
APPLICATION NO: 23/02755/FUL **CASE OFFICER:** Clare Appleyard

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

LOCATION: Land South Of Lickers Lane, Windy Arbor Road, Halsnead Garden Village, Whiston

PROPOSAL: VARIATION OF CONDITIONS: 3 (APPROVED PLANS CONDITION); 13 (UTILITY BUILDINGS AND COMPOUNDS CONDITION); 15 (WILDLIFE INFORMATION PACK CONDITION); 17 (TRAVEL PLAN CONDITION); 19 (EV CHARGING POINTS CONDITION); 24 (EAST TO WEST VEHICULAR ROUTE PROVISION, LICKERS LANE LAND PARCEL); 25 (EASTERN HIGHWAYS CONNECTION, LICKERS LANE LAND PARCEL); 27 (HIGHWAYS CONNECTION CONDITION, WINDY ARBOR ROAD PARCEL) TO ALLOW THE OUTLINE PLANNING PERMISSION TO BE BROUGHT FORWARD IN TWO (OR MORE) RESERVED MATTERS APPLICATIONS RATHER THAN ONE RESERVED MATTERS APPLICATION FOR THE WHOLE SITE. THIS S73 VARIES PLANNING APPLICATION 20/00399/OUT (OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 277 DWELLINGS (USE CLASS C3) AND AN APARTMENT DEVELOPMENT OF UP TO 100 UNITS FOR OVER 55S TOGETHER WITH NEW VEHICULAR ACCESS TO LICKERS LANE AND WINDY ARBOR ROAD, LANDSCAPING AND ASSOCIATED WORKS, APPROVAL SOUGHT FOR ACCESS WITH ALL OTHER MATTERS RESERVED).

Site Description

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 1600 homes, approximately 22.5ha of employment land, 33 hectares of strategic greenspace and a country park.

The site consists of two parcels of land: one parcel accessed off Lickers Lane and one being a former garden centre site. The smaller of the parcels fronts onto Windy Arbor Road and is a former garden centre site which is bound by a play area, residential properties and land with planning consent for up to 360 homes to the south. To the south east is tree planting, to the west is Windy Arbor Road and to the north lies Main Drive, residential properties and a fishing pond.

The larger land parcel is approximately 9.4 ha and is located south of Lickers Lane. The site comprises land formerly used for agriculture and extends down to the caravan park to the south with Lickers Lane wood stretching along most of the northern boundary of the site, excluding the northeast corner. The site is bounded by land used for agriculture with some residential properties lying due south and to the north along Lickers Lane. The site is bounded to the east by land currently under consideration for the erection of 120 homes.

Proposal

The proposal is a s73 application which seeks to vary conditions 3, 13, 15, 17, 19, 24, 25 and 27 of the outline permission reference 20/00399/OUT.

Consultations

Whiston Town Council

Representations

This application has been publicised by letters sent to 398 neighbours. It has also been advertised by Site Notice and a Press Notice. No representations have been received.

Planning History

23/02378/REM RESERVED MATTERS APPLICATION PURSUANT IN PART TO PLANNING PERMISSION 20/00399/OUT FOR THE ERECTION OF 239 NO. DWELLINGS AND ASSOCIATED WORKS - APPROVAL SOUGHT FOR APPEARANCE, LANDSCAPING, LAYOUT, SCALE AND ACCESS TO ADJACENT LAND – under consideration.

20/00399/OUT OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 277 NO. DWELLINGS (USE CLASS C3) AND AN APARTMENT DEVELOPMENT OF UP TO 100 UNITS FOR OVER 55'S (USE CLASS C3) 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) – Approved 1st August 2023

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable

development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The development plan is considered sufficiently up to date such that the titled balance need not apply. The following policies are relevant to the determination of this application.

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 Pollution
- ENV5 - Contaminated Land

Knowsley Local Plan Core Strategy (2016)

- SD1 - Sustainable Development
- CS1 - Spatial Strategy for Knowsley
- CS2 - Development Principles
- CS3 - Housing Supply Delivery and Distribution
- CS7 - Transport Networks
- CS8 - Green Infrastructure
- CS15 - Delivering Affordable Housing
- CS16 – Specialist and Supported Accommodation
- CS17 - Housing Sizes and Design Standards
- CS19 - Design Quality and Accessibility in New Development
- CS20 – Managing the Borough’s Historic Environment
- CS21 - Greenspace and Trees
- CS22 – Sustainable and Low Carbon Development
- CS24 - Managing Flood Risk
- CS26 - Waste Management
- CS27 - Planning and Paying for New Infrastructure
- SUE1 - Sustainable Urban Extensions and Safeguarded Land
- SUE2 - Sustainable Urban Extensions Development Principles
- SUE2c - Sustainable Urban Extension – South of Whiston and Land South of the M62

