

Agenda



Knowsley Council

4 December 2024

To: The Chairperson and Members of the
Planning Committee

Dear Councillor

A Meeting of the **PLANNING COMMITTEE** will be held on **Thursday, 12th December, 2024**, in the Council Chamber, Municipal Buildings, Huyton at **6.00pm**.

If you have any queries regarding this meeting, please contact Keith Glover on telephone number 0151 443-3502.

Yours faithfully

Chief Executive

Please Note:-

1. *(Please Note: Access to the Council Chamber is limited and members of the public or press wishing to attend in person are strongly advised to register in advance by emailing committees@knowsley.gov.uk or telephoning (0151) 443 2679. Attendees will be required to show photographic identification and will be subject to [security checks](#). Please note that meetings will also be live streamed. The live stream can be accessed from the following link - <https://knowsley.public-i.tv/core/portal/home>.)*
2. *If you have submitted a representation in respect of any of the planning applications that are included on the agenda for determination at this meeting, and wish to speak at the meeting, there is a procedure to be followed which can be accessed via the link below:-*

<https://www.knowsley.gov.uk/residents/building-and-planning/make-a-planning-application/speaking-at-planning-committee>

Membership of the Planning Committee

Councillors

S Donnelly	(Chairperson)
Mrs D Arnall	Ms J Harvey
Mrs C Bannon	Ms J Lilly
D J Baum	Mrs J E Lonergan
H Bell	K W McGlashan
T Brennan	G J Morgan
M Burke	Mrs S Powell
T Byron	I Smith
A J Flute	K Taylor
R Gaffney	Ms A Wright
G Golding	

(Note: The Agenda and Reports are circulated to all other Members of the Council for information only.)

A G E N D A

PART I

APOLOGIES

1. DECLARATIONS OF INTEREST

2. MINUTES

To receive as a correct record the minutes of the meeting of the Committee held on 7th November 2024.

(Pages 1 - 2)

3. APPLICATIONS FOR PLANNING PERMISSION

To consider the reports of the Executive Director (Regeneration and Economic Development) in respect of the following applications for planning permission.

(Please note that:-

- (i) Background Papers to the planning applications referred to in this agenda comprise the following: -
 - 1. The planning application as submitted or subsequently revised including all forms and plans, etc.
 - 2. The application case sheet, inspection report, photographs, etc.
 - 3. An Ordnance Survey sheet extract showing the application site and the surrounding area.
 - 4. Standard planning conditions as adopted by the Council.
 - 5. Relevant policies from the Unitary Development Plan as appropriate.
 - 6. Copies of all statutory and non-statutory consultations and related correspondence except where they are strictly confidential.
 - 7. The relevant planning history of the application site.

Specific documents, which have been used as a background paper for a particular planning application, and which are not included in the above, are detailed as appropriate at the end of the individual report concerned. Please contact the planning services team (0151 443 2381 or via email at Dcsubmissions@knowsley.gov.uk) to arrange inspection of these files and documents; and

- (ii) Details of the contact officer is contained in the individual report and additional information/some background papers can be found on the [Public Access](#) site via the link shown beneath each planning application below).

- (a) **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 FLOORSPEACE (USE CLASS B8) AND ANCILLARY OFFICES (USE CLASS E(G)) ACROSS TWO WAREHOUSE UNITS, TOGETHER WITH LANDSCAPING AND THE PROVISION OF INFRASTRUCTURE - FORMER SITE OF CRONTON COLLIERY, CRONTON ROAD, HALSNEAD GARDEN VILLAGE, KNOWSLEY L35 1QR**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 24/00145/REM in the search box.

(Pages 3 - 50)

4. DELEGATED PLANNING DECISIONS

To consider the report of the Head of Planning and Building Control.

(Pages 51 - 58)

5. ANY OTHER ITEM(S) WHICH THE CHAIRPERSON DEEMS TO BE OF AN URGENT NATURE

PLANNING COMMITTEE

At a meeting of the Planning Committee held in the Council Chamber, Municipal Buildings, Huyton on Thursday, 7th November, 2024 the following Members were

P r e s e n t:

Councillors

S Donnelly
Chairperson of the Committee
(in the Chair)

Mrs D Arnall, Mrs C Bannon, D J Baum, H Bell, T Brennan, M Burke, T Byron, A J Flute, R Gaffney, G Golding, Ms J Lilly, Mrs J E Lonergan, K W McGlashan and K Taylor

APOLOGIES

Apologies for absence were received on behalf of Councillors Ms J Harvey, Mrs S Powell, I Smith and Ms A Wright.

21. DECLARATIONS OF INTEREST

The representative of the Assistant Executive Director (Governance and Assets) reported that no declarations of interest had been submitted by Members.

22. MINUTES

The minutes of the meeting held on 10 October 2024 were received as a correct record and signed by the Chairperson.

23. APPLICATIONS FOR PLANNING PERMISSION

- (a) **23/00776/FUL - ERECTION OF 2 STOREY BUILDING TO PROVIDE CHILDREN'S ACCOMMODATION WITH ANCILLARY ACCOMMODATION FOR STAFF (USE CLASS C2) - Land Adjacent To 118 Ribblers Lane, Southdene, Kirkby, Knowsley, L32 7RB**

The Committee considered:-

- (1) the report of the Executive Director (Regeneration and Economic Development) on the above application for planning permission; and
- (2) the verbal representation of an objector to the application that was made during the 3-minute period allocated as part of the decision-making process.
- (3) the verbal representation of the applicant in support of the application that was made during the 3-minute period allocated as part of the decision-making process.

RESOLVED – That delegated authority be granted to the Head of Planning & Building Control to grant planning permission subject to the conditions set out in the schedule.

(b) 24/00386/FUL - PROPOSED CONVERSION OF RESIDENTIAL PROPERTY C3(a) TO CHILDRENS RESIDENTIAL CARE (C2) - 177 Saxon Way, Tower Hill, Kirkby, Knowsley, L33 4HG

The Committee considered the report of the Executive Director (Regeneration and Economic Development) on the above application for planning permission.

RESOLVED – That delegated authority be granted to the Head of Planning & Building Control to grant planning permission subject to the conditions set out in the schedule.

24. DELEGATED PLANNING DECISIONS

The Committee considered the report of the Head of Planning and Building Control that set out those applications for planning permission that had been determined under delegated powers since the last meeting of the Committee.

RESOLVED – That the report be noted.

Minutes to be received as a correct record the 12th day of December 2024.

Chairperson of the Committee
(The meeting closed at 6.47 pm)

APPLICATION NO. 24/00145/REM

APPLICANT: TRITAX SYMMETRY MERSEYSIDE 1 LIMITED

WARD AFFECTED: Whiston and Cronton

DEVELOPMENT: APPLICATION FOR THE APPROVAL OF RESERVED MATTERS (SCALE, ACCESS, APPEARANCE, LAYOUT AND PARTIAL LANDSCAPING) PURSUANT TO HYBRID PLANNING PERMISSION 20/00494/HYB, COMPRISING THE DEVELOPMENT OF 495,720 SQ FT (GIA) OF STORAGE AND DISTRIBUTION FLOORSPACE (USE CLASS B8) AND ANCILLARY OFFICES (USE CLASS E(G)) ACROSS TWO WAREHOUSE UNITS, TOGETHER WITH LANDSCAPING AND THE PROVISION OF INFRASTRUCTURE

LOCATION OF SITE: FORMER SITE OF CRONON COLLIERY, CRONTON ROAD, HALSNEAD GARDEN VILLAGE, KNOWSLEY L35 1QR

DEVELOPMENT PLAN DESIGNATION:

Sustainable Urban Extension – South of Whiston and Land South of M62
Local Wildlife Site

REPRESENTATIONS:

Two periods of consultation have been undertaken. There were 26 objections (from 5 households) received following the first periods of consultation. A second period of consultation was undertaken following the receipt of amended proposals and 10 objections (from 1 property) were received.

RECOMMENDATION:

That this application be granted subject to:

- (i) The conditions set out in the attached schedule, or such additional or amended conditions that the Head of Planning and Building Control considers appropriate, in consultation with the Chairperson of Planning Committee.

CASE OFFICER

Clare Appleyard (0151) 443 2848

1. SITE AND SURROUNDINGS

- 1.1 The application site is bound to the north by the M62 motorway, to the west by Old Wood (which is a designated ancient woodland) residential properties (including the Grade II Listed Old Halsnead Hall) and Unit 01(a distribution centre operated by Yodel) to the east, and the site of Unit 02 (a distribution centre under construction) to the south. The site predominantly consists of grassland, vegetation and areas of self-seeded woodland. Levels fall south towards Cronton Road which forms the southern boundary of the Halsnead South employment allocation.
- 1.2 The eastern part of the site lies within land to be provided within the Country Park and adjoins Fox's Bank Lane. This part of the site will be subject to some regrading of the levels as per the requirements of condition 45 of 20/00494/HYB.
- 1.3 The application site lies within the wider masterplan boundary for the Halsnead South employment allocation, which is 50 hectares in area. The wider site benefits from planning permission, reference 20/00494/HYB, which was granted outline consent for up to 838,100 square feet or 77,862 sq. metres of storage and distribution floorspace within use class B8 and full planning permission for Unit 01 and its associated infrastructure and landscaping.

2. PROPOSAL

- 2.1 The proposal is a reserved matters application pursuant to the previously approved hybrid permission reference 20/00494/HYB. The reserved matters under consideration are scale, layout, appearance, access and landscaping.
- 2.2. The application is seeking consent for the construction of two employment units for storage and distribution (use class B8) and ancillary offices. The application seeks approval for unit 03 which consists of a total floor area of 26,447m² (GIA) and unit 04 which has a floor area of 19,607m² (GIA). The proposed development includes associated gatehouses, security facilities, service yards and HGV parking, plant, vehicular and cycle parking, landscaping and associated works.
- 2.3 Access is proposed from the previously consented and constructed access road, included in the hybrid application. This access road, which connects the development to the wider road network via Cronton Road, currently serves unit 01. The proposal seeks to continue this access road west to serve the proposed units.

3. RELEVANT SITE HISTORY

20/00494/HYB - 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. Approved 04/03/22.

20/00578/FUL CONSTRUCTION OF A NEW COUNTRY PARK COMPRISING OF THE CREATION OF SCULPTURED LANDSCAPE, HABITAT/WETLAND CREATION, ASSOCIATED WORKS AND INFRASTRUCTURE, ENGINEERING/EARTHWORKS INCLUDING CHANGES TO SITE LEVELS TOGETHER WITH THE ERECTION OF A SINGLE STOREY VISITOR CENTRE INCLUDING RECEPTION, CAFÉ, EDUCATION SPACE, RANGER OFFICES AND AN OUTDOOR TERRACE AREA; ERECTION OF OUTDOOR CLASSROOM CANOPY; SKY ROOM; PROVISION OF COLLIERY AND MINERAL LINE MULTI USER ROUTE, NEW PATHS INCLUDING A MULTI USER ROUTE NORTH OF THE M62 BRIDGE UP TO WINDY ARBOR ROAD AND PROVISION OF NEW CAR PARK. VEHICULAR ACCESS TO BE TAKEN FROM CRONTON ROAD VIA ACCESS ROAD TO NEIGHBOURING EMPLOYMENT SITE/COUNTRY PARK CAR PARK WITH NEW FOOTBRIDGE OVER EMPLOYMENT SITE/CAR PARK ACCESS ROAD AND PEDESTRIAN/CYCLE ACCESS FROM CRONTON ROAD AND FOX'S BANK LANE – Resolution to grant but no decision issued.

22/00162/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 Approved 30.06.23.

23/01949/REM - REM APPLICATION FOR THE APPROVAL OF RESERVED MATTERS (SCALE, ACCESS, APPEARANCE, LAYOUT AND PARTIAL LANDSCAPING) COMPRISING OF THE DEVELOPMENT OF 272,091 (GIA) OF STORAGE SPACE AND DISTRIBUTION

FLOORSPACE (USE CLASS B8) AND ANCILLARY OFFICES (USE CLASS E(g)), PROVISION OF INFRASTRUCTURE SUBMITTED PURSUANT TO PLANNING PERMISSION 20/00494/HYB Approved 19.03.24.

4. ARTICLE 35 STATEMENT

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

5. EQUALITIES ACT 2010

- 5.1 In formulating a recommendation on this application, the Local Planning Authority has considered the requirements of S149 of the Equalities Act 2010.
- 5.2 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.
- 5.3 In this case the proposed development incorporates accessible parking spaces and inclusive access into the site.

6. REPRESENTATIONS

- 6.1 Two periods of consultation have been undertaken. There were 26 objections (from 5 households) received following the first periods of consultation. A second period of consultation was undertaken following the receipt of amended proposals and 10 objections (from 1 property) were received. The objections are summarised below:

Objections raised to the first period of consultation

Highway Impacts

- The proposal will be detrimental to highway safety. There is ever increasing traffic and congestion on Cronton Road and speeding traffic travelling through Cronton Village. Tue Lane, Penny Lane and Hall Lane are being used as a rat run through the village. This is expected to get worse as warehouses become operational. Measures need to be installed to prevent traffic from this development from using these roads.

Visual amenity impacts

- The proposal will harm visual amenity. Unit 1 is visible to houses in Cronton and this should have been screened with trees and evergreens. There is concern that units 3 and 4 will cause the same issues.

Noise

- The noise assessment was conducted four years ago, and since then, there has been a significant increase in noise levels due to Unit 1. Therefore, a reassessment is necessary.
- The noise impact assessment has not taken into account the single glazing on the adjacent listed building, resulting in noise levels much higher than the assumed UK build standards.
- The noise from traffic will be harmful to residential amenity.
- Concerns about noise from the proposal and concerns raised about existing noise levels caused by the development process and operation of the first unit to date.

Light Impacts

- The development's access is situated at a lower position relative to surrounding properties and so headlights from vehicles entering and exiting the development shine directly into homes of nearby residents. This lighting nuisance will increase with the additional units increasing traffic accessing the site.

Harm to residential amenity

- Loss of privacy.
- Loss of light caused by reduced sunlight from the siting and scale of the proposed buildings. This is particularly during morning and evening hours. A lack of natural light in living spaces can lead to health issues and increased reliance on artificial lighting and heating will exacerbate both environmental and financial concerns.
- Residents living within 15metres of a tall building have a legal right to adequate sunlight generally established after 20 years of enjoying unobstructed light. The proposed elevation could lead to a significant loss of sunlight dropping below acceptable levels particularly delaying light during mornings and evenings and during Winter months.
- The Overshadowing Assessment does not address how loss of light might affect residents living within 15-20 metres of the development and instead discusses effects on grass and landscaping, overlooking impacts on health and wellbeing of residents nearby.

Heritage Impacts

- The HIA has inaccuracies and describes Old Halsnead Hall as having 'modest architectural value' which contradicts English Heritage's description of the building having 'special architecture or historic interest'. Detailed explanations outline the building's historical significance due to its architectural importance.
- The application includes some imagery of the woodland within the setting of the listed building adjacent to the site. However, many of these trees are rotting and need to be removed in the interests of

safety.

- The HIA refers to the motorway affecting Old Halsnead's wider setting. This undermines the historical significance of the area and appears to be biased in favour of the planning application.
- Concern that the construction process will harm the listed building.

