

**APPLICATION
NO:**

23/02378/NMA

CASE OFFICER:

Clare Appleyard

WARD:

Whiston & Cronton

PARISH:

Whiston Town
Council

LOCATION:

Land South of Lickers Lane, Windy Arbor Road, Halshead Garden Village, Whiston

PROPOSAL:

NON-MATERIAL AMENDMENT TO RESERVED MATTERS
CONSENT REFERENCE 23/02378/REM (RESERVED MATTERS
APPLICATION PURSUANT IN PART TO PLANNING
PERMISSION 20/00399/OUT FOR THE ERECTION OF 239 NO.
DWELLINGS AND ASSOCIATED WORKS - APPROVAL
SOUGHT FOR APPEARANCE, LANDSCAPING, LAYOUT,
SCALE AND ACCESS TO ADJACENT LAND) TO VARY
CONDITION NOS. 2 (APPROVED PLANS) AND 7 (BOUNDARY
TREATMENTS/RETAINING STRUCTURES/LEVELS) TO
CHANGE THE RETAINING WALL DESIGN FROM GABION
BASKETS TO GEO-WALL IN OAKWOOD AND MASONRY
WALLS TOGETHER WITH SITE WIDE LEVELS CHANGES AND
ASSOCIATED WORKS

Knowsley Local Plan

Allocated as a Sustainable Urban Extension

Relevant Policies

All listed within the principal permission, the s73 and the reserved matters consent for the site.

Technical Consultations

Highways - No objections raised.

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 application site lies within the northern parcel of land (allocated for housing) which forms part of Halsnead Garden Village. The original outline and s73 applications included two land parcels: one parcel accessed off Lickers Lane and one smaller parcel accessed off Windy Arbor Road, which was a former garden centre. This non-material amendment relates to the reserved matters consent which is the northern land parcel accessed off Lickers Lane. The smaller land parcel (former garden centre) is not included in the site.

The non-material amendment relates to a c 9.4 ha land parcel which gained reserved matters approved on 26/01/24. This site originally comprised land formerly used for agriculture (arable fields) with woodland and grassland, but the reserved matters consent is now well under way with first occupations having taken place in the last month.

The site extends down to Halsnead Park caravan park to the south, with Lickers Lane wood stretching along most of the northern boundary of the site. The site is bound by fields with mature trees to the west, and beyond this lie residential properties on Main Drive. Lickers Lane and residential properties lie to the north and a number of residential properties directly bound the site to the north/northwest. To the east is land which benefits from planning permission for the construction of 120 homes (planning reference 22/00600/FUL).

Proposal

The non-material amendment application is for variation of conditions 2 (approved plans condition) and 7 (boundary treatment condition) of the reserved matters application reference 23/02378/REM which approved the details for the construction of 239 dwellings. The amendment is to change the type of retaining wall design stipulated in the planning conditions from use of gabion baskets to use of a geo-wall system in 'Oakwood' and use of Tobermore blocks in heather. The proposal also makes small changes to the approved levels.

Planning History

23/02378/REM	RESERVED MATTERS APPLICATION PURSUANT IN PART TO PLANNING PERMISSION 20/00399/OUT FOR THE ERECTION OF 239 NO. DWELLINGS AND ASSOCIATED WORKS - APPROVAL SOUGHT FOR APPEARANCE, LANDSCAPING, LAYOUT, SCALE AND ACCESS TO ADJACENT LAND.
23/02755/FUL	VARIATION OF CONDITIONS: 3 (APPROVED PLANS CONDITION); 13 (UTILITY BUILDINGS AND COMPOUNDS CONDITION); 15 (WILDLIFE INFORMATION PACK CONDITION); 17 (TRAVEL PLAN CONDITION); 19 (EV CHARGING POINTS CONDITION); 24 (EAST TO WEST VEHICULAR ROUTE PROVISION, LICKERS LANE LAND PARCEL); 25 (EASTERN HIGHWAYS CONNECTION, LICKERS LANE LAND PARCEL); 27 (HIGHWAYS CONNECTION CONDITION, WINDY ARBOR ROAD PARCEL) TO ALLOW THE OUTLINE PLANNING PERMISSION TO BE BROUGHT FORWARD IN TWO (OR MORE) RESERVED MATTERS APPLICATIONS RATHER THAN ONE RESERVED MATTERS APPLICATION FOR THE WHOLE SITE. THIS S73 VARIES PLANNING APPLICATION 20/00399/OUT (OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 277 DWELLINGS (USE CLASS C3) AND AN APARTMENT DEVELOPMENT OF UP TO 100 UNITS FOR OVER 55S TOGETHER WITH NEW VEHICULAR ACCESS TO LICKERS LANE AND WINDY ARBOR ROAD, LANDSCAPING AND ASSOCIATED WORKS, APPROVAL SOUGHT FOR ACCESS WITH ALL OTHER MATTERS RESERVED).
20/00399/OUT	OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 277 NO. DWELLINGS (USE CLASS C3) AND AN APARTMENT DEVELOPMENT OF UP TO 100 UNITS FOR OVER 55'S (USE CLASS C3) TOGETHER WITH NEW VEHICULAR ACCESS TO LICKERS LANE AND WINDY ARBOR ROAD, LANDSCAPING AND ASSOCIATED WORKS (INC. DEMOLITION OF BUILDINGS) (APPROVAL SOUGHT FOR ACCESS - ALL OTHER MATTERS RESERVED)