The Joint Merseyside and Halton Waste Local Plan (2013)

WM8 - Waste Prevention and Resource Management
WM9 - Sustainable Waste Management Design and Layout of New Development

Adopted Supplementary Planning Documents (SPD)

Ensuring a Choice of Travel SPD (2010)
Design Quality in New Development SPD (2016)
Trees and Development SPD (2016)
Developer Contributions SPD (2016)
Halsnead Garden Village Masterplan SPD (2017)
Amended New Residential Development SPD (2018)
Adding Social Value to Development: Employment and Skills SPD (2018)

Halsnead Design and Local Distinctiveness Guide

The *Halsnead Design and Local Distinctiveness Guide* was produced by the Council to provide parameters in relation to detailed design and planting specifications expected and providing a basis on which development proposals are evaluated for their compliance with the objectives and aspirations for Halsnead Garden Village. Whilst not having the same status as Supplementary Planning Documents, it is a material consideration in determining this application.

National Planning Policy Framework (2019)

Planning Practice Guidance

Article 35 Statement

Officers have worked with the applicant in a positive and proactive manner to seek solutions to the issues relevant to the proposed development, consistent with the requirements in the National Planning Policy Framework (NPPF), paragraph 38.

Assessment

The application seeks to vary a number of conditions on the original outline permission reference 20/00399/OUT. This application consented to the development of up to 277 dwellings and an apartment development of up to 100 units for over 55s with a new access from Lickers Lane and associated works. The site comprises two land parcels: the site of the former Saunder's Nursery on Windy Arbor Road and land to the south of Lickers Lane.

The applicant originally envisaged the reserved matters applications for the two land parcels being submitted together. However, this is no longer the case and the outline is now proposed to come forward in two separate reserved matters

applications for each land parcel. The applicant has confirmed that this is to ensure Homes England Strategic Partner Delivery commitments whilst also ensure a viability scheme can be delivered.

The Council is currently considering a reserved matters application for the land parcel served off the Lickers Lane access. This reference is 23/02378/REM and is for the construction of 241 dwellings with associated landscaping, infrastructure and open space. se are to facilitate the development coming forward in more than one reserved matters application. It is intended that the Saunder's Nursery land parcel will be brought forward at a later date.

In terms of the legislative context, a s73 is an acceptable approach to varying planning conditions on an outline consent. Decision taking still needs to be considered in line with Section 38(6) of the Planning and Compulsory Purchase Act (2004) (as amended) and section 70(2) of the Town and Country Planning Act 1990 which require planning applications to 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". As the development plan is up to date, full weight is accorded to the development plan policies.

In regard to the planning policy context those policies cited on the 20/00399/OUT decision notice and within the committee report remain relevant in relation to the proposed variations although no policies within the Waste Local Plan apply to the specific changes proposed. The material considerations also remain relevant including the revised NPPF, Halsnead Design and Distinctiveness Guide and the Halsnead Masterplan SPD. There have been no material changes to policy since the determination of the outline consent that would be relevant to the consideration of this proposal.

Condition 3 is the approved plans condition. The applicant proposes to amend the plans schedule to include the drawing showing the access links referred to within conditions 24 and 25. This drawing shows the route of the links more precisely and the new drawing reference included in the schedule 1 approved plans is MR-M-DWG-18 Servicing Plans – Access Routes to adjacent site.

Condition 13 of 20/00399/OUT requires the details of the utilities buildings to be submitted and approved prior to commencement of development approved as a part of any reserved matters phase. The condition wording is below:

Prior to the commencement of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority (including site clearance), until details of all utility buildings and compounds within the site have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented

in full accordance with an agreed timetable and maintained at all times thereafter. For the avoidance of doubt all above ground utility structures shall be built in brick to match the approved dwellings.

Reason: To ensure the appearance of the site is acceptable and is carried out in accordance with the Halsnead Design & Local Distinctiveness Guide and complies with Policy CS19 of the Knowsley Local Plan Core Strategy.

The applicant is proposing to amend the trigger such that details are required prior to the construction of the utility building and compound. This is because prior to commencement would be too early in the process.

Condition 15 states:

Prior to first occupation of any dwelling, a Wildlife Information Pack informing new residents of the availability of suitable alternative natural greenspace, presence and importance of the European Sites (for habitat and species), and how residents can help protect them including an outline 'responsible user code' shall be submitted to and approved in writing by the Local Planning Authority. The approved Pack shall be issued to new residents on first occupation as part of any sales or rental agreement.