Other Issues

- *'Unit 1 has destroyed my home. More units will destroy the area'.*
- Property prices have devalued.
- Current residents will be living on an industrial estate if more units are granted planning permission (change to character of area).
- The proposal will destroy more wildlife.
- Concern raised about the erection of a fence on the site boundary which does not have planning permission. This is too close to residential properties, harms outlook and should be set back with a buffer.
- The landscaping associated with unit 1 does not offer appropriate screening mitigation and during the Winter/Autumn months, would not offer effective screening once the landscaping has matured.

Objections raised to second period of consultation

Heritage

- The development will have severe implications for grade II listed Old Halsnead Hall. Two surveys, conducted by Tritax, have been submitted. These show evidence that construction of unit 01 has caused structural damage to Old Halsnead Hall. More damage is a likely consequence of further construction, especially as unit 03 is closer than unit 01.
- The current proposal does not include a buffer zone and previous promises to create a 30-40metre buffer zone have been abandoned. The proposed fencing removes transitional space between the developments. The fence eliminates any buffer zone and is directly against Old Halsnead Hall. The location of the fencing is not acceptable and should be relocated to the perimeter of unit 3's development boundary to allow the creation of a 30-40metre buffer zone with dense planting.
- Pre-construction safeguards and assessments should be put in place/carried out through the following to protect Old Halsnead Hall.
- During construction, the following assessments/safeguards should be carried out: real time vibration monitoring; weekly heritage inspections; regular structural surveys; immediate stop-work protocols; buffer zone maintenance.
- Legal and financial protections should be put in place to protect Old Halsnead Hall.
- The applicant should submit an unbiased heritage assessment. The report submitted with the application is subjective and does not adequately represent the direct impacts on Old Halsnead. Given the historical significance of the building, it is requested that the Council conduct an independent unbiased assessment which considers immediate and long-term impacts.

- The applicant should: relocate the fencing to create the buffer zone; implement dense planting schemes; provide detailed construction methodology; establish damage compensation frameworks; implement regular monitoring, heritage protection zones, buffer maintenance plans and binding legal agreements.
- Concerns about the Heritage Addendum and the fact that there is a lengthy maturity timeline for the proposed screening to become effective (15 years). The report suggests that screening from the planting will mitigate visual impact within a 15-year period. This is an unreasonably long timeframe for existing residents to wait for relief from the impact of the development. This delay fails to address the immediate impact.
- The landscaping viewpoints present a summer impact and do not provide Winter views which will offer much less screening due to foliage density being less.

Concern about the landscaping proposed

- The landscaping viewpoints were deliberately taken during the summer months when leaf cover is at its maximum. This presents an unrealistic and biased picture of the year-round visual impacts. As trees are without leaves for 6-7 months of the year, Winter views are necessary to show its true impact.
- Concern has been raised about how long it will take for the mitigation to take effect and offer adequate screening. Additionally, there is concern about how the plans will be translated into action and what checks and balances will be in place to ensure that the landscaping matures in accordance with the timeframes specified.
- What interim solutions are there to offer shielding. It is unreasonable to expect residents to endure the development for years before the landscaping matures.
- The current landscape mitigation plan is strongly opposed as it does not represent an acceptable solution to support and screen the proposal.

Light Deprivation

- The proposal, at 17metres high, would cast shadows over existing residential properties and this constitutes a potential infringement of 'Right to Light' which was established by the Rights of Light Act 1959.

Economic impacts and Energy Costs

- The proposal will increase energy consumption due to the reduced natural light and this will necessitate increased artificial lighting.
- The proposal will increase energy costs for properties and lead to a higher carbon footprint. These are material planning considerations as listed in the NPPF in relation to economic sustainability.
- The proposal contradicts section 14 of the NPPF in relation to meeting the challenge of climate change.
- Diminished light and increased running costs will decrease property values which is a material planning consideration under case law.

Living conditions and Amenity

- The proposal will significantly harm the quality of life for residents and the loss of ambient light will harm mental health and wellbeing. The proposal will also lead to a reduced enjoyment of outside space. This contravenes Article 8 of the Human Rights Act regarding the right to a peaceful enjoyment of property.
- It is requested that the following is submitted: a comprehensive daylight/sunlight assessment is submitted following BRE guidelines.
- The proposal will create an oppressive environment for local residents and is too close to residential properties, leading to feelings of enclosure and loss of privacy.

Deficiencies in the application submission

- The application lacks information and the following should be provided: comprehensive structural impact assessment; detailed vibration analysis; ground movement studies, heritage impact evaluation; protection measures for the listed building; clear liability frameworks; financial guarantees for potential damages; buffer zone implementation plans.
- The application is also a deviation from original consultation agreements, promised environmental mitigation measures, agreed parameters and the principle of sensitive integration.

Lighting Nuisance

- The submitted review of light spill from vehicle headlights focuses on vehicles within the reserved matters unit 03 car park/building area and fails to address the fact that all vehicles use the shared access road via Cronton Road to access the proposed units. Headlight nuisance is an ongoing problem that will worsen due to anticipated increases in traffic from the proposed development. The report is misleading as it does not propose a solution for the existing headlight nuisance caused by vehicles entering the wider site and accessing all the units.
- Ongoing headlight nuisance is already causing severe health impacts and harming quality of life, especially on children who are woken up at night by headlights shining into windows. Headlights shine directly into residential properties due to the gradient of the road, regardless of headlight heights. This issue will be made worse as a result of the development.
- Simply adhering to headlight height regulations will not solve the issue of headlight nuisance due to ground topography. Mitigation should be proposed before any further planning applications are granted.

7. CONSULTATIONS

Local Highway Authority (Knowsley Council) – No objection subject to the following conditions: provision of the parking, servicing, vehicular manoeuvring areas for each unit, which shall be surfaced, drained and marked out in accordance with the approved details; provision of cycle parking; turning area to be implemented and kept available for use until such time as the loop road is completed and accessible; provision and retention of

visibility splays of 2.4m by 70m at the site access junctions with the loop road which shall then remain clear of obstructions; and details of the loop road spur.

Arboricultural Officer (Knowsley Council) – No objections raised to the Arboricultural Method Statement (AMS) and Arboricultural Impact Assessment (AIA) in principle. However, it is requested that the Category B trees are retained within G1 to provide screening. These are considered to have amenity value. It is recommended that the AIA and AMS are made approved documents and provision of 5 days' notice for tree protective fencing is also recommended.

Environmental Sustainability Service (Knowsley Council) – No objections raised. However, a series of comments have been made. In relation to the fencing around the SUDs, it is queried why this is necessary given it is not a publicly accessible area. The SUDs are also considered to be very steep. No justification has been provided for the full removal of the trees within G1 and retaining the existing B2 trees would be favoured over replacement. There are steep levels changes up to the ancient woodland buffer to grade between existing and proposed surface levels and it looks like it will necessitate encroachment into the buffer zone. The developer should ensure that there is a proper graduated slope from the earthworks into the buffer area so it can be naturalised and tie in. There should be an approximate 3m buffer between the slope from the edge of the SUDs so that a proposer graded natural profile can be achieved and this would also act as a maintenance strip. The landscaping in terms of tree size and species are considered acceptable.

Environmental Health (Knowsley Council) – No objections raised. The following conditions are recommended: submission of a construction management plan; details of an piling and earthworks methodology; construction hours limitation; fixed plant noise; submission of an operational noise management plan which shall include a scheme for the prevention of noise emanating from the site, noise mitigation measures and an operational noise limit for external plant; a condition requiring the lighting scheme to be carried out in accordance with the submitted details; and an access road speed/noise mitigation scheme for the road running adjacent to Old Halsnead Hall.

Conservation Officer (Knowsley Council) –Satisfied that throughout the seasons, the impact of the proposals on the setting of the Grade II listed Old Halsnead Hall will be that of less than substantial harm in c15 years' time and this harm will continue to reduce as the landscaping matures. Heritage issues are discussed in more detail later in the report.

Merseyside Environmental Advisory Service (MEAS) – No objections subject to the LPA undertaking the three tests set out in the Habitat Regulations in relation to the impacts of the proposal on bats. The following conditions are recommended: the mitigation strategy set out in the Bat Mitigation Strategy Report shall be undertaken; LPA to be provided with a copy of the Natural England licence pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017; and submission of an Ecological

Management Plan.

Lead Local Flood Authority (LLFA) (Knowsley Council) – No objection.

United Utilities – No objections raised.

National Highways - No objections subject to the following conditions: submission of technical reports required by the Design Manual for Road and Bridges CD 622 – Managing Geo-Technical Risk relating to works adjacent to the M62 motorway; submission of a detailed construction plan working method statement; submission of a plan showing the alignment and elevational treatment of a close boarded fence of not less than 2 metres; no drainage from the development shall connect into the motorway drainage system, nor shall any drainage from the site run-off onto the M62 motorway; and a condition to ensure that there shall be no closure of the motorway in connection with the development.

Active Travel England - No objections raised. Reference made to the standing advice.

Mining Remediation Authority - No objections raised.

Merseyside Fire and Rescue - No objections raised.

Scottish Power Energy Networks - No objections raised.

Environment Agency - No objections raised.

8. POLICY CONTEXT

8.1 The National Planning Policy Framework is a material planning consideration in the determination of planning applications. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 then clarifies that achieving sustainable development means that the planning system has three overarching interdependent objectives: an economic objective to help build a strong, competitive and responsive economy; a social objective to support vibrant, strong and healthy communities; and an environmental objective to contribute to protecting and enhancing the historic and natural environment.

8.2 Paragraphs 11 of the National Planning Policy Framework states that:

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 8.3 Paragraph 12 of the NPPF then states 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.'*
- 8.4 The site is part of a wider area allocated for new employment development (as a Sustainable Urban Extension – Policy SUE2c (b)) within the Knowsley Local Plan Core Strategy to help meet the borough's development requirements up to 2028. The relevant adopted policies for the assessment of the application are listed below.

Knowsley Local Plan: Core Strategy (2016)

SD1- Sustainable development
CS1 - Spatial Strategy for Knowsley
CS2 - Development Principles
CS4 - Economy and Employment
CS7 - Transport Networks
CS8 - Green Infrastructure
SUE1 - Sustainable Urban Extensions and Safeguarded Land
SUE2 - Sustainable Urban Extensions - Development Principles
SUE2c - Sustainable Urban Extensions - South of Whiston and Land South of M62
CS19 - Design Quality and Accessibility in New Development
CS20 - Managing the Borough's Historic Environment
CS21 - Greenspaces and Trees
CS22 – Sustainable and Low Carbon Development
CS24 - Managing Flood Risk
CS26 - Waste Management
CS27 - Planning for and Paying for New Infrastructure

Knowsley Replacement Unitary Development Plan (Saved Policies 2009)

T5 - Location of Major Traffic Generating New Development
T7 - New Development and Walking & Cycling Routes
T8 - Transport Assessments
T9 - Travel Plans
DQ2 - Security in the Built Environment
DQ4 - Trees and Development
ENV2 - Noise and Vibration
ENV3 - Light and Pollution
ENV5 - Contaminated Land

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)

Halsnead Garden Village Masterplan SPD

National Planning Policy

National Planning Policy Framework (2023)

National Planning Policy for Waste

Planning Practice Guidance

- 8.5 Paragraph 12 of the NPPF states that ‘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 NPPF is up to date national planning policy.
- 8.6 The Knowsley Local Plan: Core Strategy was adopted in January 2016, although saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of the NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.
- 8.7 Also of relevance is the Halsnead Garden Village Design and Local Distinctiveness Guide that was adopted in May 2020. This does not have the status of a Supplementary Planning Document but is a material consideration in determining the application. This guide sets out detailed design requirements across the site.

9. ISSUES AND ASSESSMENT

Principle of the Development

- 9.1 The site falls entirely within the Land South of M62 Sustainable Urban Extension as set out in Core Strategy Policy SUE1, which allocates it for residential and employment use and as a country park. Policy SUE2C of the Local Plan Core Strategy identified the site as capable of delivering 22.5 hectares of logistics, storage and distribution uses within use class B8, or other appropriate employment uses.
- 9.2 The site has outline planning permission for B8 use following the approval of application 20/0494/HYB and therefore the principle of development is already established. However, to determine its overall acceptability, the details of the scheme need to be thoroughly considered against the detailed requirements of Policy SUE2 and SUE2C of the Local Plan Core Strategy; the Halsnead Garden Village Masterplan SPD, and other local planning policies.

- 9.3 Several objections that have been received relate to matters which cannot be revisited in the consideration of this reserved matters application. Other concerns reported by objectors relate elements of the scheme which already have full planning permission under 20/00494/HYB. Issues pertaining to landscaping, fencing and lighting in connection with the full planning permission for unit 01 cannot be considered as part of any subsequent reserved matters application. The material planning considerations relating to this reserved matters application are discussed below.

Comprehensive Development

- 9.4 The National Planning Policy Framework (NPPF) introduces an obligation to make the best use of the limited land resource with a view to creating well designed places. In paragraph 123 it states that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions”*.
- 9.5 In this case the wider site allocation was removed from the Green Belt to secure necessary development that supports sustainable growth in Knowsley. Such land is a very limited and rare resource and as a result the Council cannot countenance a position whereby such land cannot properly or effectively be developed. There is a significant risk that if the site is not brought forward with the appropriate connections the level of development expected to be delivered from the site will not be realised, with the consequence of increased pressure to allow development on less sustainable sites.
- 9.6 The need to ensure that planning permissions within the allocation deliver and facilitate comprehensive development of Halsnead Garden Village is a clear priority within the Council’s Local Plan Core Strategy Policy SUE2 which states:
- “Development within Sustainable Urban Extensions must [...] demonstrate a comprehensive approach to the development of the relevant Sustainable Urban Extension and to infrastructure provision’ (excerpt from Policy SUE2 part 1b).*
- 9.7 The Masterplan SPD (at Fig 6.1) sets out the indicative locations of the primary vehicular routes through the site. This sets out the need to create a ‘looped route’ that will allow excellent access to all parts of the site and reduce traffic and environmental impacts along Cronton Road.
- 9.8 The proposals show the route of the road required to deliver a vehicular link through the former mineral line into the development site to the southwest. This link will be required to be provided and details for the provision of the loop road link shall be submitted prior to first occupation of unit 04 and shall include a timetable for implementation. If members are minded to grant consent this can be conditioned to secure comprehensive development. The Local Highways Authority has reviewed the loop road and levels and in principle is satisfied that the loop road spur connection is deliverable.

- 9.9 An interim turning head solution is required to be provided prior to the loop road being constructed and if members are minded to grant consent a condition to secure this turning area is also recommended until such time as the loop road connection spur can be brought forward. This is because it would not be reasonable to enforce delivery of a spur connection to nowhere which would be the case given the continuation to Cronton Road and a mineral line crossing are not in place. The loop road spur condition will also require details of how the road will be constructed, the materials used, highway drainage and details of any engineering works required to deliver the road; the condition will seek to ensure that it remains accessible to vehicles and is not closed off.
- 9.10 The applicant has demonstrated a comprehensive approach in delivering the site, subject to the conditions referenced above and, therefore, the proposal complies with the requirements of Policies SUE2 and SUE2c and the requirements of the Masterplan SPD.

