



METROPOLITAN
BOROUGH OF ST HELENS

50TH ANNIVERSARY

Town Hall, St. Helens, Merseyside, WA10 1HP

Telephone: 01744 676106 (Mrs KM Howard)

Agenda

PLANNING COMMITTEE

PUBLIC MEETINGS ARE WEBCAST (LIVE STREAMED)

Date: Tuesday, 16 April 2024

Time: 5.30 pm

Venue: Room 10

Membership

Lab	9 Councillors	Banks, J Banks, Bowden, Campbell, Gomez-Aspron MBE, Hodkinson (Chair), Laird, Maloney MBE and McCauley
Grn	2 Councillors	Hooton and Makin
LibDem	1 Councillor	Pearl
IND	1 Councillor	Tasker
NLWI	1 Councillor	Collier
Con	1 Councillor	Case

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- 5. Current Planning Appeals 137
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- 7. Current Enforcement Cases 151
- 8. Exclusion of the Public

Recommended that the public be excluded from the meeting during consideration of the following item for the reason stated:

<u>Item</u>	<u>Reason (under the Local Government Act 1972)</u>
9	Exempt information in relation to any individual (Para 1 of Schedule 12A)

- 9. Planning Enforcement Action at 86 Argyle Street 157

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At a meeting of the Planning Committee held on
Tuesday, 12 March 2024

(Present) Councillor Hodkinson (Chair)
Councillors J Banks, Bowden, Gomez-Aspron MBE, Hooton,
Laird, Maloney MBE, McCauley, Pearl and Tasker

(Not Present) Councillors Banks, Case, Collier and Makin

51. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Banks, Case, Collier and Makin.

52. MINUTES

* Resolved that the minutes of the meeting held on 6 February 2024 be approved and signed.

53. DECLARATIONS OF INTEREST FROM MEMBERS

There were no Declarations of Interest from Members made.

54. PLANNING APPLICATIONS FOR DECISION BY THE COMMITTEE

* Resolved that the planning application be dealt with as shown below:

P/2023/0342/RES

Land Site Of Former Parkside Colliery, Winwick Road, Newton Le Willows

Reserved Matters Application seeking Access and Landscaping for enabling and infrastructure works to facilitate employment development comprising site wide earthworks to create development platforms, details of strategic landscaping (off plot), including bunds, planting, ecological mitigation, drainage and ground works, upgrades to existing substation and details of spine road access and Parkside Link Road (PLR) pursuant to outline planning permission ref: P/2018/0048/OUP

The Principal Planning Officer - West presented the application to Members, during which a presentation was screened detailing the following:

- Ariel Image
- Site Photos
- Proposed Site Pan
- SUDs
- Bunding ad Heritage Trail
- Summary of other considerations

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The Applicants' Agent appeared before the Committee to present the application on behalf of the applicant.

Grant planning permission subject to planning conditions listed below. With authority delegated to the Head of Planning Services to add, amend, or remove conditions as they deem necessary.

1. The development shall be carried out in accordance with the following application drawings:
 - Location Plan - Fletcher Rae Architects Drawing No 22016_PL01 Rev_A
 - Location Plan with PLR - Fletcher Rae Architects Drawing No 22016_PL02 Rev_A
 - Phasing Plan 1 - Phase A, B, C (The Enabling works) - Fletcher Rae Architects Drawing No. 22016_PL03 Rev C (Required by Condition 4)
 - Phasing Plan 2 - Phase D and E (Plots A, B and C) Fletcher Rae Architects Drawing No. 22016_PL04 Rev C (Required by Condition 4)
 - Phasing Plan 3 - Phase F and G (Plot D) Fletcher Rae Architects Drawing No. 22016_PL05 Rev D (Required by Condition 4)
 - Phase 1 Proposed Levels Plan - Cundall Drawing No. PKS-CDL-XX-XX-DR-C-63001 Rev G (Required by Condition 7)
 - Phase 1 Cut and Fill Plan - Cundall Drawing No. PKS-CDL-XX-XX-DR-C-65001 Rev I (Required by Condition 7)
 - Mound Sections Plan - Cundall Drawing No. PKS-CDL-XX-XX-DR-C-54002 (Sheet 1 of 4) P9 (Required by Condition 7)
 - Mound Sections Plan - Cundall Drawing No. PKS-CDL-XX-XX-DR-C-54003 (Sheet 2 of 4) P5 (Required by Condition 7)
 - Mound Sections Plan - Cundall Drawing No. PKS-CDL-XX-XX-DR-C-54004 (Sheet 3 of 4) P5 (Required by Condition 7)
 - Bund Specification Technical Note - Cundall ref: PKS-CDL-XX-XX-SP-C-10301 P02 (Required by Condition 7)
 - North – South Spine Road & Stacker Lane GA & Typical Cross Section - Cundall ref: PKS-CDL-XX-XX-DR-C-55002 Rev B
 - Proposed Substation Extension Plan - Drawing No. 22018_PL07
 - Landscape Masterplan - TPM Landscape Drawing No. 101 Rev M
 - Landscape Masterplan Sheet 1 of 2 - TPM Landscape Drawing No. 102 Rev N
 - Landscape Masterplan Sheet 2 of 2 - TPM Landscape Drawing No. 103 Rev M
 - Heritage and ecological Footpath Details - TPM Landscape Drawing No. 104 Rev D
 - Heritage and ecological Footpath Details - TPM Landscape Drawing No. 105 Rev D
 - Heritage and ecological Footpath Details - TPM Landscape Drawing No. 106 Rev D
 - Heritage and ecological Footpath Details - TPM Landscape Drawing No. 107 Rev D
 - Heritage and ecological Footpath Details - TPM Landscape Drawing No. 108 Rev D