Assessment

The non-material application seeks to amend the boundary treatment/retaining structures and the approved plans conditions (numbers 7 and 2) on the reserved matters consent reference 23/02378/REM. The use of the Geo-wall system offers an alternative to using gabion baskets and utilises an 'Oakwood' finish to ensure the retaining wall structures are of a sympathetic design which is in keeping with the character of Halsnead Garden Village and the surrounding area. The use of the geo-wall retaining wall solution is considered to be acceptable and visual impacts are considered to align with the design aspirations set out in the Halsnead Garden Village Design and Distinctiveness Guide.

The use of a small amount of Tobermore Blocks in heather for some of the larger or more prominent retaining walls is also considered to be acceptable in terms of the visual impact. The Tobermore wall will be used for retaining walls which vary in height between 0.6m and 1.8m. The Tobermore retaining walls solution is proposed for only small areas within the site, affecting mainly either prominent street scene locations (where these are below 1m in height) or, in the case of the retaining wall that extends to 1.8m in height, within the rear

gardens of two plots and set well back from the street scene. The rest of the retaining structures across the site vary, predominantly between 0.2 and 1m in height and include a mix of materials including Geo-wall in 'Oakwood', gravel boards and the Tobermore blocks in heather/sandstone. Given the levels changes across the site, the proposed levels details, including the retaining structures, are considered acceptable in terms of visual amenity impacts, design and is considered to be in keeping with the character of the area. On this basis the changes are considered to be non-material in nature.

The non-material amendment also seeks to amend condition 2 of the reserved matters consent which is the approved plans condition to allow for the minor changes to the site levels alongside changes to the retaining structures and their materials. The levels changes and minor changes to the height and materials used for the retaining structures are considered to constitute non-material changes, having regard to the visual impacts and the minor nature of the changes proposed. Condition 2 has also been amended to include the Lickers Lane entrance Detail Plan which was approved under condition 7 but has been completed so is no longer required within the boundary treatment condition.

Condition 7 currently reads:

Notwithstanding the bollards and knee rail fence shown on the approved drawings, full siting and elevation details of the knee rail timber fence adjacent to plot 104 (shown on landscape drawing number RG-L-05 Rev F) and the bollards to prevent vehicular access to the verge west of plot 104 and the footpath running to the front of plots 99-104 shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The bollards and the knee rail fence shall be provided prior to first occupation of any of the plots numbered 99-104. For the avoidance of doubt no part of this fence shall be higher than 0.6m. The knee rail fence and the bollards shall then be erected in accordance with the approved details prior to the first occupation of plots 99-104.

The boundary treatment adjacent to the parking courts shall be erected in accordance with the siting details shown on Site Layout plan drawing no. MR-M-DWG-03 REV SS. Full elevation details of the trellis and wall arrangement shall be submitted to and approved in writing by the Local Planning Authority prior to their installations. The trellis and wall boundary treatment shall then be erected prior to first occupation of the dwelling to which it relates and in accordance with the approved details.

