260/SO** for a scoping opinion for proposed residential development, which determined EIA was required at the Site in August 2020.

Outline planning application **20/00399/OUT** for proposed residential development of up to 277 no. dwellings (Use Class C3) and a care home of up to 100 units (Use Class C2) together with new vehicular access to Lickers Lane and Windy Arbor Road, Landscaping and Associated Works (inc. demolition of buildings) (approval sought for access – all other matters reserved), which was submitted by the above Applicant and is pending consideration.

We note that the planning application 20/00399/OUT applied for the demolition of the buildings as part of the proposed development. The buildings are, however, falling into worse disrepair and becoming structurally weak. There has also been issues with trespassing on the land, so it is imperative in terms of safety that the buildings are demolished as soon as possible. As such, their demolition is applied for within this demolition application.

Proposed Development

The Applicant proposes to demolish two outbuildings which are located at the south west corner of the Site, one a single storey brick construction and the other an agricultural shed. The demolition of the outbuildings is not covered by 'permitted development' under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. An application for full planning permission is, therefore, required to demolish the premises. The existing site layout and red edge boundary for this full planning application is illustrated on the enclosed site plan.

As part of the proposed demolition of these buildings, the Applicant has given careful consideration to the neighbouring businesses and residents. Tried and tested methods will be employed to minimise pollution caused by noise, odour and dust during the works. This will include the utilisation of

partitions around the perimeter of the Site as well as appropriate demolition methods for the building and the removal of rubble. The partition around the Site will remain in place throughout the duration of the demolition and will serve to make the Site secure during the process.

The proposed works and measures to be undertaken by the appointed demolition contractor are explained in the Method Statement which supports the application.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of this planning application, the Development Plan comprises:

- Knowsley's Local Plan Core Strategy (2016);
- The 'saved' policies of the Knowsley Replacement Unitary Development Plan (UDP) (2006); and
- The Joint Merseyside and Halton Waste Local Plan (2013).

A summary of the relevant policies from the Development Plan are set out below.

Knowsley Local Plan Core Strategy (2016)

The Knowsley Local Plan Core Strategy ('KLPCS') was adopted in January 2016. The document sets out the strategic framework for the growth and development of Knowsley up to 2028 and replaces the strategic policies contained within the Knowsley UDP.

Relevant policies to the Site are as follows:

- **Policy CS1 (Spatial Strategy for Knowsley)** sets out the overall spatial strategy for the Borough. The Policy states that the spatial development of Knowsley to 2028 will be achieved by, amongst other things, the removal of Sustainable Urban Extensions (SUE) from the Green Belt.
- **Policy CS3 (Housing Supply Delivery and Distribution)** sets a target of 8,100 dwellings to be delivered during the plan period (450 dwellings per annum)
- **Policy SUE1 (SUEs and Safeguarded Land)** identifies the Site for residential development under part 1h) of the policy. Lickers Lane Wood along the northern boundary of the Site is also designated as a Local Wildlife Site.
- **Policy SUE2 (SUE Development Principles)** sets out several development principles related to all SUE sites. The development strategy for Halsnead is set out in Policy SUE2c (SUE – South of Whiston and Land south of M62). Part 1 of Policy SUE2c allocates the South of Whiston SUE for the development of approximately 1,500 dwellings. The Policy sets out specific development requirements for development on the site related to vehicular access, public transport, public open space and infrastructure.
- To support Policy SUE2c, the Council adopted the **Halsnead Garden Village Masterplan SPD** in June 2017. This document provides an overarching framework to guide development at Halsnead.

There are also several other technical KLPCS policies that are relevant to the proposed development. This includes policies:

- CS8: Green Infrastructure;

- CS20: Managing the Borough's Historic Environment;
- CS22: Sustainable and Low Carbon Development

Knowsley Replacement Unitary Development Plan (UDP) (2006)

Several development management policies from the UDP (2006) have been saved and remain relevant until such time they are suspended by the adoption of any future Local Plan document. The 'saved' policies that are relevant to the determination of this Application includes policies:

- ENV2: Noise and Vibration
- ENV5: Contaminated Land

The Joint Merseyside and Halton Waste Local Plan (2013)

The Joint Merseyside and Halton Waste Local Plan provides the City Region with a clear direction for future waste management development to 2027, both in terms of site allocations and detailed development management policies. The polies that are relevant to the determination of this Application includes policies:

- Policy WM8: Waste Prevention and Resource Management

Other Material Considerations

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, it is necessary to consider any other material considerations which are relevant to the Application. In addition to Knowlsey's Development Plan, are considered relevant to the determination of this application:

- National Planning Policy Framework (NPPF) (2019); and
- Halsnead Garden Village Masterplan SPD (2017).