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- Heritage and ecological Footpath Details - TPM Landscape Drawing No. 109 Rev D
 - Heritage Path Extracts and Sections Sheet 1 of 2 - TPM Landscape Drawing No. 110 Rev D
 - Heritage Trail Extracts and Sections Sheet 2 of 2 - TPM Landscape Drawing No. 111 Rev F (excluding flag detail)
 - Ecology Footpath and Pond Sections Sheet 1 of 2 - PM Landscape Drawing No. 113 Rev C
 - Ecology Footpath and Pond Sections Sheet 2 of 2 - TPM Landscape Drawing No. 114 Rev C
 - Footpath Section (between Plots A and B) - TPM Landscape Drawing No. 115 Rev A
 - Trim Trail Details - TPM Landscape Drawing No. 116
 - Sections 1 of 2 - TPM Landscape Drawing No. 125 Rev A
 - Sections 2 of 2 - TPM Landscape Drawing No. 126 Rev A
 - Tree Retention, Removals and Protection Plan - TPM Landscape Drawing No. 127 Rev B
 - Section Drawings – View from Properties - TPM Landscape Drawing No. 112 Rev C
 - Footpath Typical Detail - TPM Landscape Drawing No. 301 Rev A
 - Planting Plan 1 of 8 - TPM Landscape Drawing No. 201 Rev D
 - Planting Plan 2 of 8 - TPM Landscape Drawing No. 202 Rev D
 - Planting Plan 3 of 8 - TPM Landscape Drawing No. 203 Rev D
 - Planting Plan 4 of 8 - TPM Landscape Drawing No. 204 Rev D
 - Planting Plan 5 of 8 - TPM Landscape Drawing No. 205 Rev D
 - Planting Plan 6 of 8 - TPM Landscape Drawing No. 206 Rev D
 - Planting Plan 7 of 8 - TPM Landscape Drawing No. 207 Rev D
 - Planting Plan 8 of 8 - TPM Landscape Drawing No. 208 Rev D
 - Combined On-Plot and Off-Plot Landscape Masterplan - TPM Landscape Drawing No. 3681 123 Rev D
2. No development, baring ground remediation, shall take place until scaled elevations of the proposed trim trail equipment, heritage trail artwork(s) and sculptural sign or feature at the entrance to the development from the A49 shown in Landscape Masterplan - TPM Landscape Drawing No. 101 Rev M have been submitted to and agreed in writing with the Local Planning Authority. All of these installations shall be constructed in accordance with the approved details prior to first occupation of any unit and be retained for the lifetime of the development.
 3. Prior to first occupation, the proposed boundary treatments shall be installed in accordance with precise details that have first been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments so installed shall be retained thereafter.
 4. Prior to the first use of the footpaths hereby approved, details of measures to deter “scrambler” bikes from being used on the bund shall be submitted to and agreed in writing with the Local Planning Authority. The approved measures shall be implemented in accordance with the agreed details prior to first use of the footpaths and maintained thereafter.

