

APPLICATION NO: 20/00494/NMA3 **CASE OFFICER:** Clare Appleyard

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

LOCATION: Site of Cronton Colliery, Cronton Road, Cronton, Knowsley L35 1QR

PROPOSAL: NON MATERIAL AMENDMENT TO VARY THE WORDING OF CONDITION 44 OF HYBRID PLANNING PERMISSION 20/00494/HYB (HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION FOR THE DEVELOPMENT OF 161,900 SQ FT (15,041 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSPACE (USE CLASS B8), INCLUDING ANCILLARY OFFICES (USE CLASS B1), SECURITY GATEHOUSE, SITE ACCESS ROAD, ENGINEERING EARTHWORKS TO FORM COUNTRY PARK, PUBLIC CAR PARK TO SERVE COUNTRY PARK, AND ASSOCIATED WORKS; AND OUTLINE APPLICATION WITH DETAILS OF POINT OF ACCESS (DETAILS OF PART-ACCESS, LANDSCAPING, APPEARANCE, SCALE AND LAYOUT ARE RESERVED) FOR THE DEVELOPMENT OF UP TO 838,100 SQ FT (77,862 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSPACE (USE CLASS B8), WITH ANCILLARY OFFICES AND LIGHT INDUSTRIAL (USE CLASS B1); ENGINEERING EARTHWORKS TO FORM COUNTRY PARK AND DRAINAGE ATTENUATION PONDS; PEDESTRIAN/CYCLE/EQUESTRIAN ROUTE CONNECTING EXISTING M62 FOOTBRIDGE WITH PROPOSED COUNTRY PARK; AND ASSOCIATED WORKS) TO AMEND THE CONDITION TRIGGER TO PROVIDE DETAILS OF THE BUS STOPS PRIOR TO OCCUPATION OF ANY FURTHER UNITS (EXCLUDING UNIT 02) UNDER HYBRID PLANNING PERMISSION REFERENCE 20/00494/HYB

Knowsley Local Plan

Allocated as a Sustainable Urban Extension

Relevant Policies

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

Technical Consultations

None

Neighbour Notification

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

ARTICLE 35

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

Equalities Act 2010

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

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

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

Site Description

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

The hybrid consent was divided into two phases with the full phase 1 element comprising unit 1 and the access road and the rest of the development falling within phase 2. There have been three reserved matters applications. The most recent reserved matters for unit 2 falls under reference 23/01949/REM; this was granted consent and unit 2 is completed. A separate reserved matters application for the construction of units 3 and 4 has a resolution to grant from Planning Committee. The reference for this application is 24/00145/REM. Whilst this application has not been issued yet, it is likely to be soon.

Proposal

The proposal is for a non-material amendment to condition 44 of the hybrid consent to vary the wording of the condition on this parent permission. The wording of condition 44 is currently:

Prior to the occupation of any building approved as part of any subsequent reserved matters approval details of the provision of bus stops within the site and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the agreed details and timetable and be retained thereafter.

Reason: To ensure the development is adequately served by sustainable forms of transport.

The proposal seeks to amend the wording of this condition to state that:

Prior to the occupation of any further units (excluding unit 2) under hybrid planning permission reference 20/00494/HYB (indicatively indicated on the illustrative masterplan reference 18128 P0006 Rev T in the location of units 3 and 4, whichever is occupied first) details of the provision of bus stops within the site and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the agreed details and timetable and be retained thereafter.

Planning History

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

Assessment

This non-material amendment application seeks to alter the trigger of the delivery of the bus stops within the site. The current condition prevents the occupation of unit 2 (or any building within the outline area) until the details of the provision of the bus stops within the site and a timetable for implementation has been submitted and approved by the LPA. Unit 2 is very close to completion and so details of the bus stop provision would prevent occupation of this unit until such time as the bus stop details and a timetable for implementation have been

approved.

