

Dear Clare,

**APPLICATION FOR A GRANT OF PERMISSION UNDER A S73 APPLICATION IN
RELATION TO PERMISSION 20/00417/FUL.**

**FOX'S BANK, HALSNEAD GARDEN VILLAGE, LAND WEST OF FOX'S BANK LANE
AND NORTH OF M62, WHISTON, KNOWSLEY, L35 3SS.**

REVISION C – 14th August 2024

In response to the email correspondence between the Case Officer, Clare Appleyard and Taylor Wimpey North West's Design & Planning Executive, Brandon Bardsley, please find enclosed the application form for a S73 Application in relation to the Full Planning Permission reference 20/00417/FUL.

VARIATION OF CONDITIONS TO ALLOW NEW SOLAR PANELS TO THE ROOF OF A NUMBER OF PLOTS, CHANGES AND REBUILDING OF THE BOUNDARY WALL ALONG FOX'S BANK LANE, NEW FENCING ADJACENT TO SNAPE GATE BARN AND OTHER MINOR ALTERATIONS AND CHANGES TO DELIVERY TIMESCALES. VARIATION OF THE FOLLOWING CONDITIONS: 2 (APPROVED PLANS), 3 (PHASING PLAN), 4 (ARBORICULTURAL STATEMENT), 5 (FOX'S CLUMP METHOD STATEMENT), 6 (CEMP), 7 (BAT MITIGATION), 8 (NOISE ATTENUATION), 9 (ACOUSTIC FENCE METHOD STATEMENT), 10 (BOUNDARY TREATMENTS), 13 (SUDS), 14 (FLOOD RISK), 16 (MANAGEMENT/MAINTENANCE), 17 (METHOD STATEMENT), 20 (HARD LANDSCAPING SCHEME), 21 (SOFT LANDSCAPING SCHEME), 23 (LEMP), 27 (PED/CYCLE LINK), 48 (PEDESTRIAN CROSSING) AND 52 (ROAD CONNECTIONS) OF PLANNING APPLICATION 20/00417/FUL AND REMOVAL OF CONDITION 30 (RSA) OF PLANNING APPLICATION 20/00417/FUL - RESIDENTIAL DEVELOPMENT COMPRISING OF THE ERECTION OF 350 NO. DWELLINGS TOGETHER WITH THE CONSTRUCTION OF VEHICULAR ACCESS OFF FOX'S BANK LANE (COMPRISING SIGNALISED JUNCTION), SUDS PONDS, LANDSCAPING, BOUNDARY TREATMENTS AND OTHER ASSOCIATED WORKS (INCLUDING DEMOLITION OF EXISTING FARM BUILDINGS)

This S73 Application seeks to address and revise several items which are listed below:

- Reword Planning Condition 2 – Approved Plans
 - Boundary Treatment Plan (Sheet 1 of 2) (Ref: HALS-BTP-01-Q)
 - Boundary Treatment Plan (Sheet 2 of 2) (Ref: HALS-BTP-02-L)
 - Planning Layout (Full) 1:1000 prepared by TW (Ref: LPE-PLA-01-W)
 - Planning Layout 1:500 prepared by TW (Ref: HALS-PLA-01-W)
 - Colour Layout (Ref: HALS-COL-01 Rev J)
 - All Planting Plans (Rev P)
- Reword Planning Condition 3 – Phasing Plan
- Reword Planning Condition 4 – Arboricultural Impact Assessment

- Reword Planning Condition 5 – Method Statement & Construction Plan
- Reword Planning Condition 6 – CEMP
- Reword Planning Condition 7 – Bat Roost Mitigation
- Reword Planning Condition 8 – Noise Attenuation
- Reword Planning Condition 9 – Acoustic Fence Method Statement
- Reword Planning Condition 10 – Boundary Treatments
- Reword Planning Condition 12 – Utility Buildings
- Reword Planning Condition 14 – Flood Risk
- Reword Planning Condition 16 – Management & Maintenance Plan
- Reword Planning Condition 17 – Working Method Statement
- Reword Planning Condition 20 – Hard Landscaping Scheme
- Reword Planning Condition 21 – Soft Landscaping Scheme
- Reword Planning Condition 23 – LEMP
- Reword Planning Condition 27 – Pedestrian & Cycle Link
- Removal of Planning Condition 30 – Road Safety Audit
- Reword Planning Condition 48 – Pedestrian Crossing
- Reword Planning Condition 52 – Road Connections
- Inclusion of Integrated Solar Panels to all Part L 2021 Plots (Eco2Solar Elevations)
- Inclusion of Stone Wall Drawing (20285-IWE-04 Rev F)

The proposed rewording of the conditions are as follows:

Condition 3 – Phasing Plan

The development shall be constructed in accordance with the key features phasing plan entitled 'Fox's Bank Lane POS Phasing Plan', drawing number 20285 PPP 01 REV B' and in accordance with the implementation timings therein.