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5. The bird nesting boxes on trees T14 and T16, as outlined in Revised Aspect Ecology (dated 19 September 2023) Technical Note 07, should be subject to further inspection immediately prior to the felling of trees to ensure bats are not present.
6. Notwithstanding the approved plans, the final location of the 'Proposed Spine Road Trees' shall be agreed in writing with the Local Planning Authority. The development shall be constructed in accordance with the agreed details prior to first occupation of any unit on site and shall be retained for the lifetime of the development.
7. Notwithstanding the approved plans, details shall be submitted to and approved in writing to the Local Planning Authority that requires the footpath running between section line FF – II as shown on Drawing Ecology Footpath and Pond Sections Sheet 1 of 2 - TPM Landscape Drawing No. 113 Rev C to incorporate a level pathway at a width of 2 metres in width.
Only the approved details shall be carried out in full.
8. Notwithstanding the approved plans, details shall be submitted to and approved in writing to the Local Planning Authority that requires the footpath running between section 9 – 10 as shown on Drawing Mound Sections Plan - Cundall Drawing No. PKS-CDL-XX-XX-DR-C-54004 (Sheet 3 of 4) P5 to incorporate a level pathway.
Only the approved details shall be carried out in full.
9. No development, baring ground remediation, shall take place until a scheme for the disposal of surface water (including to/from the footpaths of the Heritage trail and ecology area), from the development has been submitted to and approved in writing by the Local Planning Authority. A detailed drainage strategy and design will need to be submitted covering the full specifications of all related surface water drainage assets and connections. Connections to the watercourse may require a Land Drainage Consent with the Environment Agency.

Details of a management and maintenance plan for the drainage system, including any arrangements for adoption by an appropriate public body or statutory undertaker must be provided and approved by the local planning authority prior to site commencement.

The duly approved scheme shall be implemented before any of the building are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority. Prior to site development of the proposed development, the drainage schemes shall be completed in accordance with the approved details covering the following:

- (a) Comparison of pre and post-development impermeable areas - this relates specifically to consistency between the submitted documents in relation to post-development impermeable areas. This point remains unresolved as there are still inconsistencies between the data sources.
- (b) Catchment area plan - as with the above, this relates to consistency between submitted documents.

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- (c) Justification of the proposed discharge rate including pre- and post-development rates including supporting calculations - as with the above, this relates to consistency between submitted documents. Identification of measures to alter the final discharge rates as the phases of the scheme are added.
- (d) Detailed design of all storm water storage areas and allocation of all proposed storage areas relating to this application with mapping. Storage storm events must look at 1 in 1 year, 1 in 2 years, 1 in 30 year, 1 in 100 year and 1 in 1 in 100 year plus climate change.
- (e) Detailed Drainage drawings to be provided in separate files, where possible if large plan can be provided for the full site along with any printer A1 or A3 friendly versions.
- (f) Full details of surface water treatment features.
- (g) Operation and Maintenance Plan are the associated access arrangements.
- (h) Specification of materials used for the drainage design.
- (i) Full Micro Drainage or equivalent software calculations for the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 1 in 100 year plus climate change events. Including evidence of the required storage volume requirements and that these can be accommodated on site. This needs to be provided for both the on-plot and site-wide systems. Micro Drainage or equivalent software results to be provided as a separate pdf and the actual software files used i.e. mdx file.
- (j) Details of inlets, outlets and flow controls (including manufacturing type).
- (k) Construction details;
- (l) Drainage plan including full details of the system including pipe sizes, gradients, invert levels, cover levels and allocation of storage volumes. This needs to include both the on-plot and site-wide systems. References of drainage assets in the hydraulic modelling must be consistent with any drainage plans submitted, i.e. pipe reference numbers like 1.001 etc.
- (m) Long and cross sections of the design.
- (n) Consideration of submerged outfalls.
- (o) Health and Safety Risk Assessment.
- (p) Construction Management Plan and how surface water will be managed on site to not cause harm of flooding outside the boundary, any infrastructure businesses or residential properties.

P/2023/0341/RES

**Land Site Of Former Parkside Colliery,
Winwick Road, Newton Le Willows**

Reserved Matters Application seeking approval for Access, Appearance, Landscaping, Layout and Scale for the three employment units (B8 with ancillary B1(a)) at Plots A, B and C, landscaping works, associated servicing and infrastructure, noise mitigation, car parking, vehicle and pedestrian circulation space, including means off access from the PLR,

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pursuant to outline planning permission ref:
P/2018/0048/OUP

The Principal Planning Officer - West presented the application to Members, during which a presentation was screened detailing the following:

- Location Plan
- Proposed Layout
- Site Photos
- Proposed Site Layout
- Unit A
- Unit B
- Unit C
- Residential Amenity
- Parking Provision
- HGV Monitoring Areas
- Summary of Other Considerations

The Applicants' Agent appeared before the Committee to present the application on behalf of the applicant.