Design, Layout and Masterplan Compliance

- 9.11 Policy SUE2 requires that proposals demonstrate a comprehensive approach to development and be of a high design quality. The Halsnead Garden Village (SPD) has been prepared for the Policy SUE2c allocation area, including the site and in addition Policy SUE2c sets out further requirements which the development should deliver and is further supported by the Halsnead Garden Village Design and Local Distinctiveness Guide.
- 9.12 The Masterplan sets out the Council's requirements for the layout in respect of street hierarchy, location of open space and overall design quality. The design and layout of the proposal also falls to be considered in respect of Policy DQ2 of the Replacement UDP and Policies CS2 and CS19 of the Local Plan: Core Strategy. Of relevance in considering the design and layout of the development is the Design Quality in New Development SPD. Key requirement HSPD4 (employment development) within the Halsnead Masterplan SPD requires new developments to: minimise or avoid impact on retained habitats including ancient woodland, Local Wildlife Sites and protected trees; integrate the former mineral railway line link into the layout design; not impeded access to the Coal Authority monitoring station; ensure access to the country park area is not impeded; ensure there is no harmful impact on the Listed Building at Old Halsnead Hall or its setting and maintain amenity for existing residents. All these policies and SPDs share the same aim: to ensure that an acceptable level of quality in the development is achieved.
- 9.13 Proposed unit 03 is a substantial building, measuring approximately 193 metres in length, by approximately 144 metres in width with a maximum height of 17.479 metres and a haunch height of 15m. Proposed unit 04 measures approximately 186m by 127m and has a proposed haunch height of 15m with an apex height of 17.479m. The warehouse buildings incorporate a curved roof design. Whilst being large buildings their scale is

typical of a building for large modern warehouse/logistics use. The roofs are proposed to be profiled steel with rooflights in anthracite grey. The eaves, fascia and soffits are also proposed to be pressed metal in anthracite.

- 9.14 The proposal incorporates horizontally laid trapezoidal cladding to the upper level and vertically laid cladding to the lower level both in different shades of grey. Vertically fitted vertical panels are proposed to break up the elevations as well as curtain wall detailing. Composite panels will be installed around the windows and brise soleil are also proposed over a number of the windows. Following consideration of the viewpoints submitted, the applicant has agreed to deviate from their corporate branding colour scheme to a lighter grey for the side elevation adjacent to Old Halsnead Hall which will be a similar colour to the sky on a cloudy day. This will significantly help to reduce its visual impact. If members are minded to grant consent it is recommended that a condition is imposed to ensure the buildings are constructed in accordance with the materials listed on the elevation plans. This is in the interests of preserving visual amenity and ensuring that the development has a cohesive materials strategy.
- 9.15 The proposed layout and design of the proposal are acceptable. The highway elements of the layout are discussed later in the report but allows for an acceptable level of car parking. Overall, the layout meets all highway safety requirements and provides for the loop road mentioned above and is therefore considered to be acceptable. The proposal complies with the requirements of the Halsnead Masterplan SPD and policies SD1, CS2, CS19, SUE2 and SUE2c of the Local Plan Core Strategy.

Heritage Impacts

Policy and Designated Heritage Assets

- 9.16 Policies CS19 and CS20 of the Local Plan Core Strategy, chapter 12 of the NPPF and Historic Environment Good Practice Advice in Planning: 2 (Historic England: 2015) all seek to preserve or enhance the Borough's historic and architectural assets and any archaeological remains. Policies CS19 and CS20 of the Local Plan Core Strategy seek to ensure new development complements and enhances features of historic interest, preserves local distinctiveness and character through sensitive design as well as ensuring new development includes appropriate integration with the setting and immediate landscape.
- 9.17 Policy CS8 of the Local Plan Core Strategy seeks to preserve the character and function of historic environments. Policy CS1 states that priorities for the development in Knowsley include maintaining and enhancing heritage assets. Policy CS2 of the Local Plan Core Strategy states that developments should enhance local character and promote quality of place by: '*protecting and enhancing the historic environment.*' Finally Local Plan Policy SUE2 requires development to protect or enhance historic and architectural assets where appropriate and references policy CS20.

9.18 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving and enhancing listed buildings and their settings, in exercising their planning functions. Considerable importance and weight should be given to the desirability of preserving listed buildings and their settings.

9.19 The Halsnead Masterplan SPD and the Design Guide seek to embed a distinctive sense of place into new development. Paragraph 5.16 of the Masterplan SPD states that there are a number of designated and non-designated heritage assets within and around Halsnead and there are opportunities to retain, integrate and where appropriate create a buffer between historic features and new development. Key requirement HSPD4 'employment development' of the Masterplan SPD requires planning applications to 'ensure there is no harmful impact on the listed building at Old Halsnead Hall or its setting'. The SPD goes on to state that employment development will need to be carefully designed and implemented to avoid harm to the heritage asset and its setting.

9.20 The application site is directly adjacent to the curtilage and residential property of the Grade II listed late 17th Century Old Halsnead Hall. This property historically formed part of the wider Halsnead Estate. Old Halsnead Hall was listed in 1971 and the listing states:

1680. Stuccoed stone, stone roof with centre chimney, 2 storeys. A 2-storeyed gabled porch has a round-arched entrance with keystone and imposts, and a 3 light window above, and an armorial crest in gable. A 5-light window on each floor to right of porch, and 2 5-light windows on each floor to left of porch all with chamfered stone mullions and leaded panes (mostly non-opening).

9.21 The applicant has submitted an Updated Heritage Impact Assessment with the application. This considers the impact of the development upon the listed buildings around the site. Old Halsnead Hall is of 'high historic significance' and of 'modest architectural significance.' The significance of Old Halsnead Hall is considered to have been diminished because of the setting with the developments that have taken place such as the M62. The applicant's HIA concludes that the proposal will result in less than substantial harm to the setting of Old Halsnead Hall.

9.22 The NPPF defines setting as "*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*"

9.23 The NPPF further explains that 'the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.'

- 9.24 The NPPF (at paragraphs 195 – 214) provides guidance on the approach that should be taken in considering the impacts against the level of harm (if any) that has been identified to listed buildings and settings. Paragraph 205 is of particular importance and in summary states that in considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be, irrespective of the scale of the potential harm. Paragraph 206 further requires that any harm to the significance of a designated heritage asset, including that arising from development within its setting should require clear and convincing justification.
- 9.25 Irrespective of the level of harm, decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise. Members are advised that a detailed objection has been received on the grounds that the proposal will harm both the setting and fabric of the grade II listed Old Halsnead Hall. This objection details concern about the impact of the proposal on the setting of the listed building by virtue of the scale, siting, massing and height of the proposed development as well as concern about damage to the listed building during the construction process.
- 9.26 The Conservation and Design Officer has confirmed that the main issue is the impact that unit 03 will have on the setting of Old Halsnead Hall. In terms of the significance of this asset, this 17th Century building historically formed part of the wider Halsnead Estate and includes gardens with sparse tree planting to the south and west boundaries. At a local level, Old Halsnead Hall is described by the Conservation Officer as a rare survival of a modest 17th Century manor house. The applicant has submitted a Heritage Statement and Addendum Heritage Document which set out greater detail in relation to its historical and architectural significance and the Conservation and Design Officer has accepted these documents as sufficient for the purposes of meeting the HIA requirements and to allow consideration of the heritage impacts.
- 9.27 The Conservation Officer has stated that whilst the development will negatively impact the listed building's historic parkland setting, albeit one that was previously undermined by colliery works and the development of the M62, the principle of the development has been considered as part of the wider planning balance under the outline element of the hybrid consent. The focus of the reserved matters application is to consider the proposed landscaping, appearance, layout, access (in relation to units 03 and 04 only) and scale. Having regard to the orientation of unit 03, its location, materials and detailing, there are no objections in principle from the Conservation and Design Officer.
- 9.28 The hybrid application consented a number of development parameters and these included a height parameter of 61AOD (above ordnance datum). This application also considered an outline proposal that indicatively showed a unit in the location of unit 03, which was set away from the side elevation of Old Halsnead Hall by 47.27 meters. This plan formed the

basis for the consideration of the wider impacts of the outline element of the hybrid application and informed the original Heritage Impact Assessment. This report identified that the hybrid proposal would result in less than substantial harm. In the planning balance, it was established that the significant public benefits associated with the development would outweigh the harm identified. It is not for this reserved matters application to revisit this decision.

- 9.29 Both Units 03 and 04 fall within the parameters set under the hybrid consent and unit 03 which is closest to residential properties has a proposed height that falls approximately 13 meters below the consented height parameter (which was 61 metres above ordnance datum). In terms of the siting of unit 03, this is set 59.776m from the side elevation of Old Halsnead Hall and has a distance to Old Halsnead Hall's garden curtilage of circa 40.76m (compared with the indicative masterplan which set the distance at circa 29m). As such the proposed unit 03 is set further away from the listed building than originally shown on the wider masterplan that accompanied the hybrid consent.
- 9.30 The proposed development also shows the ground level of unit 03 set at approximately 4.35 meters below the ground level of Old Halsnead Hall. This means that c 13.129 metres of unit 03 will be apparent when comparing ground levels between adjacent land at Old Halsnead Hall and the finished floor levels for unit 03. Combined with proposed fencing on the boundary, this further reduces the extent of warehouse building that will be visible from the listed building and its grounds.
- 9.31 The applicant has prepared a number of documents to allow a full assessment of the impacts of the development on the setting of Old Halsnead Hall. These include viewpoints with landscaping during Summertime at years 1, 5 and 15 and section drawings showing a cross section of the proposal in the context of the adjacent listed building. Winter viewpoints have also been provided to show the worst-case scenario.
- 9.32 The applicant has provided a number of updates to the landscaping drawings with the aim of creating a buffer to screen proposed unit 03. These amendments include the provision of a 2m high timber fence set in from the boundary with Old Halsnead Hall, the addition of climbing plants on the fencing, low level planting to the front of the fence, increases to the tree sizes for greater immediate impact, increasing the number of heavy standard trees within the buffer zone, introducing a three layer planting screen approach to areas of the buffer zone, changes to the levels within the buffer zone to introduce a retaining wall to allow levels to remain consistent in the interests of preserving the soil structure and retaining existing trees within the buffer zone so that partial retention of groups G1 and G16 offer more immediate screening impacts. Interspersed planted has also been introduced within the retained tree area.
- 9.33 It is noted that the Winter viewpoints have been based on a previous iteration of the landscaping proposals which included partial retention of existing tree groups identified as G1 and G16 in the Arboricultural Report but did not include additional heavy standard tree planting which has been

introduced on a later version of the landscaping scheme. The Winter views presented therefore offer an absolute worst-case scenario and any planting will incorporate the additional tree planting presented on the most up to date landscaping plans.

- 9.34 The developer has included a landscaping buffer zone of between 29m and 50m wide between Old Halsnead Hall's side garden boundary and the proposed retaining wall. This includes the proposed fence and associated planting, with the fence being at the request of the Conservation and Design Officer to offer a level of further screening.
- 9.35 The landscape planting adjacent to Old Halsnead Hall includes a mix of deciduous, evergreen and semi evergreen trees in a multi layered approach to screening. Semi-evergreen trees retain their leaves all year round although the Hornbeam leaves turn golden yellow to orange in Winter rather than retaining their green colour. This will ensure that there is screening and leaf cover all year round rather than just during the summer months.
- 9.36 It is considered that the proposed landscaping together with the retained trees, have the potential to offer a good level of screening although it is recognised that the planting will require a bedding-in period to enable establishment and maturation. The applicant has provided viewpoints showing the landscaping at various timings including years 1, 5 and 15 and this shows that by year 15, substantial mature screening can be achieved. If members are minded to grant planning permission a condition is recommended to ensure trees that do not survive within the first 5 years of planting are replaced.
- 9.37 In addition to this, buffer zone management details of the landscaped area adjacent to Old Halsnead Hall and a management plan for the hard landscaped areas including the M62 fencing will be required, and this is recommended to be addressed by condition. Condition 56 on the hybrid consent covers landscape and habitat management for the masterplan area to protect and promote biodiversity. The buffer zone management condition will mitigate visual amenity and heritage impacts.
- 9.38 The landscaping viewpoints show that the impact in year one will still be quite prominent, with some views towards unit 03 from Old Halsnead Hall being visible. However, this will be mitigated by the distance of the proposed building from the site boundary, the colour of the side elevation which is proposed to be a lighter grey and the retention of existing trees which offer immediate screening impact, with some retained trees being between c 10-12m in height. The planting will continue to grow and by year 5 will be showing improved levels of screening reaching substantial screening in year 15. The fence, softened with climbers, will offer some immediate screening at the lower level, which will go a small way to reducing the overall prominence of the building, together with the raised level of the planting zone in comparison to the finished floor level of unit 03.
- 9.39 An objection has been received that the scheme does not include a buffer zone that was promised and that the scheme includes fencing which

prevents transitional space between developments. Whilst the fence could be viewed as introducing an urbanising feature to the locality, timber fencing is not an uncommon or unreasonable boundary treatment within the grounds of a listed building and a fence could be erected up to 2m high in this position without needing planning permission. The developer is proposing to soften this fence with climbers and shrubs to the front (approximately 40% of the shrub planting is proposed to be evergreen) in the interests of visual amenity.

- 9.40 The Conservation Officer has identified substantial harm in their current assessment of the scheme between years 0 and 15, which takes account of cumulative impacts. This takes into consideration the intermittent views from Old Halsnead to unit 03 having regard to the mitigations proposed. However, beyond year 15, the Conservation Officer has identified that the proposal will result in less than substantial harm to the setting of Old Halsnead Hall. This takes into consideration the maturing of the proposed landscaping. In coming to this view, regard has been given to the parameters of the hybrid consent. It is important to note that the level of impact will reduce over time as the planting continues to mature.
- 9.41 Paragraph 208 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.42 Paragraph 206 of the NPPF states that substantial harm to a grade II listed building should be exceptional and should require clear and convincing justification whilst paragraph 207 of the NPPF requires that development shall achieve substantial public benefits that outweigh the harm to the setting of the listed building.
- 9.43 The substantial harm to the setting of Old Halsnead Hall results from the proximity and intermittent limited visibility of unit 03 and the resultant loss of the open and woodland setting around this listed building as a direct result of the development, particularly between years 0-5 and less so between years 5-15. However, proposed landscaping, fencing, some tree retention and a lowered finish floor level for unit 03 helps to mitigate these impacts. Once this mitigation matures beyond 15 years the harm reduces to less than substantial. It is noted that 15 years is a considerable timeframe to wait for full screening to occur to fully mitigate setting impacts and this disbenefit has been weighed into the assessment of harm levels reported.
- 9.44 The proposal has a number of significant public benefits. The proposal will help to deliver an allocated strategically significant employment site which will help to meet the employment needs of the Borough during the Plan Period up to 2028. The proposal will help to meet the Local Plan Core Strategy's 'Spatial Strategy' which is identified within policy CS1. This policy states that the removal of Sustainable Urban Extensions identified by policies SUE1, SUE2 and SUE2c from the Green Belt will help meet the Borough's employment need whilst enabling other Green Belt areas to be maintained. The proposal will also help meet the Local Plan Core Strategy

economy and employment policy requirements which seek to provide sufficient land to meet employment development needs to 2028 as set out in policy CS4 of the Local Plan Core Strategy. This will also help achieve this policy objective of improving accessibility to a range of jobs whilst supporting sustainable economic growth.

