

APPLICATION NO:

23/01949/NMA1

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 CONDITION 4 (LOOP ROAD DRAWINGS/DELIVERY) TO SECURE THE DETAILS WITHIN 18 MONTHS OF OCCUPATION OF UNIT 02 ATTACHED TO RESERVED MATTERS CONSENT 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 FLOORSPACE (USE CLASS B8) AND ANCILLARY OFFICES (USE CLASS E(g)), PROVISION OF INFRASTRUCTURE SUBMITTED PURSUANT TO PLANNING PERMISSION 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 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 site relates to a reserved matters consent (reference 23/01949/REM) for unit 02 within the wider Tritax development. This site falls within phase 2 and benefits from reserved matters consent for the erection of one unit for storage and distribution with ancillary offices. The access is from Cronton Road.

Proposal

The proposal is for a non-material amendment to condition 4 of the reserved matters consent to vary the wording of the condition. The current wording is as follows:

Before the first occupation of Unit 2, full construction standard drawings showing the internal road network being built to the southwestern boundary of the site, where it adjoins the former the former mineral railway line, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall include the following;

- The proposed road ground level and levels details of any regrading of the land;
- Construction details of the road to an adoptable standard including materials;
- Full details of the proposed highway drainage;
- Indicative details of how the road will cross the former mineral line and connect to the development site to the south;
- Details of any retaining structures;
- Tree protection measures relating to G11 and any further measures required to protect these trees through an updated Arboricultural method statement;
- Timetable for implementation.

The agreed details shall be implemented in accordance with a timetable for implementation that has first been submitted to and approved in writing by the Local Planning Authority within 18 months of the first occupation of Unit 02, and the loop road shall then be retained thereafter, unless otherwise agreed in writing with the Local Planning Authority. The road connecting to the southwestern boundary of the Site shall remain open for use and shall not be obstructed or closed off, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the delivery of a comprehensive development and ensure an alternative future access into the site is provided.

The proposal seeks to amend the trigger of this condition to require the details of the loop road and the implementation timetable to be submitted within 18 months of first occupation of Unit 02.

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 FLOORSPACE (USE CLASS B8), INCLUDING ANCILLARY OFFICES (USE CLASS B1), SECURITY GATEHOUSE, SITE ACCESS ROAD, ENGINEERING EARTHWORKS TO FORM A PART COUNTRY PARK, PUBLIC CAR PARK TO SERVE COUNTRY PARK, AND ASSOCIATED WORKS; AND OUTLINE APPLICATION WITH DETAILS OF POINT OF ACCESS (DETAILS OF PART-ACCESS, LANDSCAPING, APPEARANCE, SCALE AND LAYOUT ARE RESERVED) FOR THE DEVELOPMENT OF UP TO 838,100 SQ FT (77,862 SQ M) (GIA) OF STORAGE AND DISTRIBUTION FLOORSPACE (USE CLASS B8), WITH ANCILLARY OFFICES AND LIGHT INDUSTRIAL (USE CLASS B1); ENGINEERING EARTHWORKS TO FORM COUNTRY PARK AND DRAINAGE ATTENUATION PONDS; PEDESTRIAN/CYCLE/EQUESTRIAN ROUTE CONNECTING EXISTING M62 FOOTBRIDGE WITH PROPOSED COUNTRY PARK; AND ASSOCIATED WORKS
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 FLOORSPACE (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 FLOORSPACE (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 relating to submission of the loop road details as well as altering the submission of the timetable for implementation. The current condition prevents the occupation of unit 2 (or any building within the outline area) until the loop road details have been submitted. Unit 2 is very close to completion and so the condition as it currently stands would prevent occupation of this unit until such time as the loop road details and a timetable for implementation have been submitted and approved.

The loop road details include submission of various information include the alignment of the road, levels, retaining structures, tree protection measures, re-grading works, drainage details, materials, indicative details of how the loop road will cross the mineral line and a timetable for implementation. The loop road delivery will require some landowner discussions to facilitate a seamless connection. To facilitate its delivery and ensure the occupation of unit 2 is not unnecessarily delayed, it is proposed that an 18 month window for

submission is incorporated into the condition to secure comprehensive delivery. There is a reserved matters consent application that is due to be issued soon for units 3 and 4 so the amendment to the condition will allow the loop road to be constructed at the same time or in line with units 3 and 4 being delivered.

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 (ie 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 submission of the loop road details 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. There have been 3 non-material amendments associated with the hybrid consent which is the principal permission and one other non-material amendment application associated with this reserved matters consent.

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.

A third NMA has been approved for the amendment to condition 44 which approved

changing the provision of the bus stops trigger to the occupation of any further units (excluding unit 2); This NMA was reference 20/00494/NMA3. 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 nor will there be a material impact in relation to securing comprehensive development. The proposal will not undermine the ability of the reserved matters consent to deliver an alternative access to the site. 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 material impacts beyond the principal permission or any subsequently granted reserved matters consents. This is the case when considering the changes on their own and cumulatively alongside other consented non-material amendments. On this basis, the proposed revisions are non-material in nature, and it is recommended that this NMA be approved.

Recommendation

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

Conditions

- 1) The development shall be carried out in accordance with the approved plans and conditions attached to the reserved matters consent issued under reference 23/01949/REM, except where superseded by approved non-material amendment application reference 23/01949/NMA and this decision notice.

Reason: For the avoidance of doubt.

- 2) Condition 4 of reserved matters consent reference 23/01949/REM is amended to read as follows:

Within 18 months of occupation of Unit 2, full construction standard drawings showing the internal road network being built to the southwestern boundary of the site (the loop road and associated works) where it adjoins the former the former mineral railway line, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall include the following;

- o The proposed road ground level and levels details of any regrading of the land;
- o Construction details of the road to an adoptable standard including materials;
- o Full details of the proposed highway drainage;
- o Indicative details of how the road will cross the former mineral line and connect to

- o the development site to the south;
- o Details of any retaining structures;
- o Tree protection measures relating to G11 and any further measures required to
- o protect these trees through an updated Arboricultural method statement;
- o Timetable for implementation.

The loop road and associated works approved above shall be implemented in accordance with the approved timetable for implementation and the approved details. The loop road shall then be retained thereafter, unless otherwise agreed in writing with the Local Planning Authority. The road connecting to the southwestern boundary of the Site shall remain open for use and shall not be obstructed or closed off, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the delivery of a comprehensive development and ensure an alternative future access into the site is provided.

Signed Case Officer¹: **C Appleyard**

Signed Authorising Officer²: **Alan Kilroe**

Date: **23 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

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