NPPF (2019)

The National Planning Policy Framework (NPPF) was published by the Government in February 2019. This amended version makes minor alterations to the second edition published by Government in July 20198.

Relevant sections of the NPPF to the Application are as follows:

- Presumption in favour of sustainable development (paragraph 11);
- Decision-taking (paragraph 47);
- Support the Government's objective of significantly boosting the supply of homes (paragraph 59); Making effective use of land (paragraph 59);
- Achieving well-designed places (paragraph 124 and 127);
- Conserving and enhancing the natural environment (paragraph 170); and
- Taking into account likely effects of pollution on health, living conditions and the natural environment (paragraph 180).

Halsnead Garden Village Masterplan SPD (2017)

The Halsnead Garden Village Masterplan SPD sets out the ambitions for the development of Halsnead Garden Village. The vision for Halsnead includes the delivery of up to 1,600 new homes alongside substantial employment uses of a scale that will have beneficial economic impacts across the sub-region. It will integrate a new Country Park, linked by high-quality green corridors and forming part of an extensive network of connected green infrastructure accessible to the wider communities of Knowsley and the Liverpool City Region.

Planning Assessment

Consideration of the Site and the planning policy background has led us to identify that the main planning issues to be addressed in the determination of this Application are as follows:

- Principle of demolition;

- Pollution (Dust, Noise and Odours);
- Heritage impact; and
- Ecological considerations.

Principle of Demolition

The Site is located within the Halsnead Garden Village, which is allocated for mixed-use development under Policy SUE2c of the KLPCS, comprising approximately 1,500 new dwellings, employment land and a country park. The Site's allocation demonstrates that the Site is recognised to be appropriate and available for development. The demolition of the buildings on Site will clear the site in preparation for the delivery of the allocation.

As mentioned above, the existing buildings on Site are already dilapidated and are falling into worse disrepair and becoming structurally weak. Issues with trespassing on the Site confirms that the buildings need to be demolished as soon as possible. The redevelopment of the Site for residential use has been applied for in outline planning application 20/00399/OUT, which is pending consideration.

As the buildings are vacant, with little architectural merit, the demolition will have no adverse impact on the amenity of surrounding area which will benefit from the delivery of the Halsnead Garden Village.

Pollution (Dust, Noise and Odours)

In line with Policies CS8, CS20 and CS22 of the Core Strategy, as well as ENV2 and ENV5 of the Replacement UDP and Policy WM8 of the Joint Waste Management Local Plan, tried and tested methods will be utilised to minimise and mitigate pollution caused by dust, noise and odours generated from the demolition of the buildings and associated hardstandings.

The site is not located within an Air Quality Management Area, however the demolition will have the potential to create dust. It will, therefore be necessary to apply a package of mitigation measures to minimise dust emissions. With these measures in place, it is expected that any residual effects will be 'not significant'. Partitions will be erected around the boundary of the Site to contain any dust and rubble and to ensure public safety, and further appropriate demolition methods will be employed for demolition and removal of rubble.

The demolition works will be undertaken by an experienced demolition contractor and will be in accordance with best practice and 'considerate contractor' guidelines. Any adverse local temporary impacts in terms of noise and vibration, pollution control, air quality, the operation of construction traffic, plant and machinery and the management of construction wastes will be adequately managed by adoption appropriate control measures and working methods during construction. This is likely to include controls on working hours, dust suppression measures including damping down materials and haulage road during dry periods and covering trailers. Any potential noise effects resulting from construction will be managed in accordance with best practice measures, implemented through the Site Treatment and Management Plan, and works will be limited to daytime hours.

Due to the scale and nature of the proposal, it is not expected to generate a significant amount of new car borne vehicles movements to the Site. As such, it is unlikely that national or local air quality standards will be breached and that no significant effects would arise because of the proposals. Overall, the proposed development would not give rise to any significant or demonstrable amenity impact in terms of noise of construction vibrations and, therefore, accords with Policy ENV2 of the Replacement UDP and paragraph 180 of the NPPF in relation to noise impacts.

