



Knowsley Council

**REGENERATION AND ECONOMIC
DEVELOPMENT DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF RESERVED MATTERS

Application No: 23/02378/REM

Name and address of applicant

Nuvu Development Limited

Name and address of agent

Stantec
Tower 12
18/22 Bridge Street
Spinningfields
Manchester
M33BZ

Date of Receipt: 16 August 2023

Date Valid: 12 September 2023

Address/Location Of Development

**Land South Of Lickers Lane, Windy Arbor Road, Halsnead Garden Village,
Whiston**

Description of Development

**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.**

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Reserved Matters Approval has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following condition(s):

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

Schedule 1

PLAN TITLE	PLAN REFERENCE	DATE RECEIVED
SITE LAYOUT	MR-M-DWG-03 REV SS	16.01.24
LANDSCAPE GA PLAN SHEET 00	RG-L-00 REV G	23.01.24
LANDSCAPE PROPOSALS GA SHEET 01	RG-L-01 REV G	23.01.24
LANDSCAPE PROPOSALS GA SHEET 02	RG-L-02 REV G	23.01.24
LANDSCAPE PROPOSALS GA SHEET 03	RG-L-03 REV G	23.01.24
LANDSCAPE PROPOSALS GA SHEET 04	RG-L-04 REV F	16.01.24
LANDSCAPE PROPOSALS GA SHEET 05	RG-L-05 REV F	16.01.24
LANDSCAPE PROPOSALS GA SHEET 06	RG-L-06 REV F	16.01.24
LANDSCAPE PROPOSALS GA SHEET 07	RG-L-07 REV F	16.01.24
LANDSCAPE PROPOSALS GA SHEET 08	RG-L-08 REV F	16.01.24
LANDSCAPE PROPOSALS GA SHEET 09	RG-L-09 REV F	24.01.24
LANDSCAPE PROPOSALS SCHEDULES SHEET 02	RG-L-02-02 REV E	23.01.24
PHASING	MR-M-DWG-11 REV I	16.01.24
ACTIVE TRAVEL AND MOVEMENT STRATEGY	MR-M-DWG-12 REV F	16.01.24
REFUSE COLLECTION STRATEGY	MR-M-DWG-08 REV F	16.01.24
ELECTRIC VEHICLE CHARGING PROVISION	MR-M-DWG-06 REV G	16.01.24
PARKING STRATEGY	MR-M-DWG-04 REV F	16.01.24
LICKERS LANE GATEWAY ENTRANCE WALL DETAIL	RG-L-03 REV D	16.01.24

HOUSE TYPE E (I) DETACHED (3B5P)	A-P19-016 REV P2	18.12.23
HOUSE TYPE W END (2B) COTTAGE FLAT	A-P19-012 REV P3	18.12.23
HOUSE TYPE G DETACHED (3B6P)	A-P19-009 REV P3	18.12.23
HOUSE TYPE F END (4B7P)	A-P19-008 REV P3	18.12.23
HOUSE TYPE F MID (4B7P)	A-P19-015 REV P1	12.09.23
HOUSE TYPE E DETACHED (3B5P)	A-P19-007 REV P3	18.12.23
HOUSE TYPE D END (3B5P)	A-P19-006 REV P3	18.12.23
HOUSE TYPE C END (3B5P)	A-P19-005 REV P3	18.12.23
HOUSE TYPE A MID (2B4P)	A-P19-002 REV P2	12.09.23
HOUSE TYPE A END (2B4P)	A-P19-001 REV P3	18.12.23
HOUSE TYPE B END (2B3P)	A-P19-004 REV P2	19.09.23
HOUSE TYPE B MID (2B3P)	A-P19-003 REV P2	12.09.23
LANDSCAPE PROPOSALS TYPICAL DETAILS SHEET 03	RG-L-02-03 REV C	12.09.23
LANDSCAPE PROPOSALS TYPICAL DETAILS SHEET 05	RG-L-02-05 REV C	12.09.23
LANDSCAPE PROPOSALS TYPICAL DETAILS SHEET 04 (EXCLUDING LITTER BIN)	RG-L-02-04 REV C	12.09.23
LANDSCAPE PROPOSALS SPECIFICATION SHEET 01	RG-L-02-01 REV C	12.09.23
SITE LOCATION PLAN	DWG01	12.09.23
FINISHED LEVELS AND RETAINING WALLS SHEET 1	HGV-AJP-XX-00-DR-C-1401 REV P09	16.01.24
FINISHED LEVELS AND RETAINING WALLS SHEET 2	HGV-AJP-XX-00-DR-C-1402 REV P09	16.01.24
FINISHED LEVELS AND RETAINING WALLS SHEET 3	HGV-AJP-XX-00-DR-C-1403 REV P09	16.01.24
FINISHED LEVELS AND RETAINING WALLS SHEET 4	HGV-AJP-XX-00-DR-C-1404 REV P09	16.01.24

2. Notwithstanding the details on the submitted house type drawings, specifications and, where requested by the Local Planning Authority, samples of the materials proposed to be used in the external elevations of the dwellings hereby permitted shall be submitted to and approved in writing prior to any construction works above damp-proof course level, based on plan reference MR-M-DWG-13 Rev F 'Material Strategy'. For the avoidance of doubt, the material details and, where requested by the Local Planning Authority, samples shall include bricks, roof tiles, stone lintel colour, use of rough cast render and a colour specification for the render, and door colours. The dwellings shall then be constructed in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure a high standard of design is delivered.