Reason: In order to comply with the Habitat Regulations Assessment Regulations and mitigate increased recreational pressure on European sites to comply with the National Planning Policy Framework (2021), Policies CS2, CS8, SUE2 and SUE2c of the Knowsley Local Plan: Core Strategy 2016 and the Halsnead Garden Village Masterplan SPD 2017.

The condition currently requires the wildlife information pack to be agreed and implemented for the whole site. It is therefore proposed that the condition wording is amended such that the wildlife information pack shall be prepared and agreed 'prior to the first occupation of any dwelling approved as part of any subsequent reserved matters or phase of development, as previously agreed in writing with the LPA'. This will allow the development to come forward in more than one reserved matters application phase whilst also mitigating against the increased creation pressures on European sites in accordance with Local Plan Core Strategy policies CS2, CS8, SUE2 and SUE2c, the Halsnead Masterplan SPD and the NPPF.

Condition 17 states:

Prior to first occupation of the development details of a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority . The Plan shall include details of how measures to promote and encourage alternative modes of transport to the single-occupancy car would be communicated to new residents. For the avoidance of doubt, the Travel Plan shall include, but not be limited to, the following:

- a. Production and distribution of an information pack for residents detailing travel options and information on all modes of transport.*
- b. Information on existing transport policies, services and facilities, travel behaviour and attitudes.*
- c. Access for all modes of transport.*
- d. Advice on appropriate measures and actions to reduce car dependency and encourage sustainable travel. The requirements of the approved Travel Plan shall be implemented on initial occupation of each dwelling.*

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable, having regard to Policies T6 and T9 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

The travel plan condition also requires implementation across the whole site as one reserved matters application. As such, it is proposed to amend the condition such that it reads 'prior to first occupation of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the LPA' details of a Travel Plan will need to be submitted for approval. This will ensure opportunities for travel by sustainable modes of transport other than the private car are promoted within each phase of the development in accordance with Knowsley UDP policies T6 and T9, Local Plan Core Strategy policies CS2 and CS7 and the NPPF.

Condition 19 states:

No dwelling shall be occupied until it has been provided with an outdoor, weatherproof electric vehicle charging point readily accessible from a dedicated parking space in accordance with details to be submitted and approved by the Local Planning Authority.

All charge points shall be:

- a. A minimum of 7KW,*
- b. at Least Mode 3 or equivalent,*
- c. untethered,*

All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/travel planning advice.

Reason: In the interests of air quality, promoting sustainable travel opportunities and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

Again, the existing condition wording does not allow for reserved matters phasing and as such, the applicant proposes to change the wording such that it states 'no dwelling approved as part of any subsequent reserved matters, or phase or development as previously agreed in writing with the LPA' shall be occupied until the

EVCP for that dwelling has been provided. This amended wording will allow phasing of the development whilst promoting sustainable transport modes as well as improving air quality in accordance with Local Plan Core Strategy policies CS2, CS7 and CS19 as well as the residential development SPD.

Condition 24 states:

Before 100 approved properties are occupied as part of the approved development, the east / west vehicular route as indicated in the Halsnead Garden Village Masterplan Supplementary Planning Document shall be implemented in full to a standard that has been agreed in writing with the local planning authority. For the avoidance of doubt the east/west vehicular route shall allow vehicular and utility connections to be made to adjoining development sites.

Reason: To ensure the comprehensive development of the Halsnead Garden Village by allowing connections to adjoining development sites.

The applicant originally proposed to change the trigger point to 163 dwellings. However, following amendments to the reserved matters application, housing numbers fell to 239 units so the applicant proposes to reduce the trigger points down to 158 dwellings in line with their phasing of the scheme. As such, and wording within this condition is now proposed to read as follows:

Before 158 approved properties accessing the site from Lickers Lane are occupied, the east/west highway connection, denoted as Route 2 on the Servicing Plans – Access Routes to adjacent Site drawing (reference MR-M-DWG-18) shall be implemented in full to a standard that has been previously submitted to and agreed in writing with the LPA. For the avoidance of doubt the east west highway connection shall allow vehicular and utility connections to be made to adjoining development sites.

The amended wording ensures that the east/west route which connects the development sites adjoining the Lickers Lane parcel is secured before full occupation of the first parcel (ie before all those with the first reserved matters application are occupied), with a trigger point of the 158th dwelling becoming occupied. Reference is made to a plan identifying the route to meet the 'precise' condition test. It is considered that the amended wording still facilitates comprehensive development therefore complying with the Halsnead Masterplan SPD and Local Plan Core Strategy policies CS2 and SUE2.