Reason: To ensure a comprehensive and sustainable development is constructed.

Condition 4 – Arboricultural Impact Assessment

The development shall be carried out in accordance with the documents approved pursuant to Conditions 4 and 9 of planning permission reference 20/00417/FUL (approved under discharge of condition reference 20/00417/DISCON) and the development shall be carried out in accordance with the updated Arboricultural Impact Assessment dated March 2022 (reference 7137.001) and the updated Arboricultural Method Statement (AMS) (Version 3.0 dated May 2023) (document reference 7137.01.0001). The tree protection measures, as approved, shall remain in place until the development is complete.

Reason: To ensure that the proper protection of trees has been carried out.

Condition 5 – Method Statement & Construction Plan

Prior to the occupation of the 150th dwelling, a full method statement and construction plan to include details of the footways around and within the Fox Clump woodland area shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the following:

- a) The precise route and total area of the pathways within and adjacent to Fox Clump, the location of any site compound, details of any transport/machinery to be used and their routes within Fox Clump and the precise locations of proposed works within Fox Clump;

- b) A detailed construction method statement setting out: what work will be undertaken; when the work will be undertaken (i.e. time of year and how long the work will take); how the work will be undertaken; and details of any emissions (such as to water, air, disposal to land);
- c) Materials and edging details shall be in accordance with approved 'Hard Surfacing Plan' reference HALS HSP 01 Q,
- d) Details of litter bins, wayfinding signage and information boards to include siting and appearance;
- e) An Ecological Clerk of Works shall be appointed to design and supervise the construction of the path; and
- f) Translocation of any English bluebells in accordance with the Bluebell Translocation Method Statement (document reference 6987.020) approved pursuant to condition 5 of planning permission reference 20/00417/FUL and in accordance with discharge of condition application reference 20/00417/DISCON;
- g) Landscaping details to include any loss of ground flora and under storey trees to be mitigated on an at least 1:1 replanting basis;
- h) In accordance with the ES Addendum (Ecology Chapter), a band of native scrub and thorny species shall be planted around the abandoned sett to increase screening and discourage public access;
- i) Details of barrier planting and/or a post and beam fence around the path edges.

The method statement and construction plan for Fox Clump shall be implemented in accordance with the approved details. The above works shall be completed in accordance with the the POS Phasing plan reference 20285 PPP 01 REV B.

Reason: To promote biodiversity and protect the TPO trees. This condition is imposed having regard to the NPPF, policies CS2, CS8, CS19, CS21 and SUE2 of the Knowsley Local Plan: Core Strategy 2016, saved policy DQ4 of the Knowsley Replacement Unitary Development Plan 2006 and the Halsnead Garden Village Masterplan SPD 2017.

NOTE: It is advised that the information boards include details about the protected native species present in Fox Clump and a responsible user code.

Condition 6 - CEMP

The Construction Environmental Management Plan, approved under reference 20/00417/DISCON in connection with condition 6 of planning permission 20/00417/FUL, shall be implemented in accordance with the approved details throughout the course of construction and shall be made available and accessible to all site managers, contractors and subcontractors working on site.

Reason: To ensure satisfactory development of the site, to minimise the main environmental effects during the construction phase of the development, to ensure that appropriate measures are put in place in the interests of the amenity of neighbouring occupiers/areas, to prevent pollution of the environment, to protect and promote biodiversity and in the interests of highway safety.

Condition 7 – Bat Roost Mitigation

The mitigation strategy set out in section 4 of the Bat Roost Assessment and Survey report (appendix 8.5 of the Environmental Statement Volume 2) (and as amended by the points below) shall be fully implemented and, where bat boxes are located within dwellings, these shall be erected prior to first occupation of any of the dwellings to which they relate and where bat boxes are located within public open space areas, the bat boxes shall be erected in accordance with the POS Phasing Plan reference 20285 PPP 01 B. For the avoidance of doubt the mitigation strategy shall also include the following:

- i. Toolbox talk to site contractors / operatives by a suitably licenced ecologist;
- ii. A receptor bat box shall be installed during the construction phase should bats be encountered; and
- iii. Soft strip of the confirmed roost under supervision of the appointed ecologist.