3. Notwithstanding the detail shown on the Landscape Proposals, full details of the planting treatment to the western boundary of the public open space area (which, for the avoidance of doubt, includes the pumping station) shall be submitted to and approved in writing prior to occupation of the 50th dwelling. The details shall include a timetable for implementation and shall then be carried out in accordance with the approved details.

Reason: To promote comprehensive development.

4. The scheme of remedial investigation and works described in the reports listed below shall be undertaken in accordance with a timetable to be agreed with the Local Planning Authority prior to the commencement of development of the works:

Mine Workings and Mine Shaft Treatment Report (report number 002 v2.0) dated 7th November 2023 by Wardell Armstrong;

Ground Investigation Report (report number RPT-003 V1) dated August 2023 by Wardell Armstrong

The works shall be completed in accordance with the timetable agreed with the Local Planning Authority.

Reason: To ensure a safe and stable development. The undertaking of intrusive site investigations, in accordance with the agreed timetable which should be agreed prior to commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 to 190 of the National Planning Policy Framework.

5. Prior to the commencement of any part of the woodland path through Lickers Lane Woods, full details of the siting of the path, path construction details to include depth of excavation, surfacing and edging and avoidance and protection measures during the construction of the footpath to protect the Local Wildlife Site, shall be submitted to and approved in writing by the Local Planning Authority. To accompany the woodland path siting details, an ecological survey of the woodland (to include a Preliminary Roost Assessment) an Arboricultural Impact Assessment and Method Statement setting out any trees requiring removal and root protection

methodology, and any ecological mitigation measures relating to the route of the path, shall be submitted to and approved in writing by the Local Planning Authority, prior to works commencing on the woodland path. The footpath shall then be constructed in accordance with the approved details and in accordance with a timetable for implementation that has been previously submitted to and agreed with the Local Planning Authority.

Reason: In the interests of protecting trees, the LWS and habitat, to promote biodiversity and in the interests of visual amenity. NOTE: It is recommended that the footpath follows informal routes to minimise impacts on ground flora and trees.

6. A pre-start check of T1 (as identified within the Tree Survey and Indicative Arboricultural Impact Assessment prepared by Tree Solutions Ltd, reference 20/AIA/KNOWSLEY/21) shall be carried out prior to its felling, and this should be carried out in full, under licenced bat ecologist supervision.

Reason: To promote biodiversity and to ensure protected species are not present.

7. 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.

8. Notwithstanding the approved plans, full details of the play equipment proposed within all the greenspace areas, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. The play equipment shall then be erected in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure appropriately designed play equipment is included in the development.

9. Notwithstanding the approved plans, full details of the village green to include the following shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any of the dwellings hereby permitted:
 1. Play equipment details and materials/external finish;
 2. Surfacing of the footpath and any areas of hard landscaping within the play area;
 3. Levels details of the village green;
 4. Boundary treatments within the play area
 5. Community notice board(s);
 6. SUDS design including a profile of the SUD pond and materials;
 7. Landscaping details within the village green area including SUD pond planting;
 8. Cycle parking;
 9. Timetable for implementation;

The village green shall then be constructed in accordance with the approved details.

Reason: In the interests of visual amenity and to aid legibility and to offer high quality well designed focal green space.

10. Prior to construction above damp-proof course level, full details of the bins and wayfinding signage proposed to be included in the development hereby permitted, or phase of development as previously agreed in writing with the Local Planning Authority, together with a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, these details shall have regard to the Design and Distinctiveness Guide.

A timetable for implementation of all soft landscaping (as set out in the landscape proposals in the plans listed in Condition 1 of this permission) across the site shall

be submitted to and approved in writing by the Local Planning Authority. The landscaping shall then be undertaken in accordance with the approved timetable.

Reason: To ensure access to greenspace and landscaped areas is incorporated into the development and in the interests of visual amenity.

11. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Part 1, Classes 1 A, E (where it applies to point (i) below, and F and Part 2A, or any amendments made to that Order, shall not apply to all dwellings for the following works:

- (i) No garages carports or side extensions shall be erected within the curtilage of the dwellings where those garages or car ports or side extensions utilise an approved parking space for that dwelling as shown on the approved layout plan;
- (iv) No hard standing space shall be constructed within the curtilage forwards of the principal front elevation of the dwellings hereby permitted;
- (v) No gates, walls, fences or other means of enclosure shall be erected within the curtilage of the dwellings forwards of the principal front elevations and between the elevation of any dwelling which lies adjacent to a highway, carriageway or footpath.

The above applies other than those expressly authorised by this permission, or pursuant to a condition, unless an application to the Local Planning Authority for planning permission for such has been granted.

Reason: The specific circumstances of the site warrant the Local Planning Authority to retain control over any further development in the interests of highway safety; to ensure a satisfactory development of the site in the interests of protecting the amenity of occupiers; visual amenity and to safeguard the character of the development.

12. Notwithstanding the submitted plans no part of the development, or phase of development as previously agreed with the Local Planning Authority, shall be occupied until exact scheme detail pertaining to the highlighted cycle storage for the flats and houses (as shown on Site Layout Drawing Number MR-M-DWG-03 REV SS) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these scheme details shall include elevations and siting and will need to be covered and secure. For the avoidance of doubt, providing cycle storage outside the physical boundaries of a property or garden will not be accepted. The cycle parking for each dwelling or flat shall be provided in accordance with the approved details prior to first occupation.

Reason: To promote sustainable transport modes.

13. Any boundary treatment or planting/hedges for plot 55 which fall within the visibility splay (2.4m x 25m) for the adjacent junction to the south shall be limited to a height of no more than 0.6m to ensure suitable visibility is maintained. The visibility splay in this location shall be kept free from any objects or structures.

Reason: In the interests of highway safety.

14. The dwellings, or phase of development as previously agreed with the Local Planning Authority, shall not be occupied until the areas indicated on Site Plan

Drawing Number MR-M-DWG-03 REV SS, set aside for parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) relating to that dwelling, have been surfaced, drained and permanently marked out or demarcated in accordance with the approved details. These areas shall then be retained for parking, servicing and vehicular manoeuvring thereafter.

Reason: In the interests of highway safety.

15. Prior to the construction of the SUDs ponds, section drawings through each SUD pond shall be submitted to and approved in writing by the Local Planning Authority. The SUD ponds shall then be constructed in accordance with the approved details and in accordance with the timetable approved under condition 10.

Reason: In the interests of delivering effective drainage ponds that incorporate the design aspirations of the Design and Distinctiveness Guide and in the interests of visual amenity and safety.

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

The decision to grant Reserved Matters has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance:-

This informative is only intended as a summary of the reason(s) for the granting of Reserved Matters. Should you require any further details relating to the decision please contact the relevant case officer (Clare Appleyard on 0151 443 2848)

ARTICLE 35 STATEMENT

IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
- 2) This permission is granted subject to conditions and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.

- a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised and you may be liable to enforcement action.
- b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached then you will be liable to a breach of condition notice.

- 1 The Local Planning Authority 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 National Planning Policy Framework.
- 2 The applicant's attention is drawn to the comments (attached) received from United Utilities, Active Travel England, MEAS and Merseyside Fire Authority.
- 3 Reasons for Granting Planning permission

The decision to grant this reserved matters consent has also been taken having regard to the policies and proposals set out below and to all materials planning considerations, including supplementary planning guidance:

Knowsley Replacement Unitary Development Plan (Saved Policies, 2006)

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

Knowsley Local Plan Core Strategy (2016)

SD1- Sustainable development
 CS1 - Spatial Strategy for Knowsley
 CS2 - Development Principles
 CS3 - Housing Supply, Delivery and Distribution
 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
 CS15 - Delivering Affordable Housing
 CS17 - Housing Sizes and Design Standards
 CS19 - Design Quality and Accessibility in New Development
 CS20 - Managing the Borough's Historic Environment
 CS21 - Greenspaces and Trees
 CS24 - Managing Flood Risk
 CS26 - Waste Management
 CS27 - Planning for and Paying for New Infrastructure

Supplementary Planning Documents

Ensuring a Choice of Travel SPD (2010)
Design Quality in New Development SPD (2016)
New Residential Development SPD
Trees and Development SPD (2016)
Halsnead Garden Village Masterplan SPD

Merseyside Waste Local Plan (2013)

WM8 - Waste Prevention and Resource Management
WM9 - Sustainable Waste Management Design and Layout for New Development

This informative is only intended as a summary of the reasons for granting reserved matters consent. Should you require any further details relating to the decision, please contact Kevin Foster on 0151 443 2893.

Executive Director - Regeneration and Economic Development

Date: 26 January 2024

IMPORTANT NOTES FOR YOUR ATTENTION:

- 1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.**
- 2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.**
- 3. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works.**

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.