Condition 25 states:

Before 13 approved properties accessing the site from the Lickers Lane access are occupied, the highway connection to the land to the east of the application site, as indicated in the Halsnead Garden Village Masterplan Supplementary Planning Document, shall be implemented in full to a standard that has been previously

submitted to and agreed in writing with the local planning authority. For the avoidance of doubt the east/west vehicular route shall allow vehicular and utility connections to be made to adjoining development sites.

Reason: To ensure the comprehensive development of the Halsnead Garden Village by allowing connections to adjoining development sites.

The applicant proposes the following wording:

Before 13 approved properties accessing the site from the Lickers Lane access are occupied, the highway connection to the land to the east of the application site, denoted as Route 1 on the Servicing Plans – Access Routes to adjacent Site drawing reference MR-M-DWG-18), shall be implemented in full to the site boundary to a standard, and in accordance with the timetable, that has been previously submitted to and agreed in writing with the local planning authority, to facilitate future connection to the adjacent development site. For the avoidance of doubt the east/west vehicular connection shall allow vehicular and utility connections to be made to adjoining development sites.

Again the proposed wording adds in a reference plan for clarity and ensures that the proposal facilitates comprehensive development in accordance with Core Strategy policy SUE2 and the Halsnead Garden Village Masterplan. To ensure that the highway infrastructure aligns with any roads/footways on adjacent land, it is recommended that the last sentence includes the following wording in the interests of ensuring seamless connections are created: A timetable has been included in the condition to allow for this access to potentially be used as a construction traffic access for any development of the adjacent site (subject to any planning permission). For the avoidance of doubt the east/west vehicular connection shall allow vehicular and utility connections to be made to adjoining development sites and shall include alignment of the road/footway links with any existing adjacent highway infrastructure so that they continue the same alignment to facilitate a continuous seamless highway arrangement.

Condition 27 states:

Before the occupation of 12 dwellings or the first occupation of the dwellings identified as accommodation for persons over the age of 55 or over, whichever occurs first, the highway link between Windy Arbor Road and Main Drive shall be implemented to the full written satisfaction of the Local Planning Authority.

Reason: To ensure the comprehensive development of the Halsnead Garden Village by allowing connections to adjoining development sites.

The applicant proposes the following wording:

Prior to the first occupation of the dwellings accessing the site from Windy Arbor Road, the highway connection that is located within the site boundary between Windy Arbor Road and Main Drive shall be implemented to the full written satisfaction of the Local Planning Authority.

This amendment ensures that the highways connection within the Windy Arbor Road development parcel is provided prior to first occupation of the dwellings within the Windy Arbor Road development parcel whilst facilitating comprehensive development in accordance with the Halsnead Masterplan and Core Strategy SUE2.

The applicant has provided a letter which sets out that the application does not need a deed of variation as the original s106 has a clause within it (12.3) that will bind any s73 application. The Council sought its own legal advice in this regard and the LPA is satisfied that no additional legal agreement is required as the original s106 will still apply.

Conclusion

The amendments are considered to be acceptable and the principles set out within the Halsnead Masterplan SPD have been followed. The proposal still seeks to deliver comprehensive development whilst also facilitating use of sustainable transport modes, promoting access to alternative means of transport, mitigating pressure on European sites and seeking to protect air quality. The proposed amendments comply with the development plan and the NPPF. As such it is recommended that the application be approved subject to the amended conditions described above and the conditions attached to the original outline application.

Recommendation

Approve subject to the following conditions:

- 1) Application for approval of all the reserved matters shall be made to the Local Authority before the expiration of three years from the date of this permission the development shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 for those parts of the application submitted for outline permission only, and that the period reflects the separated, phased development programme.

- 2) No development shall commence unless Reserved Matters in respect of the whole outline area, or any phase within, have been submitted to and approved in writing by the Local Planning Authority. The following matters are reserved for future approval;

- i. Appearance;

- ii. Landscaping;
- iii. Layout; and,
- iv. Scale
- v. Access to adjacent land

Reason: The application is submitted in hybrid form and parts of the site have outline permission only and these matters were reserved by the applicant for subsequent approval.

- 3) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 4) No part of the development hereby permitted, including any works of demolition, shall be commenced until a Construction Management Plan that details the means of mitigation of construction effects has been submitted and agreed in writing by the Local Planning Authority. This shall include 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 - details of wheel washing facilities including location and type.
- d) Methods for the control of pests if apparent on-site.
- e) The areas for the storage of plant and materials.
- f) A programme of works, including phasing
- g) Location of site compound, including any loading/unloading areas, turning areas for delivery vehicles and construction staff parking arrangements.
- h) Scheme for recycling/disposal of waste resulting from demolition and construction works
- i) Adequate provision for addressing any abnormal wear and tear to the highway.
- j) Proposed hours of construction (the following is usually acceptable: 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday and not at all on Sundays/Public Holidays).