- 9.45 The proposal will have significant economic benefits which in turn provide public benefits. The proposal is anticipated to generate approximately £53million in construction spending, provide approximately 200 construction jobs as well as providing construction trainee and apprenticeship opportunities. This includes opportunities for local people through the delivery of the previously approved Social Value Strategy.
- 9.46 During the operational phase, whilst the units will be subject to specific operators, using the Government's employment and density guide 3rd edition (2015) which was used for the hybrid application, the proposal could provide approximately 485-660 jobs. However, the units are speculative and so this figure is difficult to quantify. Nevertheless, a significant number of jobs would be created and this is a significant public benefit in favour of the development.
- 9.47 The proposal will also bring significant environmental benefits. The development will bring a vacant unused part brownfield site back into use (the part that formed Cronton Colliery) in a key gateway location. The developer also proposes to include a large number of photovoltaic panels on the units which will contribute to the site's environmental performance and the applicant has confirmed that the development is proposed to be constructed to net zero carbon in construction in line with the UK Green Building Council's UKGBC Net Zero Carbon Buildings Framework.
- 9.48 Additionally, the site forms part of a development agreement with The Land Trust and will help to fund the delivery of the adjacent Country Park which is proposed to be delivered by the Land Trust. The Country Park will bring associated benefits in terms of access to greenspace and improved opportunities for access to walking, cycling and equestrian routes which has positive health and wellbeing impacts. Again, these are significant public benefits.
- 9.49 Having regard to these constraints, the layout is well within approved parameters, provides 77,862 sq metres across three units (including the previously approved unit 02) in the outline area, meeting operational requirements to ensure a commercially viable scheme is constructed and ensures that appropriate biodiversity and landscaping mitigation can be provided. The layout is considered to incorporate the necessary requirements to deliver a commercial scheme.
- 9.50 The above identified substantial public benefits are considered to outweigh the substantial harm and less than substantial harm to the setting of Old Halsnead Hall. The levels of harm to the setting of the listed building are necessary to achieve these benefits having regard to the site constraints and the allocation status of the site.

- 9.51 S66 of the LBCA Act imposes a duty on LPAs when considering planning applications to preserve listed buildings or their settings or any features of special architectural or historic interest they possess. The Courts have asserted that 'preserving' means doing no harm. Paragraphs 200-203 of the NPPF also require the LPA to have special regard to the desirability of preserving listed buildings and their settings.
- 9.52 The hybrid consent included a full Construction Environmental Management Plan condition. However, further detail is required in relation to this reserved matters consent to allow the LPA to comply with its duty under s66 of the LBCA Act to preserve the adjacent listed building and to comply with the NPPF. It is recommended that this includes:
- Pre-commencement surveys of the listed building which includes assessment/recording of cosmetic damage as well as structural surveys;
 - A system for monitoring structural movements, stresses and strains on Old Halsnead Hall and details of who will undertake these works;
 - A scheme to demonstrate how the owner of the listed building may report damage during construction;
 - A schedule to demonstrate what steps will be taken should damage be found including stopping works and updated working methods;
 - Details of how any damage (from construction of units 03 and 04) will be rectified and timeframes for carrying out these works;
 - Post construction survey/assessment;
 - Evidence that the owner of Old Halsnead Hall has been consulted on the proposed preservation methods, that the owner's comments have been taken into account in the formation of the proposals, that all reasonable steps have been taken to secure the owner's agreement to the proposals and their consent to gain access to the listed building to undertake the above monitoring;
 - Details of locations and numbers of vibration monitoring equipment to be installed and how vibration information will be reported to the LPA;
 - Details of construction working methods relating to construction, piling and earthworks and details of any specific machinery likely to result in vibration impacts.
- 9.53 The Local Planning Authority must secure best practicable means to ensure that the listed building is protected from the effects of vibration from ground and construction works and a detailed condition in line with the points above is considered adequate to meet both the s66 duty to preserve the listed building as well as securing best practicable means.
- 9.54 One of the condition tests is that a condition must be reasonable and as some parts of the condition would involve the developer needing to access third party land (ie Old Halsnead Hall), the condition will require co-operation with the adjoining landowner. As such, the developer will be required to demonstrate evidence of engagement as part of the condition and that all reasonable steps have been taken to secure the owner's permission to carry out monitoring and survey work involving access to

their land. The developer has agreed to the principles above to be delivered in the form of an updated CEMP condition.

- 9.55 It is noted that more detailed safeguards and legal/financial protections have been requested by one objector. This objection states that the planning process should set clear liability frameworks and offer financial/legal guarantees for any potential damages. Other financial and legal protections requested by an objector relate to the requirement for a construction bond, facilitating the taking out of specific heritage insurance, independent monitoring, the setting of a compensation framework and/or ensuring interested parties enter into binding agreements on liability. However, these are all private law matters which cannot be taken into account in the planning process.
- 9.56 The recommended updated CEMP is an acceptable approach to secure safeguards to protect the adjacent Old Halsnead Hall during the construction process and would enable the LPA to comply with its s66 duties in regard to the construction process. If the developer then did not follow the CEMP, this would be an enforcement matter. If further damage occurred despite full compliance with the CEMP, this damage would then be a civil matter.
- 9.57 The Conservation Officer is satisfied for the most part; the impact of the development will be less than substantial in c 15 years' time. The combined retention of existing trees and the introduction of new trees along with a timber fence will ensure the impact on the setting of the listed building will be less than substantial once the tree planting screen has matured in c 15 years. The proposed landscaping should reinstate a semi parkland setting for the Grade II listed Old Halsnead Hall from most viewpoints during Summer and Winter and in most summer viewpoints, the proposed landscaping would be quite effective by year 5. The exception to the above is Winter viewpoint 25 (taken from Old Halsnead Hall's front driveway area looking south) and to a less extent, viewpoint 26 (taken from close to the front elevation of Old Halsnead Hall and looking east towards the east elevation of proposed unit 03). These show the development will be visible in the Winter months. The revised lighter grey colour palette for the east facing elevation will reduce the impact. The proposed development does harm the setting of the listed building from these Winter viewpoints in a more substantial way than in other viewpoints.
- 9.58 As such, it is considered that the harm to the setting of Old Halsnead Hall is necessary to secure identified substantial public benefits and these are considered to outweigh the harm to the setting of Old Halsnead Hall. If members are minded to grant consent the identified harm can be mitigated via the following planning conditions: landscaping provision together with a timetable for implementation; any planting failures within 5 years should be replaced; provision of a 2m high fence with climbers; the side elevation facing Old Halsnead shall be light grey with a sample material to be submitted and approved by the LPA.; submission of an updated CEMP to avoid harm to the fabric of Old Halsnead Hall.

- 9.59 Subject to the above conditions, the proposal is considered to comply with the NPPF having particular regard to the tests sets out in paragraphs 206 and 207, and policy CS20 of the Local Plan Core Strategy. In coming to this view regard has been given to the Halsnead Masterplan SPD and the Planning Practice Guidance. It is considered that, subject to conditions, the Local Planning Authority meets their duties under Section 66(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Landscaping and Tree Impacts

- 9.60 Policy CS19 of the Local Plan Core Strategy states that to enhance local distinctiveness and identity of places, new development will be expected to respond to and integrate positive characteristics of immediate surroundings and complement and enhance where possible, existing landscape, topography and green infrastructure. Policy CS2 of the Local Plan Core Strategy states that development should understand and respect the character and distinctiveness of places and landscapes. Policy CS8 of the Local Plan Core Strategy seeks to preserve the character and function of historic environments.
- 9.61 Policy CS21 of the Local Plan Core Strategy seeks to enhance and protect existing trees, woodland, vegetation and other habitat features that offer a positive contribution to the local environment whilst seeking tree planting and other soft landscaping. Where tree loss cannot be avoided, policy CS21 seeks replacement tree planting on a two for one or one for one basis having regard to appropriate tree species and size. Saved policy DQ4 of the Knowsley UDP seeks to protect those trees that contribute positively to amenity, incorporate integral planting within new developments and make adequate provision for replacement planting either on or off site.
- 9.62 The principle of development has already been established for the wider masterplan area through the hybrid application and the tree loss is broadly consistent with the loss consented under the hybrid consent. This included a financial contribution of £89,735.59 to mitigate against tree loss which was included within the ecological mitigation contribution requirements delivered via s106. Wider tree planting across the scheme, including within the country park, is proposed. Objectors have raised concerns about the change in landscape character from rural to industrial. However, the site is allocated for employment uses and the change of landscape character was consented through the hybrid permission and through release of the site for development as part of the local plan process.
- 9.63 The hybrid consent did not approve the loss of the full area of trees within G1, which are protected by a Tree Preservation Order reference 64/00001/TPO which lies adjacent to Old Halsnead Hall to the northeast area of the site. The committee report with the hybrid application stated that the loss of the protected trees between Old Halsnead Hall and the proposed adjacent unit were not supported at that time and that trees of high value should be retained. The trees within G1 include Holly, Elder, Hawthorn, Pine, Sycamore and Oak trees, considered to be in a fair condition.

- 9.64 The proposed development will result in the removal of one poor quality Oak from G14 which lies to the southwest boundary of the site. However, the Category B Oak within G14 is being retained. There are some young C category trees in G14 that are also proposed to be removed, and this will secure the longevity of those higher category trees being retained in G14. Two trees within G4 (Oaks in fair to good condition) are also proposed to be removed to accommodate unit 03 and these are located to the northeast corner of the site within the footprint of proposed unit 03. In relation to G16 (located to the north of G1), this vegetation is young and self-set, forming a stand of predominantly scrub. Proposed landscaping works offer mitigation and improve screening at site boundaries.
- 9.65 The Council's Arboricultural Officer has confirmed that the proposal is acceptable but did originally request that some trees within G1 are retained. The applicant has amended the scheme to accommodate this which is welcomed. Whilst some TPO trees within G1 will still need to be removed to accommodate unit 03, the retention of the category B trees within the buffer zone will retain good soil structure which will facilitate future establishment of new planting. Those trees proposed for removal within G1 have been assessed as being of fair physiological and structural condition and their loss is acceptable having regard to the extent and size of the proposed tree planting and landscaping.
- 9.66 Objections received centre on the time taken for proposed landscaping to establish and the fact that only summer views were presented. Winter views have now been provided and carefully considered. The amendments discussed in the heritage section of the report in relation to the buffer zone and the wider landscape planting proposals are considered to result in an acceptable landscaping scheme incorporating deciduous, evergreen and semi-evergreen species in sensitive locations.
- 9.67 A hard landscaping management plan is also recommended to secure management details of the hard landscaped areas to include fencing such as the proposed fencing alongside the M62. There is a landscaping and habitat management condition on the hybrid permission (condition 56) which was imposed in the interests of ensuring the ecological mitigation is delivered and appropriately managed and this would apply for all phases within the outline area of any subsequent reserved matters applications. The buffer zone and hard landscaped areas management plan would be required in the interests of visual amenity and to preserve the setting of the listed building and as such are recommended as stand-alone conditions.
- 9.68 A further condition is recommended to secure updates to the Arboricultural Method Statement (AMS) to address the installation of any fence posts adjacent to the boundary with Old Halsnead Hall to include measures such as hand digging in order to ensure that the roots of trees are not harmed by the installation of the fence. Retaining wall details are also required. Conditions are also recommended to ensure the development is carried out in accordance with the AMS and Arboricultural Impact Assessment as well as the provision of 5 days' notice before tree protective fencing is erected.

- 9.69 In terms of the tree loss across the site, the s106 secured as part of the hybrid permission dealt with both biodiversity net gain and tree loss. The replacement landscape planting is acceptable. The proposed landscaping is acceptable in terms of species and size.
- 9.70 The Environmental Sustainability Service (ESS) has raised concerns about the SUDs attenuation pond, which they consider to be steep, requires the addition of a maintenance strip, and has proposed fencing around it. Whilst not a publicly accessible area, fencing around the SUDs is acceptable. The SUDs plans have been updated to include SUDs habitat shelves and more aquatic habitat. There is no policy requirement for a specific maintenance strip and the applicant has stated that the SUDs are appropriately designed to serve the development. On these grounds, it is acceptable.
- 9.71 ESS has raised concerns about the levels changes up to the ancient woodland buffer and has requested that the slope is graded without encroachment into the buffer zone. It is recommended that a condition is imposed to secure a proper graduated slope from the earthworks into the buffer area so it can be naturalised and tie in well. Subject to this condition, it is considered that an appropriate 15metre buffer can be achieved with the Ancient Woodland to the west of the site.
- 9.72 In summary, it is considered that the scheme incorporates good structural landscaping of appropriate species and size which will mitigate the impacts of the development, ensure the proposal has acceptable impacts on visual amenity by facilitating screening which will mature at 15 years but will also offer mitigation before then. The landscaping will ensure that the development can adequately integrate with its surroundings from a landscape perspective. The harm, in terms of heritage impacts and harm to the setting of the listed building, are considered separately. The proposal complies with policies CS2, CS8, CS19 and CS21 of the Local Plan Core Strategy and Policy DQ4 of the Knowsley UDP.

Noise and Residential Amenity

- 9.73 Saved Policy ENV2 of the Knowsley UDP seeks to ensure that new or existing developments are protected from new or existing noise sources and that, where necessary, effective mitigation measures are secured. Policy CS2 sets out development principles which require new development to recognise environmental limits, enhance local character and promote quality of place by minimising negative impacts upon noise, ensuring any negative impacts are appropriately mitigated. Additionally, Policy CS19 of the Local Plan Core Strategy sets out that new development will be expected to maintain a good standard of amenity for all existing occupants by avoiding unacceptable impacts on existing residents which includes noise impacts.
- 9.74 The NPPF requires at paragraph 180 that *'planning and decisions should contribute to and enhance natural and local environment by:preventing new and existing development from contributing to, being put at*

unacceptable risk from, or being adversely affected by, unacceptable levels of ...noise pollution'. Furthermore, paragraph 191 states that 'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects ...of pollution on health'....and 'living conditions' by mitigating and reducing to a minimum, potential adverse impacts resulting from noise from new development and avoiding noise giving rise to significant adverse impacts on health and quality of life'.