Grant planning permission subject to planning conditions listed below. With authority delegated to the Head of Planning to add, amend, or remove conditions as they deem necessary:

1. The development shall be carried out in accordance with the following application drawings:
 - Location Plan - Fletcher Rae Architects Drawing No 22017-FRA-AV-XX-DR-A-0101 Rev P2
 - Location Plan with PLR - Fletcher Rae Architects - Drawing No 22017-FRA-AV-XX-DR-A-0102 Rev P2
 - Proposed Masterplan - Fletcher Rae Architects Drawing No. 22017-FRA-AV-XX-DR-A-0501Rev P3
 - Unit A Proposed Site Plan - Fletcher Rae Architects Drawing No. 22017-FRA-V1-XX-DR-A-0501 Rev P5
 - Unit A Proposed Ground Floor GA - Fletcher Rae Architects Drawing No. 22017-FRA-V1-00-DR-A-2001Rev P6
 - Unit A Roof Plan - Fletcher Rae Architects Drawing No. 22017-FRA-V1-R1_DR_A-2003 Rev P5
 - Unit A Proposed Office GA Plans - Fletcher Rae Architects Drawing No. 22017-FRA-V1-ZZ-DR-A-2002 Rev P4
 - Unit A Proposed OPS Office GA Plans - Fletcher Rae Architects Drawing No. 22017-FRA-V1-ZZ-DR-A-2004 Rev P3
 - Unit A Proposed GA Elevations - Fletcher Rae Architects Drawing No. 22017-FRA-V1-XX-DR-A-2101 Rev P9
 - Unit A Proposed GA Sections - Fletcher Rae Architects Drawing No. 22017-FRA-V1-XX-DR-A-2201 Rev P4
 - Unit B Proposed Site Plan - Fletcher Rae Architects Drawing No. 22017-FRA-V2-XX-DR-A-0501Rev P4

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- Unit B Proposed Ground Floor GA - Fletcher Rae Architects Drawing No. 22017-FRA-V2-00-DR-A-2001Rev P4
 - Unit B Roof Plan- Fletcher Rae Architects Drawing No. 22017-FRA-V2-R1-DR-A-2003 Rev P5
 - Unit B Proposed Office GA Plans - Fletcher Rae Architects Drawing No. 22017-FRA-V2-ZZ-DR-A-2002 Rev P4
 - Unit B Proposed OPS Office GA Plans - Fletcher Rae Architects Drawing No. 22017-FRA-V2-ZZ-DR-A-2004 Rev P3
 - Unit B Proposed GA Elevations - Fletcher Rae Architects Drawing No. 22017-FRA-V2-XX-DR-A-2101 Rev P6
 - Unit B Proposed GA Sections - Fletcher Rae Architects Drawing No. 22017-FRA-V2-XX-DR-A-2201 Rev P3
 - Unit C Proposed Site Plan - Fletcher Rae Architects Drawing No. 22017-FRA-V3-XX-DR-A-0501Rev P4
 - Unit C Proposed Ground Floor GA - Fletcher Rae Architects Drawing No. 22017-FRA-V3-00-DR-A-2001Rev P4
 - Unit C Roof Plan - Fletcher Rae Architects Drawing No. 22017-FRA-V3-R1-DR-A-2003 Rev P5
 - Unit C Proposed Office GA Plans - Fletcher Rae Architects Drawing No. 22017-FRA-V3-ZZ-DR-A-2002 Rev P4
 - Unit C Proposed OPS Office GA Plans - Fletcher Rae Architects Drawing No. 22017-FRA-V3-ZZ-DR-A-2004 Rev P3
 - Unit C Proposed GA Elevations - Fletcher Rae Architects Drawing No. 22017-FRA-V3-XX-DR-A-2101 Rev P6
 - Unit C Proposed GA Sections - Fletcher Rae Architects Drawing No. 22017-FRA-V3-XX-DR-A-2201 Rev P3
 - Proposed Cycle Shelter - Fletcher Rae Architects Drawing No. 22017-FRA-AV-XX-DR-A-0901 Rev P2
 - Proposed Waste Compound Details - Fletcher Rae Architects Drawing No. 22017-FRA-AV-XX-DR-A-0902 Rev P2
 - Proposed Gatehouse - Fletcher Rae Architects Drawing No. 22017-FRA-AV-XX-DR-A-0903 Rev P2
 - Combined On-Plot and Off-Plot Landscape Masterplan - TPM Landscape Drawing No. 3681 123 Rev D
 - Combined On-Plot and Off-Plot Landscape Masterplan - TPM Landscape Drawing No. 3681 124 Rev D
 - Planting Plan - Unit A - TPM Landscape Drawing No. 3681 209 Rev _
 - Planting Plan - Unit B - TPM Landscape Drawing No. 3681 210 Rev _
 - Planting Plan - Unit C - TPM Landscape Drawing No. 3681 211 Rev _
 - Lighting Strategy Plan (Plots A, B and C) - Ridge 5002670 RDG XX 00 DR E 906001Rev P02
 - Phase 1 Proposed Levels Plan - Cundall Drawing No. PKS-CDL-XX-XX-DR-C-63001 Rev G
2. No development above slab level shall take place until details of the proposed facing materials have been submitted to and agreed in writing with the Local Planning Authority. The development shall be constructed in accordance with the agreed details.
 3. Prior to their use on site, details of the elevations of the boundary treatments as shown in drawings:

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- Combined On-Plot and Off-Plot Landscape Masterplan - TPM Landscape Drawing No. 3681 123 Rev D
- Combined On-Plot and Off-Plot Landscape Masterplan - TPM Landscape Drawing No. 3681 124 Rev D

shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be constructed in accordance with the agreed details.

4. Prior to first occupation of the units hereby permitted, the bunds detailed with P/2023/0342/RES shall be constructed in full accordance with the details approved therein.
5. Prior to any above groundworks, elevational details of the substation and associated screening shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be carried out in full prior to first occupation of the development hereby permitted.
6. For the avoidance of doubt, the glazed element in the western elevation of Unit A shall be obscurely glazed, non-opening and shall be retained as such at all times thereafter.
7. Prior to first occupation of each unit, associated parking facilities (including for cars, disabled persons, HGVs (including early arrival bays), motor cycles, cycles and all related turning and manoeuvring areas) shall be provided in full accordance with the details shown on the approved drawings and shall be retained at all times thereafter exclusively for such purposes.
8. Prior to any above groundworks, the number and exact location of solar panels for each individual unit shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be carried out in full prior to first occupation.
9. Prior to first use of the Heritage Trail Car Park, details of a 2-metre-high vehicle height restriction barrier shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be carried out in full prior to first use.
10. The Heritage Trail Car Park hereby approved shall be made available for use prior to first use of the Heritage Trail as approved by details on application P/2023/0342/RES.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 or any Order revoking or re-enacting that Order, no further development shall take place within the curtilage of the units, as identified on the plans within Condition 1, unless planning permission is sought from and granted by the Local Planning Authority
12. Prior to first occupation of each unit the early arrival bays and additional welfare provisions shall be made available for use in accordance with the

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HGV Management Plan (Curtins Ref: 081542-CUR-ZZ-XX-RP-TP-001-HGVMP P11) and retained for the lifetime of the development.

13. The development hereby permitted shall be operated at all times in accordance with the submitted HGV Management Plan (Curtins Ref: 081542-CUR-ZZ-XX-RP-TP-001-HGVMP P11). Pursuant to Section 4.5 of the HGV Management Plan, and prior to first use of any building, a HGV Monitoring and Review Plan shall be submitted to and approved in writing by the Council as Local Planning Authority. The HGV Monitoring and Review Plan shall include (as a minimum):
1. Details of a Driver Requirements Pack (in general accordance with paragraphs 4.3.9 to 4.3.13 of the HGV Management Plan)
 2. Details of the HGV Management Plan Coordinator (in general accordance with Section 4.4 of the HGV Management Plan)
 3. Details of active measures to engage regularly with local residents/stakeholders and associated outcome reporting (in general accordance with paragraph 4.4.2 of the HGV Management Plan)
 4. Details of an on-plot HGV parking monitoring regime to review the operation of the dedicated early arrival parking bays and to provide details of backloading and vehicle booking systems
 5. Details of an off-site HGV parking monitoring regime (including frequency of monitoring) to review if any HGV's attributed to the development are present within the zone shown on the Parking Regime Area - Drawing No. 001.

The approved HGV Monitoring and Review Plan shall be updated and resubmitted to the Council every 6 months for a minimum period of 5 years.

In the event that the requisite off-site HGV parking monitoring regime identifies the presence of HGV's attributed to the development within the zone shown on Parking Regime Area - Drawing No. 001 for two consecutive survey periods then within 6 months, a HGV parking layby (including related North-South spine road and turning facility) shall be provided and made available as indicated on Drawing No. PKS-CDL-XX-XX-DR-C-55002 REV B attached to application P/2023/0342/RES and in accordance with precise details (including associated driver welfare facilities) that have first been submitted to and approved by the Council as Local Planning Authority. The HGV parking lay-by and associated facilities so provided shall be retained exclusively for such use at all times thereafter.