All site works shall then proceed only in accordance with the approved management plan unless otherwise agreed in writing beforehand with the Local Planning Authority.

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the National Planning Policy Framework; Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016; Policy WM9 of the Merseyside and Halton Joint Waste Local Plan 2013 and saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan

adopted June 2006. This is a pre-commencement condition to ensure adequate mitigation is secured throughout the construction process to ensure protection of the environment, to promote highway safety and protect residential amenity.

- 5) Prior to the commencement of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority (including site clearance), a scheme for the provision and implementation of a surface water drainage system to manage the risk of flooding from both overland flow and from the sewer network, has been submitted to and approved in writing by the Local Planning Authority. [The scheme shall include hydraulic calculations for a 1 in 30 yr storm and a 1 in 100yr storm with 30% climate change.] The agreed scheme shall be implemented in accordance with a previously agreed timetable.

The surface water drainage scheme should be consistent with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Reason: To prevent increased risk of flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to comply with saved Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy, adopted January 2016. This is a pre-commencement condition to secure adequate drainage infrastructure is planned in the development from an early stage.

- 6) Prior to the commencement of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority (including site clearance), a Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Habitat Management Plan shall include details of a management strategy for a period of 30 years to maximise gains in biodiversity within the wider site and shall be implemented in full accordance with the agree recommendations.

Reason: To ensure the required level of ecological mitigation is provided within the site. This is pre-commencement to secure appropriate habitat management from an early stage.

- 7) Prior to the commencement of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority (including site clearance), a written scheme of investigation for archaeological work shall be submitted to and approved in writing by the local planning authority. The agreed details shall be carried out strictly in accordance with the approved programme.

Reason: To record the undesignated heritage assets prior to loss of original features. This is pre-commencement to secure appropriate archaeological mitigation at the earliest stage and to protect any archaeological assets.

- 8) 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 approved in writing with the Local Planning Authority. The Materials Management Plan shall demonstrate that any reuse of contaminated materials does not result in increased risk to the environment or human health.

Reason: To ensure contamination is appropriately identified and a strategy is in place before works commence on the site, to prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and the general public and to comply with the National Planning Policy Framework (2021), Policies CS2 and SUE2 of the Knowsley Local Plan: Core Strategy 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and the Halsnead Garden Village Masterplan SPD 2017.

- 9) Prior to the commencement of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority (including site clearance), a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and agreed in writing by the Local Planning Authority:
- a. The contaminated land assessment shall include a desk study to be submitted to and approved in writing by the Local Planning Authority. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.
 - b. The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with current guidance and best practice. The identity of the person shall be notified to and be approved by the Local Planning Authority prior to the site investigations commencing.
 - c. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any remediation works taking place. The Local Authority must have approved such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - d. Any approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance in accordance with a detail to be first agreed in writing by the Local Planning Authority. A suitably qualified person as first agreed in writing by the Local Planning Authority shall be present on site to supervise investigation and remediation works when such works are taking place. If during the works contamination is encountered which has not previously been identified, then the Local

Planning Authority shall be notified immediately and all works shall cease pending the submission of additional information on the nature of the contamination and proposals as to how the contamination shall be fully dealt with and an appropriate remediation scheme shall be agreed in writing with the Local Planning Authority and carried out in accordance with agreed timescales.

e. A Site Closure Report shall be submitted to and approved in writing by the Local Planning Authority in accordance with timetable previously agreed in writing with the Local Planning Authority.

The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In the interests of safety, to prevent pollution of the water environment and to comply with Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006. This is pre-commencement to ensure that a safe development is delivered.

- 10) Prior to the commencement of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority, the relocation of the bus stops on Windy Arbor Road as agreed on plan reference 3028-F01revision H (received 6 May 2022) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include full details of the bus shelter, location of signage, any works to the footpaths and a timetable for the implementation of the agreed details. The relocation of the bus stop shall be carried out in full accordance with the approved timetable.

Reason: To ensure the relocation of the bus stops and allow existing and future residents adequate access to public transport and ensure the development is adequately served by sustainable forms of transport. This is pre-commencement to ensure that the relocation of the bus stops is done at the earliest stage.

- 11) Prior to the commencement of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority, a full method statement, including structural reports to support the method statement for any works being undertaken to the sandstone wall along the Windy Arbor Road frontage, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in full accordance with the agreed details.

Reason: To ensure the development does not unduly harm the character of the area and to enhance the non-designated heritage assets. This is pre-

commencement to ensure that the sandstone wall is protected at the earliest stage.

- 12) Prior to the commencement of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority, a full method statement, including structural reports to support the method statement for any works being undertaken to the sandstone wall along the Lickers Lane frontage, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in full accordance with the agreed details.