The bus stop delivery aligns with the delivery of the internal estate road which includes the loop road connection which has yet to be constructed. The applicant has confirmed that the loop road details will be secured via draft planning condition 20 attached to the units 3 and 4 reserved matters consent (when it is issued). The applicant has confirmed that this will be linked with whichever is the last unit to be occupied (although this will need to be subject to a separate NMA application).

It is noted that whilst the units 3 and 4 reserved matters consent has not been issued yet, there is a resolution to grant from Planning Committee (in December 2024) so the likelihood that this consent will be issued is high. It is also noted that there is a requirement for the loop road details to be secured in connection with the unit 2 reserved matters and the applicant is aware of this restriction in connection with the occupation of unit 2.

The applicant has confirmed that the bus stop details are currently unknown but these details can be provided alongside units 3 and 4, whichever is the first unit to be occupied. The current wording on the hybrid consent prevents occupation of unit 2 as the trigger for the bus stop provisions is linked with any subsequent reserved matters application. The applicant has therefore agreed to the following trigger for condition 44:

Prior to the occupation of any further units (excluding unit 2) under hybrid planning permission reference 20/00494/HYB (indicatively indicated on the illustrative masterplan reference 18128 P0006 Rev T in the location of units 3 and 4, whichever is occupied first) details of the provision of bus stops within the site and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the agreed details and timetable and be retained thereafter.

The nature of the proposed changes which includes moving the trigger from occupation of unit 2 to occupation of the next unit to be built (i.e. unit 3 or 4) is considered to be small in scale. The estate loop road has not been constructed yet and will require a series of technical details include the engineering details of the road, sections, tree protection details, levels as well as negotiation with adjoining landowners. There are existing bus stops on Cronton Road directly outside the site which allow staff and visitors to travel sustainably to the site already.

On the basis of the above, it is considered that the trigger change for the bus stop provision is small and non-material in nature.

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

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

- The amendment to unit 1's bell mouth entrance (removal of the pedestrian refuge island);
- Reconfiguration of the footpath at unit 1 access junction;
- Reconfiguration of the footpath/road at the northern element of the estate road leading into the outline area;

- Removal of the access road between the internal estate road and Fox's Bank Lane;
- 20 additional cycle spaces;
- Surface finishes at the entrance of unit 01 car park have been amended;
- Block paving has been replaced with tarmac to prevent damage from HGVs;
- Amended landscaping to regularise and accommodate the other amendments;
- Primary substation;
- Relocation of SUDs pond to the east of unit 1;
- Secondary substation between mine shafts and estate road;
- Amendment to unit 1 elevations to reflect changes to the loading bays to include double height shelters;
- Realignment of the access into the southern unit to accommodate the reconfiguration of that unit to retain the trees to the east.

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

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

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

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

Conclusion

The proposed changes will not result in materially impacts beyond the principal permission or any subsequently granted reserved matters consents. Whilst the reserved matters application for units 3 and 4 has not been granted planning permission yet (reference 20/00145/REM), there is a resolution to grant from Planning Committee so this REM will be issued imminently. On this basis, linking the delivery of the bus stops to occupation of any further units (excluding unit 2) under the hybrid consent, is considered to be non-material in nature, and it is recommended that this NMA be approved.

Recommendation

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

Conditions

- 1) The development shall be carried out in accordance with the approved plans and conditions attached to the hybrid planning permission issued under reference 20/00494/HYB except where superseded by non-material amendment references 20/00494/NMA, 20/00494/NMA1 and this decision notice.

Reason: For the avoidance of doubt.

- 2) Condition 44 of planning permission reference 20/00494/HYB is amended to read as follows:

Prior to the occupation of any further units (excluding unit 2) under hybrid planning permission reference 20/00494/HYB (indicatively indicated on the illustrative masterplan reference 18128 P0006 Rev T in the location of units 3 and 4, whichever is occupied first) details of the provision of bus stops within the site and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the agreed details and timetable and be retained thereafter.

Signed Case Officer¹: **C Appleyard**

Signed Authorising Officer²: **Alan Kilroe**

Date: **15 May 2025**

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

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