14. No development baring ground remediation shall take place until a scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. A detailed drainage strategy and design will need to be submitted covering the full specifications of all related surface water drainage assets and connections. Connections to the watercourse may require a Land Drainage Consent with the Environment Agency.

Details of a management and maintenance plan for the drainage system, including any arrangements for adoption by an appropriate public body or

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statutory undertaker must be provided and approved by the Local Planning Authority prior to site commencement.

The duly approved scheme shall be implemented before any of the building are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority. Prior to site development of the proposed development, the drainage schemes shall be completed in accordance with the approved details covering the following:

- (a) Comparison of pre and post-development impermeable areas - this relates specifically to consistency between the submitted documents in relation to post-development impermeable areas. This point remains unresolved as there are still inconsistencies between the data sources.
- (b) Catchment area plan - as with the above, this relates to consistency between submitted documents.
- (c) Justification of the proposed discharge rate including pre- and post-development rates including supporting calculations - as with the above, this relates to consistency between submitted documents. Identification of measures to alter the final discharge rates as the phases of the scheme are added.
- (d) Detailed design of all storm water storage areas and allocation of all proposed storage areas relating to this application with mapping. Storage storm events must look at 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 1 in 100 year plus climate change.
- (e) Detailed Drainage drawings to be provided in separate files, where possible if large plan can be provided for the full site along with any printer A1 or A3 friendly versions.
- (f) Full details of surface water treatment features.
- (g) Operation and Maintenance Plan are the associated access arrangements.
- (h) Specification of materials used for the drainage design.
- (i) Full Micro Drainage or equivalent software calculations for the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 1 in 100 year plus climate change events. Including evidence of the required storage volume requirements and that these can be accommodated on site. This needs to be provided for both the on-plot and site-wide systems. Micro Drainage or equivalent software results to be provided as a separate pdf and the actual software files used i.e. mdx file.
- (j) Details of inlets, outlets and flow controls (including manufacturing type).
- (k) Construction details;
- (l) Drainage plan including full details of the system including pipe sizes, gradients, invert levels, cover levels and allocation of storage volumes. This needs to include both the on-plot and site-wide systems. References of drainage assets in the hydraulic modelling must be consistent with any drainage plans submitted, i.e. pipe reference numbers like 1.001 etc.
- (m) Long and cross sections of the design.

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- (n) Consideration of submerged outfalls.
- (o) Health and Safety Risk Assessment.
- (p) Construction Management Plan and how surface water will be managed on site to not cause harm of flooding outside the boundary, any infrastructure businesses or residential properties.

In addition, it was resolved that the Chair write on behalf of the Committee to the Council's Highway Authority, the Portfolio Holder for Strategic Transport and the Portfolio Holder for Regeneration and Planning to request that consideration be given to the addition of weight restrictions in order to ensure heavy goods vehicles use the Parkside Link Road to M6 route and that a wider package of highways measures were introduced to ensure that any potential impact on the A49 was mitigated.

P/2023/0696/FUL

Land Between 115-117, Birley Street, Newton Le Willows

Erection of 1no detached dwelling and outbuilding with associated landscaping and access works

The Development Control Manager presented the application to Members, during which a presentation was screened detailing the following:

- Ariel View
- Location Plan
- Site Photographs
- Proposed Elevation and Streetscene
- Proposed Site Plan
- Proposed Floor Plan and Proposed Outbuilding
- Other Matters

The Committee was advised on a further objection that had been received since the publication of the agenda.

Grant Planning Permission Subject to the following conditions:

1. The works hereby permitted must be begun within 3 years of the date of this decision notice.
2. The development shall be carried out in accordance with the following application drawings/documents:
 - Location Plan
 - Existing & Proposed Plans (dwg no. A101-B – Rev. 3)
3. No development hereby approved shall commence until:
 - (a) A Phase 1 Site Investigation and Risk Assessment has been carried out to investigate the potential contamination issues associated with the site and the proposed development. The Phase 1 Site Investigation shall include a desk study, site walkover, human health and environmental risk assessment and an initial conceptual site model. A written report on the Phase 1 investigation shall be submitted to and approved in writing by the Local Planning Authority.