- 9.75 The NPPF requires decisions to mitigate and reduce to a minimum, other adverse impacts on health and quality of life arising from noise from new development, including through use of mitigating planning conditions. The NPPF also states that decisions should seek to identify and protect areas of tranquillity which have remained undisturbed by noise and are recognised for their recreational and amenity value for this reason. The National Planning Practice Guidance requires decision making to take account of the acoustic environment and consider whether or not a significant adverse effect is occurring or is likely to occur, whether or not an adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved.
- 9.76 The applicant has submitted a Noise Impact Assessment and a Technical Note relating to noise. There are noise-sensitive receptors (residential properties) to the east of unit 03 who will be most sensitive to any noise associated with the proposal. Environmental Health have reviewed this information, having regard to the cumulative impacts associated with the development of units 03 and 04, and have raised no objections subject to the imposition of conditions. It is noted that concerns have been raised by an objector that one of the noise assessments relies on data collected a number of years ago and since that time, there has been a significant increase in noise levels due to unit 1 becoming operational. Therefore, the objector stated that a re-assessment would be necessary. However, the earlier noise assessment would make the assessment more robust as background noise levels would have been lower before unit 01 became operational. If the noise data was updated, this would result in unit 1 being considered within the ambient/background noise levels. EH therefore did not consider that a re-assessment would be necessary.
- 9.77 Objections have been received from local residents relating to noise and concerns have been raised that the units will have a detrimental impact on residential amenity. Concern has also been raised about whether consideration has been given to single glazed windows on one of the adjacent residential properties (the listed building). It is noted that the design and layout of unit 03 places the service yard to the far side of the unit, further away from residential properties.
- 9.78 The applicant's assessment indicates that predicted noise rating levels fall below the existing typical background sound level during daytime periods within the closest garden areas and concludes that no mitigation measures are required. This assessment includes use of the car park. With windows open the daytime internal noise levels are predicted to be 35dB whilst at night predicated levels are 29dB, both of which are at, or within, World

Health Organisation guidelines. It is noted that the Noise Guidance BS4142 applies to the likely noise impact of industrial and commercial noise sources at noise sensitive properties and so this does not apply to the country park but given the highest predicated specific noise levels are expected to be 46dB, this achieves the upper criterion for garden areas at dwellings and as such is acceptable. The predicted noise rating level achieves or falls below the typical measured background sound level during the night-time period at all receptors.

- 9.79 Environmental Health have confirmed that the predicted noise impacts are within WHO guidelines, when having regard to single glazing on an adjacent property. The applicant's Noise Assessment states that 'with single glazed units, a sound reduction of 25dB is expected. The highest specific noise level predicated here is 45dB. With (closed) single glazed windows, internal noise levels are expected to be 20dB, which fall well below the daytime and night-time criteria. With windows open, internal noise levels are predicted to be 35dB during the day and 29dB at night, both achieving the criteria'.
- 9.80 In order to protect residential amenity, Environmental Health have recommended that a noise condition is imposed that requires the submission of a scheme to control noise emanating from the site, based on a noise assessment that suitably characterises the noise climate. This condition is recommended to include an operational noise limit condition restricting the rating level of external plant during the nighttime periods, such that it does not exceed 32dB at the closest receptor (Old Halsnead Hall) having regard to tonality. Daytime external plant shall have a limit of 40dB at the closest receptor. This condition is also recommended to include an Operational Noise Management Plan that details noise management and mitigation measures under which the units will operate.
- 9.81 In relation to the car park at the side of unit 03, Environmental Health have confirmed that the assessment considers the worst-case scenario with the assessment using the accelerating HGV noise for the equivalent of an accelerating car. The assessment identifies that the maximum noise levels associated with the development are below the WHO guidance and no adverse impact is expected. However, Environmental Health have recommended a condition is imposed to secure a road mitigation scheme for the access road adjacent to Old Halsnead Hall, which shall include a 20mph speed limit and the inclusion of chicanes to prevent cars speeding along the road to access the car park. This will ensure no HGVs can access the road to the car park. The applicant has agreed to this condition.
- 9.82 Environmental Health have stated that the noise from the outdoor seating area is difficult to assess as the noise source would be subjective depending on who is using the shelter at the time. The applicant has agreed to moving the outdoor area to the rear of unit 03 and it is recommended that the final details are controlled by condition.
- 9.83 In order to mitigate for any noise impacts, Environmental Health have recommended that a number of planning conditions are imposed. This includes the submission of a scheme specifying the provisions to be made

for the control of noise emanating from the site. This can be achieved through the submission of an Operational Noise Management Plan which will also need to include a Noise Mitigation Plan.

- 9.84 A condition has been requested that requires, prior to the installation of any fixed plant or machinery, submission of details along with the acoustic specification and a noise assessment, to confirm that the development achieves a level at least 5dB below LA90 background noise levels. As this condition was included for any reserved matters phase of development on the hybrid consent, there is no need to duplicate the condition and the hybrid condition 60 is considered sufficient to control for fixed plant noise.
- 9.85 Subject to the above conditions, the proposed development is considered to have acceptable noise and residential amenity impacts, and the proposal complies with policies CS2 and CS19 of the Local Plan Core Strategy, Policy ENV2 of the Knowsley UDP and the NPPF.

Residential amenity during construction

- 9.86 Condition 37 of the hybrid consent requires a CEMP to be submitted for all subsequent reserved matters applications. However, there is no requirement for piling or other construction method details to be submitted for subsequent reserved matters applications and therefore this condition is recommended to be imposed combined with any requirements to protect the adjacent listed building. This is discussed further in the heritage section of the report.
- 9.87 The imposition of the above condition is required to protect residential amenity of nearby properties (with regard to noise and vibration) in accordance with policies ENV2 of the Knowsley UDP, policies CS2 and CS19 of the Local Plan Core Strategy and the NPPF. It is important that vibration monitoring is carried out at the earliest point and the location of vibration monitors will need to be agreed prior to any earthworks or piling commencing.

Lighting in the context of Residential Amenity

- 9.88 Local Plan Core Strategy Policy CS19 requires new development to maintain a good standard of amenity for all existing and future occupants by avoiding unacceptable impacts from light pollution. Knowsley UDP Policy ENV3 also sets out that development requiring external lighting must ensure any lighting is the minimum required for the task, ensure there will be no unacceptable impact on visual amenity in the surrounding area, have no unacceptable impact on road safety and ensure there is no unacceptable loss of residential amenity. The NPPF states that by 'encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity'.
- 9.89 The hybrid consent included a lighting condition which required the applicant to submit details of lighting for any subsequent reserved matters

consents. The applicant has submitted an External Lighting Planning Statement with their application. This has been reviewed by Environmental Health who have confirmed that lighting impacts associated with the proposal are acceptable given the lighting plan shows lighting luminaire will not unduly affect residential amenity due to lighting lux levels being zero at property boundaries.

- 9.90 Objections have been raised about the impacts of headlights on residential amenity. The source of the headlights is from the estate access road which was given full planning permission under the hybrid consent, as HGVs and other vehicles approach units 1,3 and 4, and headlights from the car park and associated access. The gradient of the access road means that vehicle headlights shine into first floor residential property windows. This application can only consider lighting impacts associated with the reserved matters to which this application relates and not impacts associated with unit 1 and the hybrid consent.
- 9.91 The applicant submitted a desktop review of headlight impacts from vehicles within the boundary of the reserved matters application site area around units 3 and 4 to determine whether it would be geometrically possible for headlights within the reserved matters site to impact on neighbouring residential properties. The review assumed that vehicles would use low beam headlights on their approach. This review concluded that it was unlikely that light emitted from vehicle headlights within the reserved matters application area would reach neighbouring residential windows and vehicular headlight spill is not considered to be a concern for neighbouring residential properties from the reserved matters site area. This had regard to levels within the site, embankment areas and the maximum vertical elevation of the headlights. Environmental Health concur that lighting impacts from vehicle headlights associated with units 3 and 4 would not cause unacceptable harm to residential amenity.
- 9.92 In terms of the headlight impacts from the estate access road from Cronton Road which heads south to north towards units 3 and 4, it is acknowledged that the additional units will lead to more vehicles using the road to access these units. However, it is not considered that a condition could be imposed to mitigate the effects on neighbouring homes from light spill from the access road and use of a condition in these circumstances would be considered 'ultra vires'. This is because the hybrid application consented the estate access road serving unit 1 and up to the boundary of the reserved matters site and there are no restrictions on the number of vehicles using this road. The reserved matters consent introduces an east west continuation of this access road and as such will not result in additional impacts on residential amenity from headlights.
- 9.93 That said, the developer is working with local residents to mitigate the existing impacts from headlights of vehicles using the estate access road. The developer is exploring options and looking at a multi layered approach

to try to introduce barriers and landscaping to prevent lighting overspill. The lighting impacts on residential amenity, associated with the reserved matters application, are acceptable and comply with policies CS2 and CS19 of the Local Plan Core Strategy, policy ENV3 of the Knowsley UDP and the NPPF.

Overshadowing, overlooking and dominance in the context of residential amenity

- 9.94 Policies CS2 and CS19 of the Local Plan Core Strategy also apply here. Objections have been raised that the proposal will lead to overdominance, overshadowing, loss of privacy/overlooking and loss of light. The loss of light objection makes specific reference to the Right to Light Legislation. This objection raises concerns about the number of hours of sunlight that will be lost because of the development throughout the year and the resulting health impacts.
- 9.95 A right to light is an easement which means that the owner of a building with windows that has received natural daylight for 20 years or more is entitled to prevent any obstruction or construction on neighbouring land that would block the light so as to deprive them of adequate illumination through those windows. However, this is a civil matter and case law has noted that the existence or absence of private rights of light was an irrelevant consideration in determining a planning application.
- 9.96 However, overshadowing, loss of privacy and overbearing or dominance impacts are capable of being material planning considerations. The development introduces a building (unit 03) set in total 17.479m to the roof apex, as measured from ground level. The haunch height is proposed to be 15m. There is also a reduction in the finished floor levels of unit 03 to reduce the impact on the neighbouring properties. The height above ground floor level of the adjacent land will be c. 13m although the proposed 2m high fencing on the boundary with Old Halsnead Hall will reduce views of a small element of this elevation. The fencing will also prevent the eyeline from taking in more of the elevation where the proposed finished floor levels fall away to the lower proposed finished floor level of unit 03.
- 9.97 Unit 03 is located approximately 60 metres away from the side elevation of Old Halsnead Hall and, at its closest point is around 41 metres from the side garden curtilage of Old Halsnead Hall. Due to the garden boundary and the siting of proposed unit 03, the unit is set further away from the curtilage when measurements are taken adjacent to the rear garden area. As a comparison, separation distances for housing are set at 22metres between habitable room windows facing each other and 12metres for habitable room windows facing blank elevations. The separation or interface distance is then recommended to rise by 3m for every floor added. If the warehouse building equates roughly with a 4-storey flat building, when taking into account the drop in the finished floor level for unit 03, the distance of the building in a residential situation could be expected

to achieve a minimum separation of 28 metres from the side elevation, assuming a habitable room window to habitable room window relationship, which this is not.

- 9.98 There is a ground floor west-facing habitable room window in the side elevation of Old Halsnead Hall and outbuildings on the west side of the garden. The front elevation and rear elevations of Old Halsnead Hall and the habitable windows of these elevations will have obtuse angled views towards proposed unit 03. This unit proposes to have an office and reception area of multiple floors which are served by floor to ceiling windows in the corner of the northeast facing elevation. The viewpoints show the imagery of the proposed unit 03 as seen from the front garden area of Old Halsnead Hall as well as other viewpoints looking both towards the buffer zone from inside the development site and from Old Halsnead Hall looking towards unit 03.
- 9.99 Separation distances between the proposed development and Old Halsnead Hall are substantially more than what would be expected in a residential situation, having regard to the siting, viewpoint angles and orientation of unit 03. The east facing elevation of proposed unit 3 also includes some limited frame curtain walling with infill clear glazing panels. However, it is not considered these would introduce unacceptable levels of overlooking or loss of privacy having regard to the separation distance, the layout and siting of the unit, the proposed boundary screening and the proposed levels.
- 9.100 Whilst this is a different relationship, the guidance offers an insight into what would be acceptable in this scenario where overlooking residential windows face each other, in the absence of prescriptive guidance for industrial units. Proposed unit 03 exceeds this interface distance and where there is office windows proposed, the obtuse angle between the corner of Old Halsnead Hall and the proposed office windows measures around 94m whilst the distance to the garden boundary measured from the office windows measures c66m.
- 9.101 As such, the proposal will not result in unduly detrimental levels of overshadowing, overbearing or over dominance and it is not considered that the proposal will result in loss of privacy, overlooking or enclosure impacts that would be unduly detrimental to residential amenity. The residential impacts are therefore considered to be acceptable having regard to impacts on private amenity space and habitable rooms.
- 9.102 The applicant has submitted an Overshadowing Assessment with their application as required by condition 51 of the hybrid consent. The Overshadowing Assessment considers the impact of units 03 and 04 in relation to residential gardens adjacent the site. This assessment noted that whilst there are a number of trees within the gardens, any overshadowing effects from these trees have not been taken into account. This assessment has regard to the BRE Guidelines and concluded that 'any loss in sunlight to the gardens to the north are considered unlikely to be noticeable' and the 'sun exposure images'....'show no material change in the amount of sunlight received within the gardens on the 21st March

(also applicable for 22nd September equinox) and 21st June; the gardens retain in excess of 6 hours of sunlight within the vast majority of their area, with a small area of self-shading in both the existing and proposed scenarios to the north of their properties.' As such, all gardens retain very good levels of sun exposure at the equinoxes and Winter and Summer solstice because of units 03 and 04.

- 9.103 On the basis of the above, it is not considered that the application could be refused on the grounds of overshadowing, loss of light, overbearing, loss or privacy or over dominance. The proposed impacts on residential amenity in this regard are acceptable.

Ecology

- 9.104 Policy CS8 of the Core Strategy aims to ensure that new development protects and enhances biodiversity, including the protection of designated sites, priority habitats and protected and endangered species. This is consistent with the aims of the NPPF. The application is accompanied by Landscaping drawings, a bat and bird box scheme, Arboricultural Impact Assessment, a Biodiversity Mitigation Strategy, a Bat Favourable Conservation Status Mitigation Strategy and a Biodiversity Net Gain Assessment.

Habitat Regulations

- 9.105 The proposals include the destruction of a known bat roost and the loss of further potential roost habitats and as such the Habitat Regulation 53 three tests are engaged. Developments affecting European protected species must be assessed by the Local Planning Authority against the three tests set out in the Habitats Regulations prior to determination. The three tests are considered below:

Test 1: Regulation 53(2)(e): *'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'*.

- 9.106 The site will substantially help deliver an allocated employment site identified to meet Knowsley's employment needs for the Local Plan period. The proposal has substantial economic benefits and will provide local employment in the area, including jobs during the construction process. The proposal will also contribute towards delivery and maintenance of 25 hectares of high-quality habitat that will be managed specifically for the benefit of the community and biodiversity (the adjacent Country Park), particularly protected species (bats, Water vole, breeding birds, protected amphibians). The bat roost must be destroyed and replaced to enable the development to proceed and its social, economic and environmental benefits to be realised. This test has been satisfied.

Test 2: Regulation 53(9)(a): *"that there is no satisfactory alternative"*.

- 9.107 The tree must be removed to enable the erection of the industrial development to ensure the scheme can be realised. This test has been satisfied.

Test 3: Regulation 53(9)(b): “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

- 9.108 A bat day roost was recorded in a single tree. Provided the mitigation strategy as set out in submitted ‘Reserved Matters 3 – Bat Favourable Conservation Status Mitigation Strategy’ February 2024 is secured by planning condition the proposals will not be detrimental to maintaining the local bat population at a favourable conservation status. With this mitigation this test has been satisfied. MEAS has recommended that a condition is imposed to secure delivery of the bat mitigation strategy in line with the approved document.
- 9.109 The above assessment of the three tests demonstrates that the Local Planning Authority has engaged with the Habitats Directive and the three tests can be met. As the proposal involves the destruction of a bat roost, the applicant will require a Natural England European Protected Species Licence pursuant to Regulation 55 of the Conservation and Habitats and Species Regulations 2017. Whilst MEAS has recommended that a condition is imposed requiring a copy of the licence is issued to the LPA, planning should not replicate requirements of other legislation and on this basis, an informative will be included informing the applicant of the need for a Natural England licence.