Restrictions on burning waste, the provision of wheel washing facilities and street sweeping if required will also be implemented. Asbestos on Site will be removed safely by fully qualified contractors; following tried and tested protocols and procedures, alongside adhering to legal guidelines. A full asbestos survey has already been instructed by GCS Ltd, which will determine the risk of human exposure to airborne asbestos fibres within the premises.

Any temporary or residual effects associated with the development will be of little interest and will not be significant. The effects are not considered likely to give rise to significant effects on the environment. In addition, any effects will be capable of being appropriately mitigated by employed tried and tested mitigation techniques and site practices.

Heritage Impact

As described above, St. Nicholas Church to the west of the Site is Grade II Listed. The building within the Site do not contribute to the significance of the Church due to the distance and intervening features between the Site and the Church. As such, the proposed demolition would have negligible if any impact on the understanding of St. Nicholas Church as a post-medieval church. The proposed development, therefore, would preserve the setting of this designated heritage asset in accordance with Policy CS20 of the Local Plan Core Strategy. As the impact has also been assessed as being negligible there is no requirement to take the tests of harm set out in paragraph 195 or 196 of the NPPF.

There are several non-designated heritage assets relating to the former Halsnead Park Estate that could be affected by the proposals. This includes the historic route through the landscape along Main Drive to the north of the Site, the Lodge, gate piers and flanking walls at the junction of Windy Arbor Road and Main Drive, the trout pond beside Main Drive, the Prince's House complex, and historic clumps of trees adjacent to Main Drive.

Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The combined loss of Halsnead Hall, the central focal point of the landscape and the construction of the M62 through the Park Estate and the construction of the park homes site has significantly undermined the coherence and significance of the landscape. Road noise affects the sense of tranquillity and remoteness that the park would have originally had. However, the surviving evidential, historic, aesthetic, and communal values of the Park Estate have been retained.

The non-designated heritage assets described above individually have low significance, but collectively are deemed to be of medium significance as surviving elements of the Halsnead Park Estate. The buildings proposed to be demolished relate to the Sites former use as a commercial garden centre and have no historic relationship with Halsnead Park. As such, the demolition of these buildings would have a negligible impact on the collective significance of these non-designated heritage assets. The proposal should not therefore, be refused on heritage grounds.

Ecological Considerations

A full bat survey has been undertaken by CES Ecology in June 2020. The preliminary daytime bat and barn owl, dusk and dawn bat survey and ground based bat roost potential assessment of trees was undertaken in Whiston in 2018 and found that no evidence of bats or barn owl was found. Given the time period since the previous surveys, updated surveys were carried out in order to determine if the status of bats or barn owl at the Site has changed.

The bat survey found that 'Building 1' on the Site was categories as having Moderate bat roost potential (BRP). No evidence of bat roosting was recorded during the dusk emergence / dawn re-entry surveys of the building. Therefore, a licence from Natural England is not currently required in order to demolish Building 1. 'Building 2' and 'Building 3' have Negligible BRP.

In relation to barn owl, no evidence of barn owl was recorded and the buildings/trees are not considered suitable for barn owl. Nesting birds, however, were recorded within Building 1 and Building 2. It was, therefore, recommended that demolition of these buildings should avoid the bird nesting season which generally encompasses March to September. If this is not possible, a bird nesting survey will be required prior to demolition.

Furthermore, the Site is not situated within a designated Conservation Area and is not subject to any Sensitive Areas.

Conclusions

The proposed demolition of the former Saunder's Nursey, Windy Arbor Road has been carefully assessed against the relevant local and national planning policies and demonstrated that the principle of development in this location is acceptable. The existing buildings on Site are not statutory or non-statutory heritage assets, are vacant and add no visual impact or amenity to the surrounding area. The proposal also forms part of the wider development of the South of Whiston and Land south of M62 allocation which seeks to deliver mixed use development comprising new residential dwellings, employment land and a country park.

Dust, rubble, noise and odour will be carefully mitigated and minimised to limit the impact on nearby commercial and residential uses. The asbestos survey is being undertaken and the bat survey provides additional indication that there will be no adverse impact on public health or protected species.

The development complies with the relevant development plan policies, the NPPF and the Halsnead Garden Village Masterplan SPD and we, therefore, conclude that the proposed demolition constitutes sustainable development and should be supported. Apply the presumption in favour of sustainable development, planning permission should be granted without delay, accordingly as required by paragraph 11 of the NPPF.

We trust that the above information and enclosed plans and documents are sufficient for Officers to validate and determine the application. Should you require anything further, please do not hesitate to contact me.

Yours faithfully,



LIZ SLATER

Graduate Planner