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- (b) Unless otherwise agreed in writing with the Local Planning Authority, a Phase 2 Site Investigation and Risk Assessment Methodology, to assess the nature and extent of any contamination on the site, whether or not it originates on the site, shall be submitted to and approved in writing by the Local Planning Authority.
- (c) Unless otherwise agreed in writing with the Local Planning Authority a Phase 2 Site Investigation and Risk Assessment shall be completed in accordance with the approved methodology. A written report, including a remedial options appraisal, shall be submitted to and approved in writing by the Local Planning Authority.
- (d) Unless otherwise agreed in writing with the Local Planning Authority a detailed Remediation Strategy, which removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of remedial works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

All such reports shall be completed by a competent person in accordance with government and Environment Agency guidance, namely "Land Contamination: Risk Management" (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).

- 4. Prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority, a Remediation Verification Report prepared in accordance with the agreed Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Verification Report shall be completed by a competent person in accordance with government and Environment Agency guidance, namely "Land Contamination: Risk Management" (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).
- 5. Prior to the dwelling hereby approved being first occupied, at least one bird box shall be installed and made available for use within the site. The duly installed bird box shall be retained as such thereafter.
- 6. Prior to the first occupation of the dwelling hereby approved, the access and parking area as shown on the approved plans shall be provided and thereafter retained.
- 7. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), before the dwelling hereby approved is first occupied, the utility / W/C / en-suite / stairway windows in the first and second floor of the east and west facing side elevation of the dwelling (facing no. 115 and no.117 Birley Street), as shown on the approved plans, shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the

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greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed windows shall be retained as such thereafter.

8. No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.
9. All proposed landscaping and tree planting as shown on the approved plans (dwg no. A101-B – Rev. 3), shall be fully implemented prior to the first occupation of the dwelling hereby approved, or the first planting season post occupation if occupation occurs outside of the planting season. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
10. No site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between of 08.00am - 18.00pm Monday to Friday, 08.00am - 13.00pm Saturday and not at all on Sundays/Public Holidays.
11. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in National Planning Practice Guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.
12. There shall be no tree felling, vegetation clearance works, or other works that may affect nesting birds on the development site or off-site habitat creation areas, between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections and approved in writing by the Local Planning Authority.
13. Prior to first occupation of the dwelling hereby approved a minimum of one smart electric vehicle charging point shall be installed within an accessible distance of the in-curtilage parking spaces detailed on drawing reference A101-B – Rev. 3 and retained thereafter.

P/2023/0668/FP3

Allanson Street Primary School, Gaskell Street
Provision of new external timber classroom within school playing field

The Development Control Manager presented the application to Members, during which a presentation was screened detailing the following:

- Ariel View
- Proposed Site Plan
- Proposed Building
- Site Photograph

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- Summary of Issues

Grant Planning Permission Subject to the following conditions:

1. The works hereby permitted must be begun within 3 years of the date of this decision notice.
2. The development shall be carried out in accordance with the following application drawings;
 - Location Plan (dwg no. AMCP35164 / 05)
 - Existing School Layout Plan (dwg no. AMCP35164 / 07)
 - Proposed Timber Classroom Position (dwg no. AMCP35164 / 03)
 - Proposed Timber Classroom Elevations (dwg no. AMCP35080 / 04)
 - Proposed Timber Classroom Floor Plan (dwg no. AMCP35080 / 05)
 - Vanguard Log Cabin W5.9m x D5.0m [Brochure]

P/2024/0005/TPO

**15 Knowsley Road, Rainhill, St Helens
L35 0PA**

Works to 1no beech tree covered by Tree Preservation Order (TPO)

The Development Control Manager presented the application to Members, during which a presentation was screened detailing the following:

- Aerial View
- Site Photograph
- Summary of Issues

Grant Planning Permission Subject to the following conditions:

1. The works hereby permitted must be begun within 2 years of the date of this decision notice.
2. All tree works shall be carried out to British Standard BS 3998 (2010), with work only taking place between the 31 August and the 31 March to avoid disturbance to breeding birds. Any work outside this period can only be carried out if the trees are first inspected to ensure there are no breeding birds present.

55. CURRENT PLANNING APPEALS

A report was submitted which informed Members of the current position with regards to the planning appeals that were pending or had recently been concluded alongside details of any call in inquiries.

* **Resolved that the report be noted.**

56. PLANNING APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PLANNING COMMITTEE

A report was submitted which informed Members of planning applications determined under delegated powers.

* **Resolved that the report be noted.**

57. **CURRENT ENFORCEMENT CASES**

A report was submitted which provided members with an overview of all planning enforcement complaints received and resolved between 2020 and 2024, alongside statistics and commentary on the number of cases received and resolved.

The report continued in providing information on planning enforcement internal performance indicators, details on other works and enquires received since the last Committee and concluded with a progress report on current extant notices.