Ecological Mitigation

- 9.110 10.22 habitat units will be lost because of the development. Compensation will be delivered via a financial contribution which is defined within the s106 for the hybrid as £11,00 per unit. The total sum therefore that will need to be provided to Knowsley Council for habitat compensation in relation to the proposal is £112,420 (excluding any interest).

Biodiversity Mitigation Strategy and Ecological Management Plan

- 9.111 The applicant has submitted a Biodiversity Mitigation Strategy to satisfy condition 48 on the hybrid consent. This includes various mitigation proposals including pre-commencement checks for nesting birds and badgers, a strategy to avoid harm to amphibians and hedgehogs and submission of a bat and bird box scheme. Condition 48 of the hybrid consent secures delivery of the biodiversity strategy for the reserved matters site area. The bat/bird nesting boxes will need to either be erected prior to first occupation or within a previously approved timetable for implementation. This can be conditioned separately.
- 9.112 The ecology report states that a detailed 30-year management and monitoring plan will be produced for units 3 and 4 and adjacent retained woodland will be enhanced. This is acceptable and the production of a

detailed Landscape and Habitat Management Plan which covers management of the site will need to be submitted to satisfy condition 56 of the hybrid consent.

Breeding Birds

- 9.113 As vegetation may provide nesting opportunities for breeding birds which are protected by Core Strategy Local Policy CS8, it is usually recommended that there shall be no vegetation clearance during bird breeding season and if works during this time are necessary, then a pre-start breeding birds check should be undertaken by a suitably experienced ecologist. The Biodiversity Mitigation Strategy secures a check for nesting birds. Other wildlife legislation deals with protection of nesting birds and therefore no further conditions are necessary.
- 9.114 As the proposed development will result in the loss of bird breeding habitat, condition 48 of the hybrid consent will seek to mitigate for this loss (as well as bat boxes), through the Biodiversity Mitigation Strategy. A timetable for implementation of the bat/bird nesting boxes is recommended via condition or all boxes shall be erected prior to first occupation.
- 9.115 Subject to the imposition of the above condition, the proposal is considered to have acceptable impacts on biodiversity, protected species and habitats. The Construction and Environmental Management Plan on the hybrid consent (which relates to each reserved matters application) will help to mitigate the main environmental impacts during construction. Existing conditions on the hybrid consent which relate to any reserved matters consent will also ensure that biodiversity impacts are appropriately mitigated for this development. On this basis, the proposal complies with Core Strategy Local Plan Policies CS2 and CS8 and the NPPF.

Highway Impacts

- 9.116 Policy CS7 of the Local Plan Core Strategy seeks to promote accessible developments, sustainable modes of travel and reduction of carbon emissions whilst ensuring adequate on-site parking is incorporated within new development. This policy seeks to ensure development impacts are acceptable in highway safety terms. Principle 3 seeks to reduce the need to travel, especially by car and promote the use of sustainable modes of travel through encouraging the use of public transport, walking and cycling. Policies SUE2 and SUE2c of the Local Plan Core Strategy require developments to provide good transport linkages and accessible developments with clear routes for walking and cycling.
- 9.117 Policy CS19 of the Local Plan Core Strategy promotes the delivery of accessible places and seeks to ensure new developments provide safe, secure and convenient routes for movement, to meet the needs of all users. Policy T7 of the Knowsley UDP seeks to ensure new development promotes access to green corridors to encourage healthy living and exercise and policy T10 seeks to ensure adequate access for the less mobile is provided in new developments.

- 9.118 It is noted that concerns regarding traffic generation, congestion, highway safety issues and use of village roads as 'rat runs' in connection with the development have been reported. However, the number of vehicles accessing the site and subsequent impacts associated with this including impacts on surrounding villages are matters concerning principle and these were dealt with as part of the hybrid consent. This application can only consider the reserved matters which include highway safety impacts resulting from the layout of the proposal.
- 9.119 For unit 03, the proposal includes the provision of 277 car parking spaces of which 14 are accessible spaces and 56 have electric vehicle charging points. The site includes the provision of 39 HGV spaces, 13 motorcycle parking spaces, 100 cycle parking spaces across 10 shelters and 6 active cycle parking spaces within a shelter. Unit 04 consists of 194 parking spaces which includes 10 accessible spaces and 39 EV charging points, 32 HGV parking spaces, 10 motorcycle parking spaces, 80 cycle parking spaces within 8 shelters and 6 active cycle parking spaces within one shelter.
- 9.120 The Highways team have been consulted as part of this application and have raised no objections to the proposal. The proposed alignment of the spine road has been updated to match previous geometry in relation to the northwest corner for the 2022 reserved matters consent for unit 02. A visibility splay condition can secure the forward visibility in perpetuity and a condition is recommended to secure adequate visibility splays of 2.4 by 70m at the loop road access junctions.
- 9.121 The detailed design of the continuation of the loop road up to the mineral line crossing to the southwest of the site is recommended to be agreed by planning condition. This is because there is a requirement to tie into the corresponding section of the road on the adjacent plot, which is yet to be designed. These loop road spur condition details will require submission of the proposed road ground level and levels details for any regraded land; construction details of the road; details of highway drainage; details of highway lighting; indicative details of how the road will cross the former mineral line and connect to the development site to the south; forward visibility splays in accordance with approved details. The loop road spur will need to be submitted prior to first occupation of the last constructed unit and the construction of the loop road spur shall be implemented in accordance with a previously agreed timetable for implementation. In the interim period, a turning circle will be provided in accordance with previously approved plans. The turning circle details can be secured via condition.
- 9.122 Finally in the interests of highway safety, conditions are recommended to ensure that the areas set aside for parking, servicing and vehicle manoeuvring have been surfaced, drained and permanently marked out or demarcated in accordance with the approved plans for each unit. The cycle parking sown shall also be provided in accordance with the submitted details and this is secured by the same condition for each unit.

- 9.123 A condition requiring the submission of a travel plan is recommended by National Highways as well as a condition requiring the provision of a close boarded fence of not less than 2m, to be erected along the northern boundary of the development site alongside the M62, or within at least one metre from any part of the existing motorway fence where the boundary lies within one metre of this. A condition is also recommended to secure the submission of the technical reports required by the Design Manual for Roads and Bridges CD622 – Managing Geo-Technical Risk and the submission of a detailed construction working method statement, including a Risk Assessment Method Statement which shall relate to site development earthworks and drainage alongside the M62.
- 9.124 The proposal includes cycle parking and electric vehicle charging points whilst the hybrid application introduced public transport infrastructure including new bus stops and associated works. There is a requirement on the hybrid application for the developer to submit a travel plan for each unit and conditions also seek to secure the cycle parking and EVCPs within the site.
- 9.125 Subject to the above conditions, the proposal is acceptable in highway safety terms. The proposal would not compromise the safe operation of the local highway network for the reasons set out above. As such, subject to these conditions, the proposal is considered to comply with the NPPF, policies SD1, CS2, CS7, SUE2, SUE2c and CS19 of the Knowsley Local Plan: Core Strategy, saved policies T7 and T10 of the Knowsley UDP and Ensuring a Choice of Travel SPD.

Crime and Anti-Social Behaviour

- 9.126 Policy DQ2 of the Knowsley UDP requires developments to be designed to provide good levels of security. This policy promotes good levels of natural surveillance and landscaping schemes that avoid providing potential hiding places whilst also providing defensible space. Local Plan Core Strategy Policy CS19 seeks to establish a good standard of amenity for existing residents and to respond to the surroundings of the area.
- 9.127 The proposal includes features that will prevent inappropriate access such as fencing, landscaping, gates and gatehouses. There will be lighting around the buildings including within the car park and service yard areas. The layout avoids places of concealment and provides clearly defined routes for movement as well as secure storage for cycles and maximising areas of natural surveillance where possible. It is considered that the scheme complies with saved Policy DQ2 in the Knowsley UDP and Policies CS2 and CS19 of the Local Plan.

Waste

- 9.128 The CEMP on the hybrid application deals with waste during the construction phase and as such accordingly complies with Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National

Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49). The submitted plans, including bin store details are considered to be acceptable and compliant with policy WM9 of the WLP, the NPPF and the Planning Practice Guidance.

Surface Water Drainage and Flood Risk

- 9.129 Policies CS2 and CS24 of the Local Plan Core Strategy seek to ensure that development will not cause any unacceptable risk of flooding, and that surface water will be drained in a safe and sustainable manner. Policy CS22 of the Local Plan Core Strategy requires new developments to incorporate sustainable design including flood resilient design. This is reiterated in the NPPF. The principle of developing on this site were dealt with as part of the hybrid consent.
- 9.130 The applicant has submitted drainage construction details that accord with the above policies. Condition 52 and 53 of the hybrid consent deal with drainage of the reserved matters areas and the Environment Agency, UU and the LLFA have all raised no objections to the drainage conditions being discharged in so far as they relate to units 3 and 4. As such, the proposal complies with policies CS2, SUE2 and CS24 of the Local Plan Core Strategy and the NPPF.

Contaminated Land and Land stability

- 9.131 Saved Policy ENV5 of the Knowsley UDP seeks to ensure that development does not occur on contaminated sites that could place future users at risk from contaminants within the ground. This policy also seeks to ensure that adjacent land occupiers, ecological systems and ground water are also not at unacceptable risk from contamination. This is reiterated within the NPPF.
- 9.132 Detailed contaminated land conditions were imposed on the hybrid consent and these conditions appropriately deal with remediation of the site to facilitate the safe development of any units considered under subsequent reserved matters applications.
- 9.133 The Mining Remediation Authority (formerly the Coal Authority) have been consulted in relation to this planning application. The hybrid permission included a condition which required submission of remediation works and/or mitigation measures to address any land instability or mine gas arising from coal mining legacy prior to commencement of any subsequent reserved matters applications. This mitigation would then need to be carried out in accordance with the approved details to ensure a safe and stable development is delivered.
- 9.134 The applicant has submitted a report entitled 'Specification for the Stabilisation of Shallow Mineworkings' in connection with the reserved matters application. There are no coal mining legacy features to dictate the layout in this case and the details of the remediation works have been

found to be acceptable in principle by the Mining Remediation Authority. On this basis the Mining Remediation Authority has confirmed that they have no objections to the proposal. The condition on the hybrid permission requires works to be carried out in accordance with the mitigation works put forward and subject to this occurring, the proposed development will be capable of complying with the NPPF and policies of the Local Plan Core Strategy in relation to land stability. Subject to compliance with the planning conditions on the principal permission (condition 40), the proposal will result in a safe and stable development and the proposal is considered to comply with policies CS2 and CS25 of the Local Plan Core Strategy, Saved Policy ENV5 of the Knowsley UDP and the NPPF.

Comments on Objections (not addressed above)

- 9.135 An objection has been raised that the proposal will contravene Article 8 of the Human Rights Act which states that everyone has a right to respect for their private and family life and their home. Public authorities shall not interfere with this right except as in accordance with the law as necessary in a democratic society. Article 8 rights are a material planning consideration and should be respected but the rights are not guaranteed and must be balanced against all other material considerations. This is a planning judgement. Subject to planning conditions, the development is not considered to result in unacceptable impacts on residents' private and family life or their home life, nor is it considered that the development will contravene article 8 of the Human Rights Act.
- 9.136 An objection has been raised concerns that the restriction of sunlight related with the development will lead to increased energy costs due to increased use of artificial light and loss of solar gain. The objector has requested that an independent assessment of energy cost increases is submitted in connection with the proposed development. In addition to this, the objection details that the proposal will fail to comply with the NPPF in that the resultant increase in neighbouring property energy costs will not be consistent with the policies seeking to limit climate change and will not achieve economic sustainability objectives due to resultant increases in energy costs.
- 9.137 Any potential perceived increases in energy costs resulting from the development is a nuisance and a civil matter, and assisting with private matters of law is not a matter for planning to consider in connection with a planning application. On this basis, this is not considered to be a material planning consideration.
- 9.138 Planning policies and guidance embed economic sustainability and energy efficiency/carbon reduction. Additionally, PAS2080 (Carbon Management in Infrastructure) promotes use of low carbon materials and products, innovative design solutions and construction methods to reduce resource consumption which is reiterated in Waste policies WM8 of the Waste Local Plan and policy CS22 of the Local Plan Core Strategy. Developments are encouraged to incorporate carbon reducing measures such as promotion of public transport (Local Plan Core Strategy policy CS7), provision of cycle

parking, energy efficiency in terms of materials and design and ensuring developments are located sustainably. These are requirements for the development and not requirements for adjacent properties to comply with.

- 9.139 The proposal incorporates cycle parking and promotes use of sustainable transport including accessibility by different modes of transport. The design and access statement sets out that units 03 and 04 are targeting BREEAM 'very good' and that the proposals are based on low energy design principles which includes regard to orientation and construction design and materials. Electric vehicle charging points are incorporated into the development and a condition is included to secure the submission of a travel plan for every reserved matter application which is on the hybrid consent. Additionally, water efficiency measures are proposed. As such, the proposal is considered capable of complying with the NPPF and policies CS2, CS7 and CS22 of the Local Plan Core Strategy.
- 9.140 A further objection has been raised that due regard should be given to the Infrastructure Act 2015 and the associated compensation requirements. However, the 2015 Act does not regulate compensation arising from a general grant of planning permission but rather relates to development carried out by the Council or other public bodies, and not private developers.
- 9.141 Other objections related to requirements for planning to require the submission of independent surveys and reports as well as the submission of a large swathe of documents, assessments and surveys. It is considered that the applicant has submitted sufficient information for the application to be considered against planning policies and guidance, whilst also acting reasonably and working within the confines of what can actually be considered.
- 9.142 In relation to requiring independent assessments, this is not something that the Council can ask for nor fund. The developer commissions independent specialists to write reports or surveys relating to their application and is then reviewed by Council Officers or their consultees / consultants. Those specialist reports, whilst funded by the developer, are still written by people bound by professional codes and are representative of site conditions in relation to the scheme. The cost of undertaking such reports in support of a planning applications are not a matter to be borne by the public purse and so cannot be funded by the Council.
- 9.143 An objection has been received on the grounds that the proposal will conflict with the Building Regulations and Party Wall Act. However, Planning should not duplicate the requirements of other legislation, and these are not material planning considerations.
- 9.144 Concerns have been raised about loss of property values. This is not a material planning consideration. It is noted that case law references have been provided and whilst these are referenced where relevant, each case must be taken on its own merit. Finally, concerns have been raised about the consultation process. The Council has undertaken consultation in

accordance with its statutory requirements and having regard to the Statement of Community Involvement.