Reason: To ensure the development does not unduly harm the character of the area and to enhance the non-designated heritage assets. This is pre-commencement to ensure that the sandstone wall is protected at the earliest stage.

- 13) Prior to their construction, details of each utility building or compound shall be submitted to and approved in writing by the Local Planning Authority. The utility building or compound shall be constructed in full accordance with the approved details and maintained at all times thereafter. For the avoidance of doubt all above ground utility structures shall be built in brick to match the approved dwellings.

Reason: To ensure the appearance of the site is acceptable and is carried out in accordance with the Halsnead Design & Local Distinctiveness Guide and complies with Policy CS19 of the Knowsley Local Plan Core Strategy.

- 14) No above ground works shall commence until a Social Value Strategy has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full.

Reason: To maximise employment and training opportunities for local people and to comply with the National Planning Policy Framework (2019), Policy CS4 in the Knowsley Local Plan Core Strategy, adopted January 2016, and Adding Social Value in Development Employment and Skills SPD, adopted 2018.

- 15) Prior to first occupation of any dwelling approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority, a Wildlife Information Pack informing new residents of the availability of suitable alternative natural greenspace, presence and importance of the European Sites (for habitat and species), and how residents can help protect them including an outline 'responsible user code' shall be submitted to and approved in writing by the Local Planning Authority. The approved Pack shall be issued to new residents on first occupation as part of any sales or rental agreement.

Reason: In order to comply with the Habitat Regulations Assessment Regulations and mitigate increased recreational pressure on European sites

to comply with the National Planning Policy Framework (2021), Policies CS2, CS8, SUE2 and SUE2c of the Knowsley Local Plan: Core Strategy 2016 and the Halsnead Garden Village Masterplan SPD 2017.

- 16) No dwelling approved as part of each subsequent reserved matters permission shall be occupied until the appropriate approved vehicular access to each parcel of land as shown on plan references 3028-F01 revision H and 3028-F02 revision A has been implemented in full to the written satisfaction of the Local Planning Authority.

Reason: To ensure the necessary infrastructure is in place when the approved use commences and to ensure the comprehensive development of the site.

- 17) Prior to first occupation of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority, the development details of a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of how measures to promote and encourage alternative modes of transport to the single-occupancy car would be communicated to new residents. For the avoidance of doubt, the Travel Plan shall include, but not be limited to, the following:

- a. Production and distribution of an information pack for residents detailing travel options and information on all modes of transport.
- b. Information on existing transport policies, services and facilities, travel behaviour and attitudes.
- c. Access for all modes of transport.
- d. Advice on appropriate measures and actions to reduce car dependency and encourage sustainable travel. The requirements of the approved Travel Plan shall be implemented on initial occupation of each dwelling.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable, having regard to Policies T6 and T9 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 18) Before the first occupation of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority, a scheme for provision of lighting of private communal areas, such as shared private drives, has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented in full accordance with the approved scheme details prior to first occupation of the development.

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

- 19) No dwelling approved as part of any subsequent reserved matters, or phase or development as previously agreed in writing with the Local Planning Authority, shall be occupied until it has been provided with an outdoor, weatherproof electric vehicle charging point readily accessible from a dedicated parking space in accordance with details to be submitted and approved by the Local Planning Authority.

All charge points shall be:

- a. A minimum of 7KW,
- b. at Least Mode 3 or equivalent,
- c. untethered,

All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/travel planning advice.

Reason: In the interests of air quality, promoting sustainable travel opportunities and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 20) Before the first occupation of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority, details of all means of enclosure (including walls, fences and gates) have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure indicated on the approved scheme shall be constructed in accordance with that scheme before the dwellings on the plots to which they relate are first occupied.

Reason: To ensure satisfactory privacy for occupants of the proposed dwellings, in the interests of visual amenity and to comply with Policies CS2, CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 21) Before the first occupation of any part of the development approved as part of any subsequent reserved matters, or phase of development as previously agreed in writing with the Local Planning Authority, details of the hard surfacing throughout the development shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include details of roads, footpaths, combined footpath/cycle ways, private accesses and driveways within individual plots and be in full accordance with the details within the Halsnead Design & Local Distinctiveness Guide. The agreed details shall be implemented in full accordance with a previously agreed timetable and maintained thereafter.

Reason: To ensure the appearance of the site is acceptable and is carried out in accordance with the Halsnead Design & Local Distinctiveness Guide and, complies with Policy CS19 of the Knowsley Local Plan Core Strategy.