Reason: To promote biodiversity and ensure adequate mitigation is in place for protected species.

Condition 8 – Noise Attenuation

The development's acoustic protection scheme, as set out in the Environmental Statement Volume 2 Appendix 11.1 'Noise and Vibration' (received on the 24th July 2020) and amended by Chapter 11 'Noise Environment' of the Addendum to the Environmental Statement received on the 21st January 2021, shall be implemented and completed in accordance with the timings set out in the POS Phasing Plan reference 20285 PPP -1 REV B and, where the acoustic boundary treatments are within residential curtilages, the Phasing Plan reference 20285-PPP-02, and shall also be in accordance with the following plans which also form part of the acoustic protection scheme:

- 2.4m acoustic fence detail, drawing number SF 42;
- 2.4m high screen wall, drawing number SW 13;
- 2.2m high screen wall, drawing number SW 14;
- Boundary Treatment Plan sheet 1 of 2, drawing number HALS BTP 01 Q;
- Boundary Treatment Plan sheet 2 of 2, drawing number HALS BTP 02 L

Reason: To safeguard future occupiers of the approved residential dwellings from noise and disturbance in the interests of residential amenity.

Condition 9 – Acoustic Fence Method Statement

Fencing around Snape Gate Barn's curtilage shall be erected in accordance with the following details:

- Arboricultural Method Statement (Version 3.0 dated May 2023) (document reference 7137.01.0001)
- Indicative Elevation/Section Stone Wall - Final, drawing no. 20285 IWE 04 E
- Arboricultural Method Statement V3.0 May 2023 (Document 7137.01.001)

The fencing shall not include any gaps between existing fencing and new boundary fencing around Snape Gate Barn unless secure access is provided to allow maintenance. The fencing shall then be retained in perpetuity and erected in accordance with the approved

details and in accordance with the timescales for implementation set out in the POS Phasing Plan reference 20285PPP 01 B.

Reason: To protect residential amenity and to protect adjacent boundary vegetation.

Condition 10 – Boundary Treatments

The development shall be carried out in accordance with the boundary treatment details set out below:

- 2.4m Acoustic Fence Detail, drawing number SF 42;
- 2.4m High Screen Wall, drawing number SW 13;
- 2.2m High Screen Wall, drawing number SW 14;
- 1.8m Close Boarded Screen Fence, drawing number SF 01;
- 1.8m High Personnel Gate, drawing number SF 19;
- 1.8m High Brick Wall and Pillar with Timber Panel Infill, drawing number SF 30;
- 1.8m High Screen Wall, drawing number SW 01;
- Boundary Treatment Plan (Sheet 1 of 2) (Ref: HALS-BTP-01-Q)
- Boundary Treatment Plan (Sheet 2 of 2) (Ref: HALS-BTP-02-L)
- Garden Village Indicative Elevation/Section Stone Wall - Final, drawing number 20285 IWE 04 REV F.

All timber fencing within the development hereby permitted shall be treated and stained in a brown colour. Retaining walls shall be constructed in facing brick that matches the existing dwelling to which it relates or a materials similar in colour and appearance to red sandstone. The sandstone wall shall be constructed in accordance with the details set out within drawing no. 20285 IWE 04 REV F that include coursing, materials, stone pier details, siting and elevation details and the method statement of works.

All boundary treatment works outside the curtilage of the dwellings hereby permitted shall be completed in accordance with the approved details and fully implemented in accordance with a timetable for implementation set out within the following phasing plans: Phasing Plan Plots 20285 PPP 02 and POS Phasing Plan reference 20285 PPP 01 B. The approved details for boundary treatments within the curtilage of each dwelling shall be implemented in full before the dwelling to which it relates is first occupied and maintained thereafter.

Reason: In the interests of ensuring an acceptable standard of public realm and visual amenity.

Condition 13 – SuDs

Prior to the Sustainable Urban Drainage Systems (SUDS) area being brought into use, full details of the SUDS and linear park area shall be submitted to and approved in writing by the Local Planning Authority. These details shall include any safety features and retaining structures with a risk assessment to support the use of these features, section and profile details of the SUDS and details of the water levels within the SUDS area during extreme and general conditions. The linear park and SUDS area shall then be constructed in accordance with the approved details and made available for use in accordance with the timetable for implementation set out in the POS Phasing Plan drawing no. 20285 PPP -1 REV B.