10. CONCLUSION AND PLANNING BALANCE

- 10.1 The development plan is the starting point for decision making where applications that accord with the up-to-date development plan should be approved without delay. Where there is conflict with the development plan, applications should be refused unless there are material considerations that indicate otherwise. A straight assessment is required of the benefits and dis-benefits of the proposal and the weight attributed to each, to determine if the application should be approved.
- 10.2 The application site is an allocated employment site with hybrid planning permission in place. The proposal has strong economic benefits in the form of job creation, investment and regeneration of a vacant underused part brownfield site (the former Colliery) albeit much has revegetated. The proposal will help to deliver this allocated strategically significant employment site which will help to meet the employment needs of the Borough during the Plan Period up to 2028.
- 10.3 The proposal will help to meet the Local Plan's 'Spatial Strategy', identified within policies CS1, SUE1, SUE2 and SUE2c. The development of this Sustainable Urban Extension will help meet the Borough's employment needs in a gateway location whilst also helping to achieve the Council's overall employment development strategy as set out in policy CS4 of the Local Plan Core Strategy. The proposal will help provide sufficient land to meet employment development needs in the plan period whilst also improving accessibility to a range of jobs whilst promoting comprehensive sustainable economic growth. The proposal will contribute towards providing construction jobs, supply chain jobs as well as operational jobs within the borough, helping to build and improve on the existing skills base. These economic benefits are given significant weight. The proposal will offer environmental and social benefits in the form of facilitating the provision of a Country Park and these are given moderate weight.
- 10.4 Substantial harm to the setting of Old Halsnead Hall between years 0-15 has been identified. Less than substantial harm to the setting of Old Halsnead Hall has been identified after the proposed landscaping has sufficiently matured by year 15. However, it is considered that the level of harm described is necessary to achieve the substantial public benefits associated with the development. This level of harm reduces to less than substantial by year 15 when the screening is more mature. These public benefits include the economic and environmental benefits described above and in the main body of the report. Regard is given to the efforts of the applicant to significantly improve the relationship of the development with Old Halsnead Hall including provision of the retaining wall, lowering of the finished floor levels, retention of some of the existing trees for a more immediate landscape impact, inclusion of a fence with planters to offer security and screening and enhanced multi layered semi evergreen, evergreen and deciduous planting. The proposed development falls well

within the defined parameters approved under the hybrid whereby the principle of the development was accepted.

- 10.5 As such, policy CS20 of the Local Plan Core Strategy and the NPPF are complied with in relation to heritage impacts, and the LPA considers that its duties under s66 of the LBCA Act have been satisfied. Conditions are recommended to secure delivery of the mitigation which includes detailed measure to preserve the listed building during the construction process.
- 10.6 The scheme includes suitable mitigation to address a number of identified issues such as landscape and tree impacts, protection of the ancient woodland, biodiversity impacts, visual amenity impacts, lighting impacts, highway impacts, ground contamination, drainage, noise, construction phase impacts and residential amenity impacts by virtue of loss of privacy, overlooking, overdominance, overbearing and loss of light. Given the proposal seeks to provide mitigation in these areas, these are not considered as benefits of the scheme and are considered neutral in the planning balance. The remaining environmental impacts are acceptable on the grounds set out in the main body of the report. The social impacts on health and wellbeing are acceptable and weight neutral in the planning balance.
- 10.7 The identified negative environmental impacts do not significantly outweigh the other social, environmental and economic benefits of the proposal. Based on the above, it is considered that the proposal represents sustainable development in which the positive benefits of the scheme significantly and demonstrably outweigh the adverse effects. Because of this the scheme is recommended for approval subject to conditions listed in the report.
- 10.8 Based on the identified social, environmental and economic benefits weighing in favour of the proposal in the planning balance and outweighing the identified negative environmental impacts against the proposal, it is considered that the proposed development complies with the development plan as a whole.

11. RECOMMENDATION

That the reserved matters application be granted subject to:

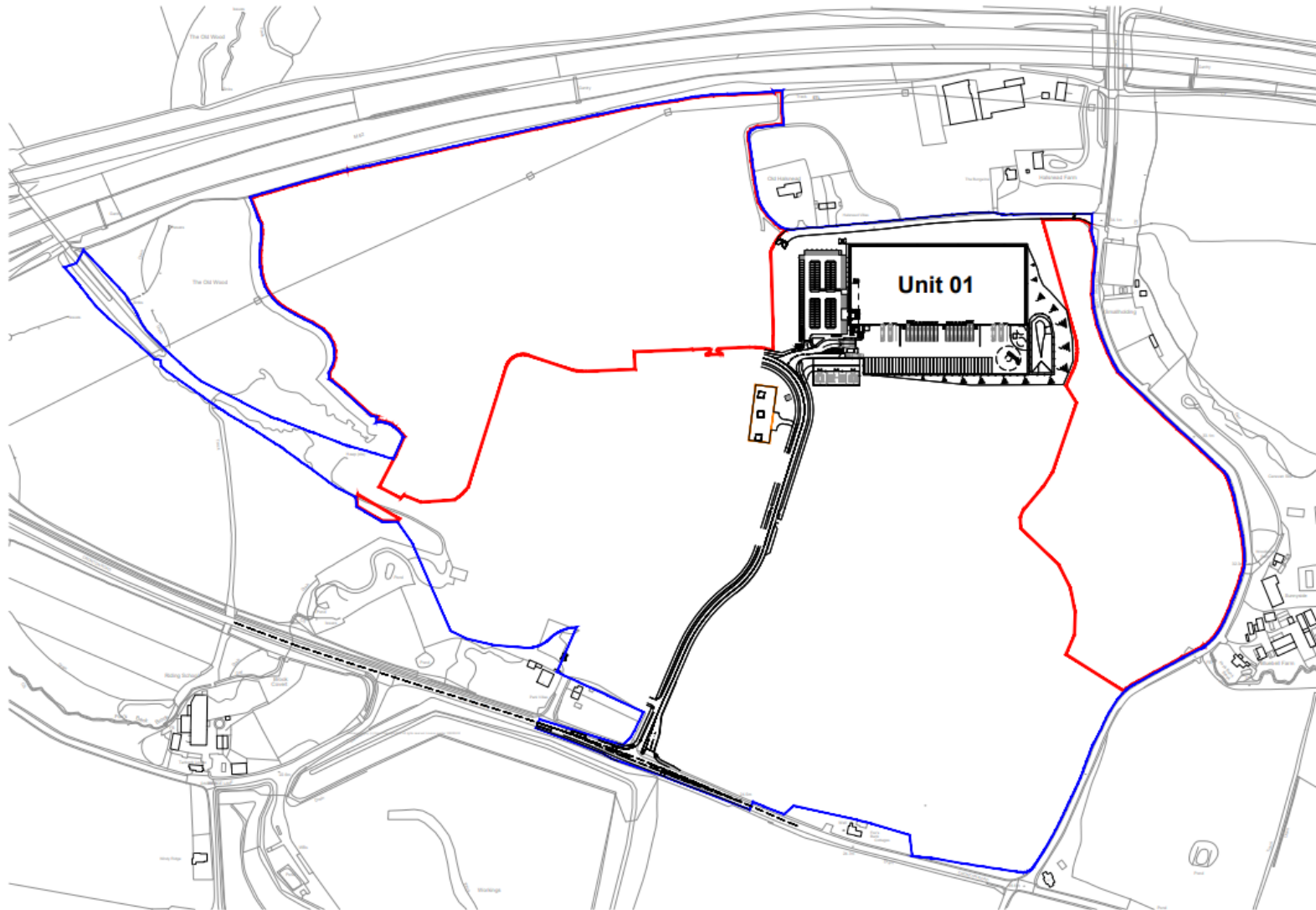
- (i) The conditions set out in the attached schedule, or such additional or amended conditions that the Head of Planning and Building Control considers appropriate, in consultation with the Chairperson of Planning Committee.

SCHEDULE OF CONDITIONS

	Condition	Trigger
1.	List of approved plans and documents	Compliance
2.	Updated CEMP for protecting the Listed Building including piling, construction and earthworks Method Statement	Prior to commencement
3.	5 days' notice before the tree protection fencing is erected. Protective fencing and works to be carried out in accordance with the AIA and AMS. Any fence posts within the root protection areas shall be hand dug to protect the trees in accordance with a method statement that has been previously submitted and approved.	Prior to commencement and compliance
4.	A. Submission of Geotechnical reports required by the Design Manual for Roads and Bridges – managing Geotechnical Risk B. Submission of the alignment and elevational treatment of a close boarded fence of not less than 2metres in height to be erected on the Northern boundary which aligns with the risk and geotechnical reports. The fence to then be erected in accordance with the approved details.	Pre-commencement
5.	Submission of a detailed construction plan working method statement (including Risk Assessment Method Statement) relating to site development earthworks and drainage alongside the M62.	Pre-commencement
6.	No drainage to connect into the motorway drainage system, nor shall any drainage from the site run-off onto the M62.	Compliance
7.	There shall be no closure to traffic of the M62 motorway in connection with the construction, maintenance, occupation or decommissioning of the development.	Compliance
8.	Development shall be carried out in accordance with the Bat Favourable Conservation Status Mitigation Strategy. The Strategy shall have been implemented prior to first occupation or within a timetable for Implementation that has previously been submitted and approved.	Prior to first occupation or in accordance with a previously approved timetable
9.	Noise condition which shall include a limit on operational external plant noise both during the day and at nighttime and the submission of an Operational Noise Management Plan	Compliance and prior to first occupation
10.	Road management Scheme (to reduce speed and noise and restrict HGVs)	Prior to first occupation

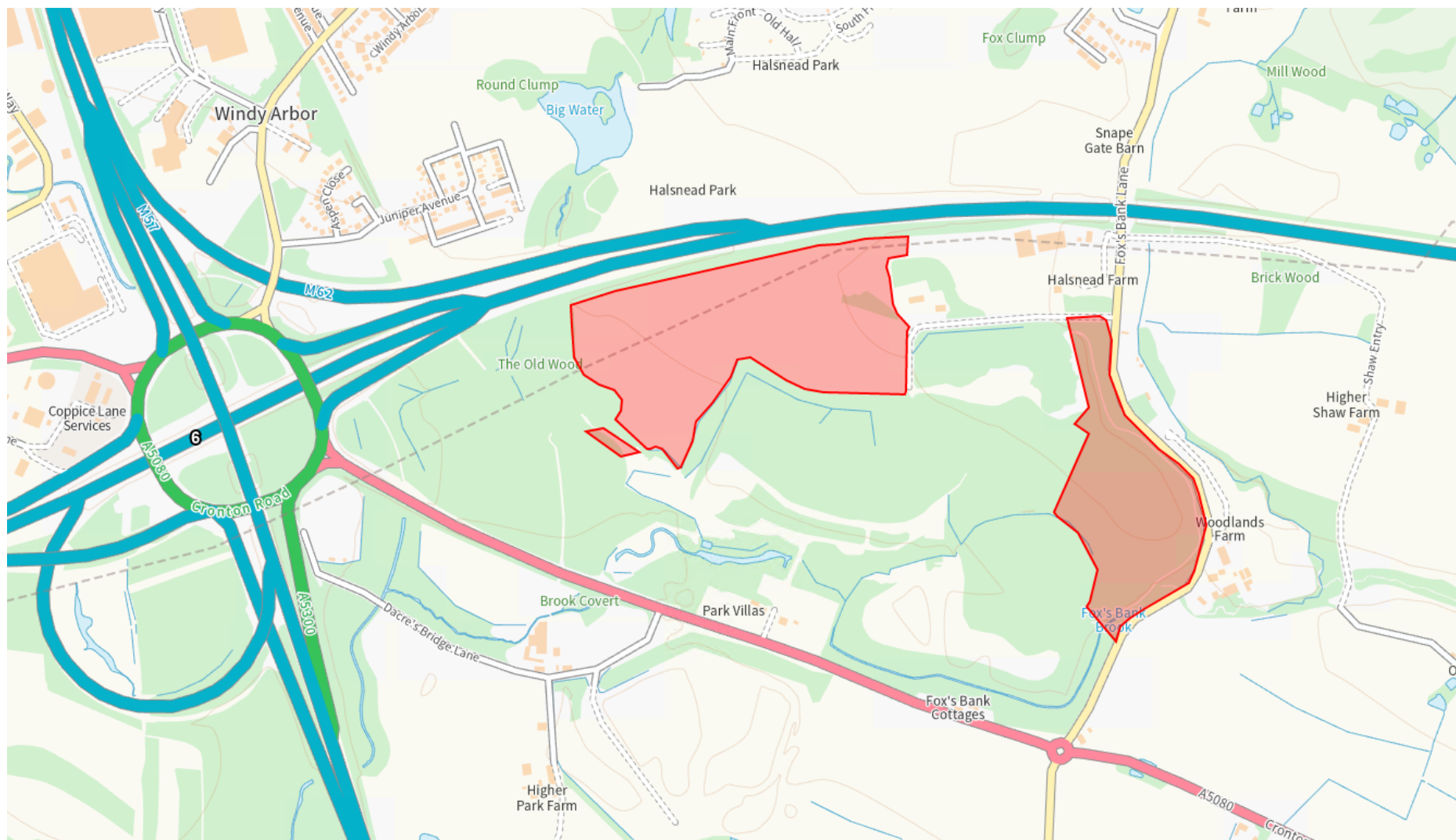
11.	Siting/details of the outdoor area of Unit 03	Prior to occupation
12.	The landscaping across the site and the fencing adjacent to Old Halsnead Hall shall be erected in accordance with the approved details and a timetable for implementation shall be submitted for approval. The fencing shall include climbing plants in accordance with the submitted details. Any planting failures within the first 5 years shall be replaced.	Prior to any above ground works
13.	Details of the retaining walls shall be submitted for prior approval together with a timetable for implementation.	Prior to any above ground works
14.	Cross section showing the slope adjacent to the woodland	Prior to any works within 50metres of the woodland
15.	Materials to include details of the side elevation facing Old Halsnead Hall and a sample for this side elevation	Compliance and prior to the external cladding being erected to unit 03
16.	Boundary treatments to be in accordance with the submitted details (excluding fencing adjacent to the M62). Confirmation of external finishes.	Prior to the development being brought into use
17.	Levels	Compliance
18.	Loop road spur construction details and timetable for implementation	Prior to occupation and in accordance with the timetable for implementation
19.	Provision of turning area until such time as the spine/loop road is extended	Prior to above ground works and timetable for implementation
20.	Visibility splays and forward visibility to be maintained	Compliance
21.	Laying out of car and cycle parking, servicing and manoeuvring in accordance with the site plan (to include provision of unit 3 cycle parking)	Prior to occupation of unit 3
22.	Laying out of car and cycle parking, servicing and manoeuvring in accordance with the site plan (to include provision of unit 4 cycle parking)	Prior to occupation of unit 4
23.	Hard landscape management plan (to include the fencing/hard landscaping for each unit but excluding any fencing in the buffer zone)	Prior to first occupation
24.	Buffer zone management plan (to include the strip of land adjacent to Old Halsnead Hall, fencing on the eastern boundary and the buffer zone planting area)	Prior to first occupation of unit 3

APPLICATION No: 24/00145/REM



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APPLICATION NO: 24/00145/REM



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CHERRYFIELD WARD

APP. NO: 24/00429/FUL
LOCATION: 9 Birkin Road Southdene
DEVELOPMENT: INSTALLATION OF AIR SOURCE HEAT PUMP
DECISION: Granted

HALEWOOD NORTH WARD

APP. NO: 23/02792/FUL
LOCATION: 26 Brambling Park Halewood
DEVELOPMENT: RETROSPECTIVE APPLICATION FOR THE ERECTION OF A 1.8M HIGH
TIMBER FENCE TOGETHER WITH CONCRETE POSTS TO SIDE OF
PLOT
DECISION: Refused

APP. NO: 23/02798/FUL
LOCATION: 3 Lancing Close Halewood
DEVELOPMENT: INSTALLATION OF AIR SOURCE HEAT PUMP TO REAR OF DWELLING
DECISION: Granted