- 22) No dwelling within each phase of the development hereby approved shall be occupied until full details of fibre broadband connections to all proposed dwellings within that phase has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior to first occupation of the dwelling to which it relates and made available for use immediately on occupation of the dwelling in accordance with the approved details.

Reason: To ensure that an adequate level of infrastructure is provided in accordance with paragraph 112 of the National Planning Policy Framework (2021), Policies CS2 and SUE2 of the Knowsley Local Plan: Core Strategy 2016 and the Halsnead Garden Village Masterplan SPD 2017.

- 23) Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with the National Planning Policy Framework, Policies CS2, CS19, CS24 and SUE2 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

- 24) Before 158 approved properties accessing the site from Lickers Lane are occupied, the east/west highway connection, denoted as Route 2 on the Servicing Plans – Access Routes to adjacent Site drawing (reference MR-M-DWG-18) shall be implemented in full to a standard that has been previously submitted to and agreed in writing with the LPA. For the avoidance of doubt the east west highway connection shall allow vehicular and utility connections to be made to adjoining development sites.

Reason: To ensure the comprehensive development of the Halsnead Garden Village by allowing connections to adjoining development sites.

- 25) Before 13 approved properties accessing the site from the Lickers Lane access are occupied, the highway connection to the land to the east of the application site, denoted as Route 1 on the Servicing Plans – Access Routes to adjacent Site drawing reference MR-M-DWG-18), shall be implemented in full to the site boundary to a standard, and in accordance with the timetable, that has been previously submitted to and agreed in writing with the local planning authority, to facilitate future connection to the adjacent development site. For the avoidance of doubt the east/west vehicular connection shall allow vehicular and utility connections to be made to adjoining development sites.

Reason: To ensure the comprehensive development of the Halsnead Garden Village by allowing connections to adjoining development sites.

- 26) The accommodation for persons over the age of 55 shall only be occupied (for the purposes of being a primary residence) by persons with a minimum age of 55 years of age.

Reason: In the interests of sustainable development, parking provision, and impact upon local infrastructure (such as education provision).

- 27) Prior to the first occupation of the dwellings accessing the site from Windy Arbor Road, the highway connection that is located within the site boundary between Windy Arbor Road and Main Drive shall be implemented to the full written satisfaction of the Local Planning Authority.

Reason: To ensure the comprehensive development of the Halsnead Garden Village by allowing connections to adjoining development sites.

- 28) As part of any subsequent reserved matters application details of the finished levels across the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full before first occupation of the development approved under each reserved matters application.

Reason: To ensure the levels across the site are acceptable and do not have any unacceptable environmental impacts.

- 29) Any subsequent reserved matters application shall be accompanied by an updated Heritage Impact Assessment that considers the impact of the detailed proposals on the setting of the heritage assets within and adjacent to the site.

Reason: To ensure the development has further unacceptable level of impact on the listed buildings and non-designated heritage assets adjoining and within the site.

- 30) Any subsequent reserved matters application shall be accompanied by a Woodland Management Plan setting out the management and maintenance proposed for the woodlands within the site boundary for the written approval of the Local Planning Authority. The Plan shall include details for dealing with habitat damage, how recreation pressures on the woodland will be dealt with and details of information boards. The approved details shall be implemented in full and maintained thereafter.

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.

- 31) Any subsequent reserved matters application pursuant to this permission shall be accompanied by an updated Arboricultural Impact Assessment which demonstrates that the proposed development will not have a detrimental impact on the trees, both within and adjacent to the application site and which have been identified for retention in 'Tree Survey & Indicative Arboricultural Impact Assessment - Halsnead Garden Village North, Whiston, Knowsley dated June 2020'. Any works identified in the updated

Arboricultural Impact Assessment shall be installed in accordance with a timescale which has been agreed in writing with the local planning authority before any dwellings are occupied and maintained thereafter.

Reason: For the avoidance of doubt; to ensure that the development is carried out as approved and to ensure the amenity value of existing trees is safeguarded, in accordance with the National Planning Policy Framework (2019); Policies CS2, CS8, CS19 and CS21 of the Knowsley Local Plan: Core Strategy, adopted January 2016, Saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and the Halsnead Garden Village Masterplan SPD, adopted June 2017.

- 32) Any subsequent reserved matters application pursuant to this permission shall be accompanied by updated ecology surveys of the site to identify the presence of any protected species and identify any appropriate mitigation required. If any mitigation is required, the agreed details shall be implemented in full and maintained thereafter.

Reason: To ensure the protection of any protected species.

