

APPLICATION NO:

20/00494/NMA4

CASE OFFICER:

Clare Appleyard

WARD:

Whiston & Cronton

PARISH:

Whiston Town Council

LOCATION:

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

PROPOSAL:

NON MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 20/00494/HYB (HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION FOR THE DEVELOPMENT OF 161,900 SQ FT (15,041 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSPACE (USE CLASS B8), INCLUDING ANCILLARY OFFICES (USE CLASS B1), SECURITY GATEHOUSE, SITE ACCESS ROAD, ENGINEERING EARTHWORKS TO FORM A PART COUNTRY PARK, PUBLIC CAR PARK TO SERVE COUNTRY PARK, AND ASSOCIATED WORKS; AND OUTLINE APPLICATION WITH DETAILS OF POINT OF ACCESS (DETAILS OF PART-ACCESS, LANDSCAPING, APPEARANCE, SCALE AND LAYOUT ARE RESERVED) FOR THE DEVELOPMENT OF UP TO 838,100 SQ FT (77,862 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSPACE (USE CLASS B8), WITH ANCILLARY OFFICES AND LIGHT INDUSTRIAL (USE CLASS B1); ENGINEERING EARTHWORKS TO FORM COUNTRY PARK AND DRAINAGE ATTENUATION PONDS; PEDESTRIAN/CYCLE/EQUESTRIAN ROUTE CONNECTING EXISTING M62 FOOTBRIDGE WITH PROPOSED COUNTRY PARK; AND ASSOCIATED WORKS) TO REMOVE CONDITION 39 (TARBOCK ISLAND RESTRICTION)

Knowsley Local Plan

Allocated as a Sustainable Urban Extension

Relevant Policies

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

Technical Consultations

Highways – No objection

National Highways – No objection

Neighbour Notification

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

ARTICLE 35

The LPA has acted positively and proactively in determining this application by assessing the proposal against all material considerations including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out within the NPPF.

Equalities Act 2010

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

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

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

Site Description

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

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

Proposal

The proposal is for a non-material amendment to remove condition 39 from the hybrid consent. Condition 39 reads:

No more than ~~47,000~~ 25,548 square metres of floorspace subsequently approved as part of any reserved matters application shall be first brought into use until upcoming junction improvements to Tarbock Island have been commenced to the written satisfaction of the Local Planning Authority. The remaining floorspace approved as part of any reserved matters application shall be first brought into use until upcoming junction improvements to Tarbock Island have been implemented to the written satisfaction of the Local Planning Authority.

Reason: To ensure the development has no detrimental impact on the operation of the local highway network.

It is noted that condition 39 has previously been amended under approved non-material amendment reference 20/00494/NMA1 to increase the amount of floorspace that can be occupied once the Tarbock Island works commence from 17,000 to 25,548 square metres. This was submitted to allow unit 2 to be occupied in the outline area of the hybrid permission

with no restrictions on implementation of the Tarbock Island works.

The applicant now seeks to remove condition 39 to allow units 3 and 4 to be occupied without requiring the Tarbock Island junction works to have been implemented to the satisfaction of the LPA.

Planning History

20/00494/HYB	HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION FOR THE DEVELOPMENT OF 161,900 SQ FT (15,041 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSFACE (USE CLASS B8), INCLUDING ANCILLARY OFFICES (USE CLASS B1), SECURITY GATEHOUSE, SITE ACCESS ROAD, ENGINEERING EARTHWORKS TO FORM A PART COUNTRY PARK, PUBLIC CAR PARK TO SERVE COUNTRY PARK, AND ASSOCIATED WORKS; AND OUTLINE APPLICATION WITH DETAILS OF POINT OF ACCESS (DETAILS OF PART-ACCESS, LANDSCAPING, APPEARANCE, SCALE AND LAYOUT ARE RESERVED) FOR THE DEVELOPMENT OF UP TO 838,100 SQ FT (77,862 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSFACE (USE CLASS B8), WITH ANCILLARY OFFICES AND LIGHT INDUSTRIAL (USE CLASS B1); ENGINEERING EARTHWORKS TO FORM COUNTRY PARK AND DRAINAGE ATTENUATION PONDS; PEDESTRIAN/CYCLE/EQUESTRIAN ROUTE CONNECTING EXISTING M62 FOOTBRIDGE WITH PROPOSED COUNTRY PARK; AND ASSOCIATED WORKS
23/01949/REM	APPLICATION FOR THE APPROVAL OF RESERVED MATTERS (SCALE, ACCESS, APPEARANCE, LAYOUT AND PARTIAL LANDSCAPING) COMPRISING OF THE DEVELOPMENT OF 272,091 (GIA) OF STORAGE SPACE AND DISTRIBUTION FLOORSFACE (USE CLASS B8) AND ANCILLARY OFFICES (USE CLASS E(g)), PROVISION OF INFRASTRUCTURE SUBMITTED PURSUANT TO PLANNING PERMISSION 20/00494/HYB
24/00145/REM	APPLICATION FOR THE APPROVAL OF RESERVED MATTERS (SCALE, ACCESS, APPEARANCE, LAYOUT AND PARTIAL LANDSCAPING) PURSUANT TO HYBRID PLANNING PERMISSION 20/00494/HYB, COMPRISING THE DEVELOPMENT OF 495,720 SQ FT (GIA) OF STORAGE AND DISTRIBUTION FLOORSFACE (USE CLASS B8) AND ANCILLARY OFFICES (USE CLASS E(G)) ACROSS TWO WAREHOUSE UNITS, TOGETHER WITH LANDSCAPING AND THE PROVISION OF INFRASTRUCTURE
20/00494/NMA1	NON MATERIAL AMENDMENT TO CONDITION 39 OF PLANNING PERMISSION 20/00494/HYB TO ALLOW UP TO 25,548SQ.M OF FLOOR SPACE TO BE USED BEFORE THE JUNCTION IMPROVEMENT WORKS TO TARBOCK ISLAND ARE COMMENCED