The boundary treatments and retaining structures, other than the knee rail fence and the boundary treatments adjacent to the parking court areas referred to above, shown on the Landscape Proposals Sheets 01-09 (identified within the approved plans list in condition 1) and shown on the Finished Levels and Retaining Walls Sheets 1-4 (identified on the approved plans list in condition 1) shall be erected in accordance with the approved details for each plot, prior to that plot being occupied. The 1.8m high fencing hereby permitted shall be closed boarded timber and shall be stained in a brown colour.

Prior to the construction of the entrance wall, shown on the plan entitled Lickers Lane Gateway Entrance Wall Detail (drawing no. RG-L-03 REV D), details and samples of the sandstone and coping/capping stones proposed to be used for the wall and piers, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the wall shall be pointed using a lime based neutral coloured mortar and shall incorporate recessed joints. The entrance wall feature shown on the Lickers Lane Gateway Entrance Wall Detail plan reference RG-L-03 Rev D, shall be constructed in accordance with the approved samples and shall be completed prior to first occupation of any dwelling within the site.

The boundary treatment walls and the masonry retaining walls within the site shall be

constructed in materials that match the dwelling to which it relates unless alternative wall materials have been submitted to and approved in writing by the Local Planning Authority prior to their erection. The boundary treatment walls and masonry retaining walls shall then be erected in accordance with the approved details. The gabion baskets shall consist of a dark coloured metal frame and filled with sandstone, unless such alternative materials are submitted to and approved in writing by the Local Planning Authority prior to the use of any gabion baskets. The Cheshire Estate railing and gates shall be painted black.

Reason: In the interests of visual amenity and to deliver an enhanced scheme incorporating high quality design.

Given the site now has a few occupations and all the pre-commencement and pre-occupation conditions have been discharged, it is proposed to amend the boundary treatment/retaining structure condition to the following:

Condition 7 of reserved matters consent reference 23/02378/REM is amended to read as follows:

The bollards and knee rail fence adjacent to plot 104 (shown on landscape drawing number RG-L-05 Rev F) and the bollards to prevent vehicular access to the verge west of plot 104 and the footpath running to the front of plots 99-104, shown on the approved drawings entitled 'Elevation of Plot 104' drawing no. RG-LD-41 and 'Village Green Design' drawing no. RG-LD-10-01 Rev C, shall be erected in accordance with these details approved under discharge of condition application reference 23/02378/COND1. The bollards and the knee rail fence shall be provided prior to first occupation of any of the plots numbered 99-104. For the avoidance of doubt no part of this fence shall be higher than 0.6m.

The boundary treatment adjacent to the parking courts shall be erected in accordance with the siting details shown on Site Layout plan drawing no. MR-M-DWG-03 REV SS and the details approved under discharge of condition reference 23/02378/COND1 shown on approved drawing reference RG-LD-40 'Boundary Treatment adjacent to parking courts', prior to first occupation of the dwelling to which it relates.

The boundary treatments and retaining walls/structures, other than the knee rail fence and the boundary treatments adjacent to the parking court areas referred to above, shown on the Landscape Proposals Sheets 01-09 (identified within the approved plans list in condition 1) and shown on the Finished Levels and Retaining Walls Masterplan reference HGV-AJP-XX-00-DR-C-1400 C04 (identified on the approved plans list in condition 1) shall be erected in accordance with the approved details and approved materials for each plot, prior to that plot being occupied. The 1.8m high fencing hereby permitted shall be closed boarded timber and shall be stained in a brown colour. For the avoidance of doubt, the retaining structure on the Finished Levels and Retaining Walls Masterplan shown as a yellow dotted line on this plan, shall only be constructed from Tobermore blocks in red sandstone/'heather' colour, and shall not be constructed of any other material unless the alternative material has been previously submitted to and approved in writing by the Local Planning Authority. The retaining wall shall then only be constructed in accordance with the alternative approved material.

The boundary treatment walls within the site shall be constructed in materials that match the dwelling to which it relates unless alternative wall materials have been submitted to and approved in writing by the Local Planning Authority prior to their erection. The boundary treatment walls shall then be erected in accordance with the approved details. The Cheshire Estate railing and gates shall be painted black.

Reason: In the interests of visual amenity and to deliver an enhanced scheme incorporating

high quality design.