APP. NO: 24/00184/FUL
LOCATION: 1 Felstead Avenue Halewood
DEVELOPMENT: RETROSPECTIVE APPLICATION FOR THE ENLARGEMENT OF AN
EXISTING REAR DORMER
DECISION: Refused

HALEWOOD SOUTH WARD

APP. NO: 24/00389/FUL
LOCATION: Jaguar Plant North Road
DEVELOPMENT: RETROSPECTIVE APPLICATION FOR THE ERECTION OF 1
TEMPORARY STRUCTURE AND 1 PORTACABIN FOR A PERIOD OF 5
YEARS TO PROVIDE MANUFACTURING AND STORAGE SPACE (USE
CLASS B2) ALONGSIDE AMENITY SPACE AND WELFARE FACILITIES.
DECISION: Granted

APP. NO: 24/00419/FUL
LOCATION: 4 The Cottages Greensbridge Lane
DEVELOPMENT: CREATION OF A NEW FRONT DRIVEWAY TOGETHER WITH THE
ERECTION OF A NEW TIMBER FENCE AND STONE WALL TO THE
FRONT.
DECISION: Refused

APP. NO: 22/00738/NMA
LOCATION: Halewood Services 195 Higher Road
DEVELOPMENT: NON MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 22/00738/FUL (DEMOLITION OF EXISTING CAR WASH, JET WASH AND PLANT ROOM TOGETHER WITH THE INSTALLATION OF 3 NO. JET WASH BAYS, LV PANEL AND SUB STATION AND THE CREATION OF AN ELECTRIC VEHICLE CHARGING ZONE INCORPORATING THE ERECTION OF 6 NO. ELECTRIC VEHICLE CHARGERS AND CANOPY) AMENDMENT SOUGHT FOR REDUCTION IN EV CHARGERS FROM 6 TO 4 AND FROM 3 JET WASH BAYS TO 2, JETWASH ENCLOSURE AND ACOUSTIC BARRIER, RELOCATION OF BIN STORE AND INSTALLATION OF LV PANEL
DECISION: Refused

APP. NO: 24/00569/PDS
LOCATION: Halewood Leisure Centre Baileys Lane
DEVELOPMENT: PRIOR APPROVAL FOR THE INSTALLATION OF ROOF MOUNTED SOLAR PV
DECISION: Prior approval required and granted

NORTHWOOD WARD

APP. NO: 24/00235/FUL
LOCATION: 3 Quarry Bank Northwood
DEVELOPMENT: ERECTION OF A TWO STOREY SIDE EXTENSION WITH SINGLE STOREY EXTENSIONS TO THE FRONT AND REAR (DEMOLITION OF DETACHED GARAGE, FRONT PORCH AND CONSERVATORY)
DECISION: Granted

APP. NO: 24/00457/DISCON
LOCATION: KT Pallets And Cases Yardley Road
DEVELOPMENT: APPLICATION TO DISCHARGE CONDITION 4 (CONTAMINATED LAND) PRETAINING TO PLANNING PERMISSION 22/00214/FUL.
DECISION: Refused

APP. NO: 24/00473/FUL
LOCATION: Liverpool Football Club Training Ground Simonswood Lane
DEVELOPMENT: ERECTION OF 24 FLOODLIGHTING COLUMNS COMPRISING: 17 X 18.2M HIGH COLUMNS TO GRASS PLAYING PITCHES (BETWEEN ACADEMY BUILDING AND AXA TRAINING GROUND); 4 X 15.2M HIGH COLUMNS TO TRAINING PITCH, TENNIS COURT AND VOLLEYBALL COURT TOGETHER WITH 3 X 8M HIGH COLUMNS TO WINDSTOP FENCING (EASTERN EDGE OF AXA TRAINING GROUND).
DECISION: Granted

APP. NO: 24/00486/FUL
LOCATION: 32 Minstead Avenue Northwood
DEVELOPMENT: CHANGE OF USE FROM DWELLING HOUSE (C3) TO A CHILDREN'S HOME FOR ONE CHILD (C2)
DECISION: Granted

APP. NO: 23/01197/NMA
LOCATION: Land To The North East Of The Junction Of Gale Road And Admin Road, Knowsley Industrial Park, Kirkby, Knowsley
DEVELOPMENT: ERECTION OF 1 NO. INDUSTRIAL UNIT (USE CLASSES B2 OR B8) WITH ANCILLARY OFFICE SPACE INCLUDING SERVICE YARD, PARKING, SUB STATION AND OTHER ASSOCIATED WORKS. NON MATERIAL AMENDMENT TO PLANNING PERMISSION 23/01197/FUL. AMENDMENT SOUGHT TO THE SUPPLIER AND COATING FINISH, AND COLOUR REFERENCES, OF SOME OF THE EXTERNAL CLADDING STATED ON THE ELEVATIONS AND AMENDMENTS TO THE SETTING OUT OF ROOF LIGHTS.
DECISION: Granted

PAGE MOSS WARD

APP. NO: 24/00475/FUL
LOCATION: 7 Green Way Huyton
DEVELOPMENT: ERECTION OF A TWO STOREY SIDE EXTENSION.
DECISION: Granted

PRESCOT NORTH WARD

APP. NO: 23/00134/KMBC1
LOCATION: 5 Market Place (Former Stephenson Print) Prescott
DEVELOPMENT: DEMOLITION OF EXISTING BUILDING, PART LEVELLING OF SITE AND ERECTION OF HOARDINGS
DECISION: Granted

APP. NO: 24/00196/FUL
LOCATION: 1 Riding Hill Road Knowsley
DEVELOPMENT: DEMOLITION OF GARDEN STORE ROOM, ERECTION OF TWO STOREY SIDE EXTENSION, SINGLE STOREY FRONT AND SIDE EXTENSION AND ERECTION OF FRONT BRICK WALL
DECISION: Granted

APP. NO: 24/00271/FUL
LOCATION: Existing Telecommunications Site At The Nursery Knowsley Hall, Knowsley Lane

DEVELOPMENT: REMOVAL OF AN EXISTING 24M LATTICE MAST (26M TO TOP OF ANTENNAS) SUPPORTING 6 NO. ANTENNAS AND 2 NO. DISHES AND ASSOCIATED ANCILLARY EQUIPMENT. ERECTION OF A 30M LATTICE TOWER (30.2M TO TOP), SUPPORTING 12 NO. ANTENNAS, 2 NO. RELOCATED 0.3M DISHES AND 2 NEW 0.3M DISHES, 3 NO. EQUIPMENT CABINETS, ASSOCIATED ANCILLARY EQUIPMENT AND WORKS.

DECISION: Granted

APP. NO: 24/00407/CLD
LOCATION: 67 Eccleston Street Prescott
DEVELOPMENT: CERTIFICATE OF LAWFULNESS FOR PROPOSED CHANGE OF USE OF GROUND FLOOR FROM CLASS E (a) (DISPLAY OR RETAIL OF GOODS OTHER THAN HOT FOOD) TO USE CLASS E (b) (SALE OF FOOD AND DRINK FOR CONSUMPTION (MOSTLY) ON THE PREMISES)

DECISION: Granted

APP. NO: 24/00432/FUL
LOCATION: Church View 2A West Street
DEVELOPMENT: ERECTION OF SINGLE STOREY REAR EXTENSION, CONVERSION OF GARAGE TO HABITABLE ROOM AND 2NO. REAR DORMER EXTENSIONS TOGETHER WITH LOFT CONVERSION

DECISION: Granted

APP. NO: 24/00476/FUL
LOCATION: 29 Manchester Road Prescott
DEVELOPMENT: DEMOLITION OF EXISTING PORCH TOGETHER WITH THE ERECTION OF A SINGLE STOREY SIDE EXTENSION WITH PROVISION FOR USE AS A SIDE BEDROOM AND SHOWER ROOM AND CREATION OF NEW FRONT ENTRANCE.

DECISION: Granted

APP. NO: 24/00477/FUL
LOCATION: 4 Guild Hey Knowsley Village
DEVELOPMENT: ERECTION OF TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND RETENTION OF FIRST FLOOR ORIEL WINDOW TO FRONT ELEVATION OF ORIGINAL DWELLING (DEMOLITION OF EXISTING GARAGE AND CONSERVATORY)

DECISION: Granted

APP. NO: 24/00480/FUL
LOCATION: 10 Lloyd Road Prescott
DEVELOPMENT: ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION WITH EXTERNAL LANDSCAPING WORKS

DECISION: Granted

APP. NO: 24/00493/FUL
LOCATION: 6 Belvedere Close Prescott
DEVELOPMENT: DEMOLITION OF EXISTING CONSERVATORY TOGETHER WITH THE ERECTION OF A SINGLE STOREY REAR EXTENSION AND THE INSTALLATION OF A NEW SIDE DOOR.
DECISION: Granted

APP. NO: 24/00505/FUL
LOCATION: 26 Middlehey Avenue Knowsley
DEVELOPMENT: ERECTION OF A TWO STOREY FRONT, SIDE AND REAR EXTENSION (DEMOLITION OF EXISTING GARAGE).
DECISION: Granted

APP. NO: 24/00522/FUL
LOCATION: 1 Lawler Grove Prescott
DEVELOPMENT: ERECTION OF SINGLE STOREY REAR EXTENSION AND SINGLE STOREY FRONT PORCH EXTENSION
DECISION: Granted

APP. NO: 24/00537/FUL
LOCATION: 10 Central Avenue Prescott
DEVELOPMENT: ERECTION OF SINGLE STOREY SIDE EXTENSION
DECISION: Granted

APP. NO: 24/00573/PDS
LOCATION: Peter Gilding And Co Ltd Caddick Road
DEVELOPMENT: PRIOR APPROVAL FOR THE INSTALLATION OF ROOF MOUNTED SOLAR PV
DECISION: Prior approval required and granted

PRESCOT SOUTH WARD

APP. NO: 24/00488/FUL
LOCATION: 89 Middleton Drive Prescott
DEVELOPMENT: CONVERSION OF GARAGE TO HABITABLE ROOM AND EXTENSION OF EXISTING HARD-STANDING TO PROVIDE AN ADDITIONAL CAR PARKING SPACE
DECISION: Granted

ROBY WARD

APP. NO: 24/00461/FUL
LOCATION: 34 Tarbock Road Huyton
DEVELOPMENT: CHANGE OF USE OF FLAVIO'S ITALIAN RESTAURANT (USE CLASS E (b) TO A CONVENIENCE STORE (USE CLASS E (a) (NO EXTERNAL ALTERATIONS)

DECISION: Granted

APP. NO: 24/00471/FUL
LOCATION: 131 Roby Road Roby
DEVELOPMENT: ERECTION OF SINGLE STOREY REAR INFILL EXTENSION
DECISION: Granted

APP. NO: 24/00485/KMBC1
LOCATION: Land Adjacent To Huyton Railway Station Entrance Derby Road
DEVELOPMENT: INSTALLATION OF A PUBLIC ART SCULPTURE WITHIN AN AREA OF OPEN PUBLIC SPACE.
DECISION: Granted

APP. NO: 24/00516/FUL
LOCATION: 25 Court Hey Road Roby
DEVELOPMENT: ERECTION OF A SINGLE STOREY EXTENSION TO THE EXISTING PORCH TOGETHER WITH THE ERECTION OF A TWO STOREY SIDE AND REAR EXTENSION.
DECISION: Granted

APP. NO: 24/00525/PDE
LOCATION: 43 Springwell Avenue Roby
DEVELOPMENT: PRIOR APPROVAL FOR THE ERECTION OF A SINGLE STOREY REAR EXTENSION

MAXIMUM DEPTH FROM ORIGINAL REAR WALL: 3.90 METRES
MAXIMUM HEIGHT: 3.80 METRES
HEIGHT OF EAVES: 2.60 METRES
DECISION: House prior approval is not required

SHEVINGTON WARD

APP. NO: 24/00386/FUL
LOCATION: 177 Saxon Way Tower Hill
DEVELOPMENT: PROPOSED CONVERSION OF RESIDENTIAL PROPERTY C3(a) TO CHILDRENS RESIDENTIAL CARE (C2)
DECISION: Granted

ST GABRIEL WARD

APP. NO: 24/00453/FUL
LOCATION: 11 St Agnes Road Huyton
DEVELOPMENT: ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION
DECISION: Granted

APP. NO: 24/00479/FUL
LOCATION: Underground Carpark Cavendish Walk
DEVELOPMENT: REMOVAL OF CONDITION 16 (UNDERGROUND CAR PARK)
ATTACHED TO PLANNING PERMISSION 04/01370/FUL.
DECISION: Granted

APP. NO: 24/00524/TCA
LOCATION: Dunster 29 Huyton Church Road
DEVELOPMENT: REMEDIAL WORKS TO 1NO. TREE
DECISION: Granted

ST MICHAEL WARD

APP. NO: 24/00470/CLD
LOCATION: 7 Edenfield Crescent Huyton
DEVELOPMENT: CERTIFICATE OF PROPOSED LAWFUL USE TO USE THE PROPERTY
AS A CARE HOME FOR ONE CHILD
DECISION: Granted

STOCKBRIDGE WARD

APP. NO: 24/00225/FUL
LOCATION: 5 George Hale Avenue Huyton
DEVELOPMENT: ERECTION OF SINGLE STOREY REAR EXTENSION AND TWO
STOREY SIDE EXTENSION (DEMOLITION OF EXISTING ENTRANCE
HALL, UTILITY ROOM / W.C)
DECISION: Granted

APP. NO: 24/00311/FUL
LOCATION: 222 Knowsley Lane Huyton
DEVELOPMENT: ERECTION OF A DOUBLE GARAGE AT THE FRONT OF EXISTING
PROPERTY
DECISION: Refused

APP. NO: 24/00517/PDE
LOCATION: 67 Highfield Road Huyton
DEVELOPMENT: PRIOR APPROVAL FOR THE ERECTION OF A SINGLE STOREY REAR
EXTENSION

MAXIMUM DEPTH FROM ORIGINAL REAR WALL: 4.00 METRES
MAXIMUM HEIGHT: 3.90 METRES
HEIGHT OF EAVES: 2.55 METRES
DECISION: House prior approval required & granted

WHISTON & CRONTON WARD

APP. NO: 24/00512/FUL
LOCATION: 7 Manorwood Drive Whiston
DEVELOPMENT: ERECTION OF A TWO STOREY SIDE AND SINGLE STOREY REAR
EXTENSION TOGETHER WITH THE REMOVAL OF THE REAR
CONSERVATORY AND THE DEMOLITION OF THE EXISTING GARAGE.
DECISION: Granted

WHITEFIELD WARD

APP. NO: 24/00483/CLD
LOCATION: 12 Southney Close Kirkby Park
DEVELOPMENT: CERTIFICATE OF LAWFUL DEVELOPMENT FOR PROPOSED SINGLE
STOREY REAR EXTENSION (DEMOLITION OF EXISTING
CONSERVATORY)
DECISION: Granted

NEIGHBOURING AUTHORITY CONSULTATIONS

APP. NO: 24/00588/NEI
LOCATION: Astrazeneca Renaissance Way,
DEVELOPMENT: TO INSTALL NO. 1 THERMAL OXIDISER PLANT
DECISION: Raise No Objection