- 33) Any subsequent reserved matters application pursuant to this permission shall be accompanied by an up-to-date Environmental Statement (and Phase 1 Habitat Survey) which demonstrates that the proposed development will not have an adverse impact on Local Wildlife Sites or that any adverse impacts will be adequately mitigated. If the Environmental Statement (and Phase 1 Habitat Survey) identifies that mitigation is required, the agreed mitigation shall be installed in accordance with a timescale which has been agreed in writing with the local planning authority before any dwellings are occupied and maintained thereafter.

Reason: To ensure the development does not adversely affect the Local Wildlife Sites.

- 34) Any subsequent reserved matters application seeking approval for "Appearance" or "layout" shall include an updated Noise Assessment taking into account the proposed layout and how future residents may be impacted upon from nearby land uses. If the Noise Assessment identifies that mitigation is required, the agreed mitigation shall be installed in accordance with a timescale which has been agreed in writing with the local planning authority before any dwellings are occupied.

Reason: To ensure the noise caused by the development is not detrimental to residential amenity.

- 35) Any subsequent reserved matters application seeking approval for "Appearance" shall include full details of all external materials proposed for each building within the site. The materials shall be in full accordance with the details within the Halsnead Masterplan Supplementary Planning Document and the Halsnead Design & Local Distinctiveness Guide.

Reason: To ensure the appearance of the site is acceptable and is carried out in accordance with the Halsnead Design & Local Distinctiveness Guide and complies with Policy CS19 of the Knowsley Local Plan Core Strategy.

- 36) Any subsequent reserved matters application seeking approval of landscaping shall make provision for the replacement of each tree removed to accommodate the development by two trees. The reserved matters application shall include precise details of the replacement trees including maturity, species, location and a timetable for the removal/planting of the trees.

Reason: To ensure the loss of trees is appropriately mitigated.

- 37) Any subsequent reserved matters application seeking approval for access or layout shall make provision for access to adjoining sites for footpath and cycleway connections having regard to the Halsnead Masterplan Supplementary Planning Document. The access details shall include a timetable for implementation and the agreed details shall be implemented in accordance with that timetable.

Reason: To ensure that an adequate level of infrastructure is provided in accordance with Policies CS2, CS7 and SUE2 of the Knowsley Local Plan: Core Strategy 2016 and the Halsnead Garden Village Masterplan SPD 2017.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
06/05/2022	3028-F01	H	WINDY ARBOR ROAD SITE ACCESS
16/07/2020	3028-F02	A	LICKERS LANE SITE ACCESS
18/08/2020	DWG02	A	LOCATION PLAN
27/10/2023	MR-M-DWG-18	-	SERVICING PLANS - ACCESS ROUTES TO ADJACENT SITE

Signed Case Officer¹:

C Appleyard

Signed Authorising Officer²:

K Foster

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

Date:

6 February 2024

Informatives

- 1 The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024

- 2 The plans relating to the above application have been examined and below are the Fire Authority's observations:
Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.
Water supplies for fire-fighting purposes should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied.
The premises should comply with Section 55 of the County of Merseyside Act 1980
- 3 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and

subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Reasons for the granting of planning permission

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below and to all relevant material considerations including supplementary planning guidance:

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 Pollution
- ENV5 - Contaminated Land

Knowsley Local Plan Core Strategy (2016)

- SD1 - Sustainable Development
- CS1 - Spatial Strategy for Knowsley
- CS2 - Development Principles
- CS3 - Housing Supply Delivery and Distribution
- CS7 - Transport Networks
- CS8 - Green Infrastructure
- CS15 - Delivering Affordable Housing
- CS16 - Specialist and Supported Accommodation
- CS17 - Housing Sizes and Design Standards
- CS19 - Design Quality and Accessibility in New Development
- CS20 - Managing the Borough's Historic Environment
- CS21 - Greenspace and Trees
- CS22 - Sustainable and Low Carbon Development
- CS24 - Managing Flood Risk
- CS26 - Waste Management
- CS27 - Planning and Paying for New Infrastructure
- SUE1 - Sustainable Urban Extensions and Safeguarded Land
- SUE2 - Sustainable Urban Extensions Development Principles
- SUE2c - Sustainable Urban Extension - South of Whiston and Land South of the M62

The Joint Merseyside and Halton Waste Local Plan (2013)

- WM8 - Waste Prevention and Resource Management
- WM9 - Sustainable Waste Management Design and Layout of New Development

Adopted Supplementary Planning Documents (SPD)

Ensuring a Choice of Travel SPD (2010)

Design Quality in New Development SPD (2016)

Trees and Development SPD (2016)

Developer Contributions SPD (2016)

Halsnead Garden Village Masterplan SPD (2017)

Amended New Residential Development SPD (2018)

Adding Social Value to Development: Employment and Skills SPD (2018)

Halsnead Design and Local Distinctiveness Guide

This is only intended as a summary of the reasons for granting planning permission.