Assessment

This non-material amendment application seeks to remove condition 39 as described above. The applicant cites that National Highways did not request the same restrictive condition on

a more recent permission (Maro) reference 22/00587/FUL which was granted planning permission in March 2025 on land directly due west and south west of the Tritax application site:

22/00587/FUL - ERECTION OF 1 NO. COMMERCIAL UNIT (USE CLASS B8) WITH ANCILLARY OFFICES AND OUTBUILDINGS TOGETHER WITH ACCESS WORKS, LANDSCAPING, SERVICE YARD, CAR PARKING, SERVICING AND OTHER ASSOCIATED WORKS – land at Cronton Road

The applicant considers that because no similar condition was required for the Maro application, that this must demonstrate that the condition on the Tritax permission no longer meets the 'necessary' condition test. During consideration of the Maro planning application, the applicant undertook a detailed Transport Assessment and Addendum which considered the cumulative impacts alongside the Tritax hybrid consent. This was considered by National Highways who recommended that no restrictive condition was necessary for the Maro application.

As National Highways considered the full hybrid consent alongside the Maro application in terms of cumulative highway safety impacts on the Tarbock Island junction, National Highways has advised that they would not object to the removal of condition 39 from the hybrid.

The Local Highway Authority has also raised no objections to removal of condition 39. The LHA has stated that the works to Tarbock Island are on-going (around mid-way through works) and the completion of the junction works can be relied upon with reasonable certainty. Highways have no objection to the removal of the condition on this basis.

It is considered that the removal of condition 39 is non-material in nature in light of the Maro application which already accepted this approach and the assessed cumulative impacts. The condition no longer meets the condition test of being 'necessary'. In coming to this view regard is also given to the fact that the junction improvement works have already commenced and the timetable indicates that the junction improvement works are likely to be completed in 2026.

In coming to a view on whether a proposal can be considered non-material in nature, regard must be given to other non-material amendments that have been granted and the cumulative impacts of the additional non-material amendments. The cumulative impact of each NMA will be considered below.

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

- The amendment to unit 1's bell mouth entrance (removal of the pedestrian refuge island);
- Reconfiguration of the footpath at unit 1 access junction;
- Reconfiguration of the footpath/road at the northern element of the estate road leading into the outline area;
- Removal of the access road between the internal estate road and Fox's Bank Lane;
- 20 additional cycle spaces;
- Surface finishes at the entrance of unit 01 car park have been amended;
- Block paving has been replaced with tarmac to prevent damage from HGVs;
- Amended landscaping to regularise and accommodate the other amendments;
- Primary substation;

- Relocation of SUDs pond to the east of unit 1;
- Secondary substation between mine shafts and estate road;
- Amendment to unit 1 elevations to reflect changes to the loading bays to include double height shelters;
- Realignment of the access into the southern unit to accommodate the reconfiguration of that unit to retain the trees to the east.

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

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

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

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

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

The NMAs referred to above, combined do not result in material cumulative impacts. The proposed changes considered cumulatively are considered to be non-material in nature, having regard to the minor changes to/removal of a number of the conditions and the minor changes to the layout and design of the development. The changes will not result in adverse highways or amenity impacts. On this basis, the proposal is considered to be non-material and it is recommended that this application be approved.

Conclusion

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

Recommendation

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

Conditions

- 1) The development shall be carried out in accordance with the approved plans and

conditions attached to the hybrid planning permission issued under reference 20/00494/HYB except where superseded by non-material amendment references 20/00494/NMA, 20/00494/NMA1, 20/00494/NMA3 and this decision notice.

2) Reason: For the avoidance of doubt.

Signed Case Officer¹: **C Appleyard**

Signed Authorising Officer²: **Alan Kilroe**

Date: **21 October 2025**

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