The Local Highway Authority was consulted and raised no objections. Comments confirmed that the changes do not affect the layout or geometry of the estate roads, pedestrian routes or cycle routes. Parking provision, driveway dimensions and the access points remain unchanged. However, the retaining structures that abut or support the adopted highway should be assessed as part of the s38/278 approval process. An informative is recommended drawing the applicant's attention to the comments from the LHA.

Taken in combination, the changes to the height and materials of the retaining structures and the minor changes to the levels are considered to be small scale and non-material. The proposed changes, in terms of visual amenity impacts, residential amenity impacts, design and impacts on the character of the area, are all considered to be non-material, having regard to the wider scheme set within the context of the 239 dwellings that are consented by the reserved matters.

Conclusion

The proposed changes are considered to be non-material and it is therefore recommended that the NMA application is approved.

Recommendation

- 1) The plan(s) listed below are those approved by this non-material amendment. The development must be undertaken in accordance with the approved plans on the original application, except where amended by those below, including any conditions attached to that permission. No substitution should be made without prior consent from the Local Planning Authority. Failure to adhere to the details of the approved plans or to comply with the conditions on the original planning permission constitutes a contravention of the Town and Country Planning Act 1990 in respect of which enforcement action may be taken.

PLANS APPROVED BY THIS NMA

Finished Levels and Retaining Walls Masterplan reference HGV-AJP-XX-00-DR-C-1400 C04 (excluding levels for the SUDS basin/Village Green area which is covered by condition 9 of the reserved matters application reference 23/02378/REM)
Lickers Lane Gateway Entrance Wall Detail plan (using St Bees red sandstone) reference RG-L-03 Rev D

Reason: For the avoidance of doubt.

- 2) Condition 7 of reserved matters consent reference 23/02378/REM is amended to read as follows:

The bollards and knee rail fence adjacent to plot 104 (shown on landscape drawing number RG-L-05 Rev F) and the bollards to prevent vehicular access to the verge west of plot 104 and the footpath running to the front of plots 99-104, shown on the approved drawings entitled 'Elevation of Plot 104' drawing no. RG-LD-41 and 'Village Green Design' drawing no. RG-LD-10-01 Rev C, shall be erected in accordance with these details approved under discharge of condition application reference 23/02378/COND1. The bollards and the knee rail fence shall be provided prior to

first occupation of any of the plots numbered 99-104. For the avoidance of doubt no part of this fence shall be higher than 0.6m.

The boundary treatment adjacent to the parking courts shall be erected in accordance with the siting details shown on Site Layout plan drawing no. MR-M-DWG-03 REV SS and the details approved under discharge of condition reference 23/02378/COND1 shown on approved drawing reference RG-LD-40 'Boundary Treatment adjacent to parking courts', prior to first occupation of the dwelling to which it relates.

The boundary treatments and retaining walls/structures, other than the knee rail fence and the boundary treatments adjacent to the parking court areas referred to above, shown on the Landscape Proposals Sheets 01-09 (identified within the approved plans list in condition 1) and shown on the Finished Levels and Retaining Walls Masterplan reference HGV-AJP-XX-00-DR-C-1400 C04 (identified on the approved plans list in condition 1) shall be erected in accordance with the approved details and approved materials for each plot, prior to that plot being occupied. The 1.8m high fencing hereby permitted shall be closed boarded timber and shall be stained in a brown colour. For the avoidance of doubt, the retaining structure on the Finished Levels and Retaining Walls Masterplan shown as a yellow dotted line on this plan, shall only be constructed from Tobermore blocks in red sandstone/'heather' colour, and shall not be constructed of any other material unless the alternative material has been previously submitted to and approved in writing by the Local Planning Authority. The retaining wall shall then only be constructed in accordance with the alternative approved material.

The boundary treatment walls within the site shall be constructed in materials that match the dwelling to which it relates unless alternative wall materials have been submitted to and approved in writing by the Local Planning Authority prior to their erection. The boundary treatment walls shall then be erected in accordance with the approved details. The Cheshire Estate railing and gates shall be painted black.

Reason: In the interests of visual amenity and to deliver an enhanced scheme incorporating high quality design.

Informative

The applicant's attention is drawn to comments from the LHA.

<u>Signed Case Officer¹:</u>	<u>C Appleyard</u>
<u>Signed Authorising Officer²:</u>	<u>Jo Sheridan</u>
<u>Date:</u>	<u>29/09/2025</u>

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