Reason: To secure sustainable drainage systems and to manage the risk of flooding and pollution.

NOTE: The Attenuation ponds (SUDS) shall be constructed in accordance with the C753 SUDS Manual.

Condition 14 – Flood Risk

The development shall be carried out in accordance with the Flood Risk Assessment and Drainage Management Strategy dated March 2020, reference HYD318_HALSNEAD.GARDEN.VILLAGE_FRA&DMS Rev 3.1; Drawing no. 1001 G entitled 'Main Drainage Layout Development Area' and Drawing no. 1003 C entitled 'Main Drainage Layout Foul Water Rising Main' (approved pursuant to Condition 14 of planning permission reference 20/00417/FUL (approved under discharge of condition reference 20/00417/DISCON)).

For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at a restricted rate of 12.5 litres / second, subject to agreement of the discharge rate with the Environment Agency.

Reason: To ensure a satisfactory drainage system is provided to serve the site in accordance with Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy (January 2016).

Condition 16 – Management & Maintenance Plan

Prior to the occupation of the 150th dwelling, 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.

This shall include:

- 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;
- A schedule for on-going inspections relating to performance and condition;
- Details for planned maintenance and a mechanism for remedial and urgent repair works; and
- Means of access for inspection and maintenance purposes;

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

Reason: To ensure effectiveness of the flood risk measures during the lifetime of the development.

Condition 17 – Working Method Statement

The development shall be carried out in full accordance with the approved Drainage Works Method Statement dated 22.01.22 (undertaken by Westbourne Civil Engineering Ltd) and the approved Drainage Works Risk Assessment dated 22.01.22 (undertaken by Westbourne Civil Engineering Ltd) throughout the construction phase of the development hereby permitted (as approved pursuant to Condition 17 of planning permission reference 20/00417/FUL (approved under discharge of condition reference 20/00417/DISCON) under reference 20/00417/DISCON).

Reason: To ensure the works do not compromise the safety and integrity of the M62 Motorway throughout the construction phase of the development.

Condition 20 – Hard Landscaping

The development shall be carried out in accordance with the details (and phasing timescales) approved pursuant to Condition 20 of planning permission reference 20/00417/FUL (approved under discharge of condition reference 20/00417/DISCON). Prior to 150th occupation, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Management and maintenance details relating to fencing and boundary walls within public open space areas/fronting the site/adjacent to the M62 motorway and fencing adjacent to Snape Gate Barn (including any gaps between proposed and existing fencing adjacent to Snape Gate Barn;

The development shall be carried out only in accordance with the approved hard landscaping scheme and the details approved under a) above.

Reason: In the interests of visual amenity and to ensure that the development enhances the development site.

Condition 21 – Soft Landscaping

The soft landscaping and the arrangements and specifications for initial landscape establishment and maintenance shall be carried out in accordance with the details set out in the plans, specification and schedules listed below:

Planting specification and schedule and specification notes, reference HAL-1810_PP01.00 REV P

Planting plan sheet 1, reference HAL-1810_PP01.01 P

Planting plan sheet 2, reference HAL-1810_PP01.02 P

Planting plan sheet 3, reference HAL-1810_PP01.03 P

Planting plan sheet 4, reference HAL-1810_PP01.04 P

Planting plan sheet 5, reference HAL-1810_PP01.05 P

Planting plan sheet 6, reference HAL-1810_PP01.06 P

Planting plan sheet 7, reference HAL-1810_PP01.07 P

Planting plan sheet 8, reference HAL-1810_PP01.08 P

Planting plan sheet 9, reference HAL-1810_PP01.09 P (not withstanding the Fox Clump area)

Planting plan sheet 10, reference HAL-1810_PP01.010 P

Planting plan sheet 11, reference HAL-1810_PP01.011 P

Planting plan sheet 12, reference HAL-1810_PP01.012 P

Planting plan sheet 13, reference HAL-1810_PP01.013 P

Planting plan sheet 14, reference HAL-1810_PP01.014 P

Planting plan sheet 15, reference HAL-1810_PP01.015 P

Planting plan sheet 16, reference HAL-1810_PP01.016 P

Planting plan sheet 17, reference HAL-1810_PP01.017 P

Planting plan sheet 18, reference HAL-1810_PP01.018 P

The levels within the soft landscape areas shall be in accordance with the levels details below:

External Work sheet 1 of 6 XX-BET-ZZ-XX-DR-C-1401 REV H
External Work sheet 2 of 6 XX-BET-ZZ-XX-DR-C-1402 REV I
External Work sheet 3 of 6 XX-BET-ZZ-XX-DR-C-1403 REV L
External Work sheet 4 of 6 XX-BET-ZZ-XX-DR-C-1404 REV H
External Work sheet 5 of 6 XX-BET-ZZ-XX-DR-C-1405 REV I
External Work sheet 6 of 6 XX-BET-ZZ-XX-DR-C-1406 REV P

The landscaping shall be implemented, managed and maintained in accordance with the Letter dated 4.1.24 and the details referenced therein (including SF47 and the Landscape Management and Maintenance Plan, reference 10217.001 dated 1.2.24) approved under discharge of condition reference 20/00417/DISCON.

The approved landscaping listed above shall be wholly implemented in its finally approved form within the first available planting season following first occupation of any dwelling shown on the Phasing Plan Plots reference and any soft landscaping within the public open space/greenspace areas shall be wholly implemented in its finally approved form within the first available planting season in accordance with the timescales set out in the POS Phasing Plan reference 20285 PPP 01 B.

The specification listed above shall include the trees being planted with the roots dusted with the mycorrhizal root powder; tree ties and stakes shall be removed after the 3rd year.

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. The development shall be fully constructed in accordance with the approved scheme in accordance with timescales contained therein.

Reason: In the interests of visual amenity and to promote biodiversity.

Condition 23 – LEMP

The Landscape and Ecological Management Plan (LEMP) shall be implemented in accordance with the details and timescales for implementation approved under reference 20/00417/DISCON in relation to condition 23 including the following:

- Details within the letter from Taylor Wimpey dated 4.1.24
- Landscape and Ecological Management Plan dated 1.2.24 reference 10217.001
- Management Plan 20285 MTP 01 C
- Boundary Treatments - Hedgehog Crossing drawing no. SF47

Reason: To protect and preserve the green space areas, in the interests of visual amenity and in the interests of promoting biodiversity and sustainable developments.

Condition 27 – Pedestrian & Cycle Link

Prior to the 250th dwelling becoming occupied, full details of the pedestrian and cycle access link from the development onto Fox's Bank Lane, including any highway works required to facilitate a safe link to the public right of way to the south of the M62 motorway bridge, and how access for vehicles will be prevented from this south east link, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full in accordance with the approved details and within a timescale previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate access is provided to pedestrians, cyclists and emergency vehicles when needed and ensuring the access is not detrimental to highway safety.

Condition 48 – Pedestrian Crossing

Prior to occupation of the 150th dwelling of the development hereby permitted, a scheme for an uncontrolled pedestrian crossing over Fox's Bank Lane, commensurate with the prevailing speeds on Fox's Bank Lane shall be submitted to and approved in writing by the Local Planning Authority. The crossing shall be designed and implemented in accordance with the principles set out in the drawing entitled 'Off Site Pedestrian Crossing', drawing number 2174-F05. The crossing, as approved, shall be made available for use prior to occupation of the 200th dwelling. For the avoidance of doubt, a Stage 2 Road Safety Audit and designers' response will be required to accompany the design.

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

Condition 52 – Road Connections

The road connections shall be constructed up to the site boundary in accordance with the timescales for implementation set out on the Infrastructure Delivery Plan reference 20285 IDP 01 A.

Reason: To facilitate comprehensive development and to ensure that an adequate level of infrastructure is provided.

In conjunction with the above revisions and amendments the following drawings and/or documents have been submitted with this application for review and determination:

- Stone Wall Drawing – 20285-IWE-04 Rev F
- Eco2Solar Designs - OP12431 Fox Wood Garden Village Whiston Merseyside R4
- Boundary Treatment Plan (Sheet 1 of 2) (Ref: HALS-BTP-01-Q)
- Boundary Treatment Plan (Sheet 2 of 2) (Ref: HALS-BTP-02-L)
- Planning Layout (Full) 1:1000 prepared by TW (Ref: LPE-PLA-01-W)
- Planning Layout 1:500 prepared by TW (Ref: HALS-PLA-01-W)
- Colour Layout (Ref: HALS-COL-01 Rev J)
- All Planting Plans (Rev P)
- Heritage Impact Assessment
- TEP Arboricultural Impact Assessment (V8)
- TEP Arboricultural Method Statement (V3)
- TEP Tree Conflict Report (V4)

I trust the information I have supplied above is acceptable and sufficient to proceed and consider our application for a S73 amendment.

Your Sincerely,