* **Resolved that the report be noted.**

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Planning Committee

PLANNING APPLICATIONS FOR DECISION

The Contact Officer for these reports is Kieran Birch
Town Hall, Corporation Street, St Helens, WA10 1HP
Telephone: St Helens (01744 676114)

Background Papers

The planning application and the Council's standard conditions are background papers to each report. They and other background documents specific to individual reports, as listed immediately after the description of each proposal, are open to inspection in accordance with Section 100D of the Local Government Act 1972.

Status of Plans

Please note that plans attached to reports are provided (a) as aids to identification and (b) for illustrative purposes. They may not be complete or to a recognised scale, following reduction to A4 format, although dimensions will often be shown.

Inspection of Plans

Original plans and all other application documents are available for inspection at the Planning Enquiry Desk, Ground Floor, Town Hall.

Financial Implications

Unless specifically mentioned in a report, there are no identified financial implications, apart from the actual cost of processing each application

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APPLICATION NUMBER:	P/2024/0070/FP3
PROPOSAL:	Construction of 3.5m wide footway and cycleway facility, from Elderflower Road to Bishop Road, installation of litter bins, lighting columns, chicane barrier/bollards, cycle parking, and associated landscaping works
LOCATION:	Bishop Road Playing Field, Bishop Road St Helens
WARD:	Windle Ward
APPLICANT:	Mr Christopher Dick
CASE OFFICER:	Miss Kim Vo
REASON BEFORE MEMBERS:	Council application
RECOMMENDATION:	Grant Planning Permission Subject to Conditions

1. APPLICATION SITE

- 1.1 The application relates to land at Bishop Road Playing Fields, which can be accessed from Elderflower Road to the north and Bishop Road to the south. The application site is currently comprised of grassland, with existing playing field pitches located to the east and the Windleshaw Sports Club and its associated playing field pitch to the west. The Unison Sports and Social Club and the Bishop Road Police Club are located to the south of the site, with existing residential dwellings adjacent along Elderflower Road to the north and Bishop Road to the south. There is an existing Public Right of Way (PROW) footpath (no. 515) adjoining the site to the north from Tennis Street North to Gamble Avenue.
- 1.2 The application site forms part of an outdoor sports and recreation facility that is allocated as an area of Open Space, as defined by Policy LPC05, and shown on the Policies Map of the Local Plan.

2. PROPOSAL

- 1.1. The proposal seeks to construct a new 3.5m wide shared use footway and cycleway facility through Bishop Road Playing Field, from Elderflower Road to Bishop Road. It would be finished in bituminous footway surfacing. The proposal includes the installation of two steel litter bins; lighting columns; bollards with signage to the north access at Elderflower Road; a chicane barrier with signage to the south access at Bishop Road; tree planting; and a cycle parking area with five stands. The proposal will also include the removal of 10m existing native hedge along Bishop Road and compensatory hedgerow planting to mitigate this loss.
- 1.2. Some of these elements have been amended in response to public representations, seating has been removed, lighting columns have been re-orientated, and the applicants advise timer functionality would be included within the lighting proposed. It is not considered reasonable or necessary to control the timing of the lighting through a planning condition as the Council would control the lighting in future and this would allow flexibility to alter the timings depending on the time of year and need.
- 1.3. The proposal forms part of the By Ours Cowley Hill Liveable Neighbourhood community project. Informed by a series of public consultation workshops and surveys, asking the community about current issues and what they would like to see

in their streets and spaces, the project identified a list of proposed infrastructure improvements following that include the proposed new footway and cycleway facility under this planning application.

- 1.4. The description of the development has been updated to include the installation of the litter bins, lighting columns, chicane barrier/bollard, cycle parking, and associated landscaping works, as these works have been specified on the proposed plans.

3. CONSULTATIONS

- 1.5. Sport England (07.03.2024): No objection. The proposal is considered to meet exception 3 of the Playing Fields Policy and would accord with Paragraph 103 of the NPPF.
- 1.6. Environmental Health Officer for Contamination (06.03.2024): No objection.
- 1.7. Trees and Woodlands Officer (21.02.2024): No objections, subject to a condition in relation to landscaping. The impacts are relatively low as the site is mainly intensely managed amenity grassland and the scheme will have integrated tree planting that will create a strong landscape feature as it matures.
- 1.8. Environmental Health Officer for Noise (21.02.2024): No objections, subject to a condition restricting construction work outside the hours of 08.00am - 18.00pm Monday to Friday, 08.00am - 13.00pm Saturday and not at all on Sundays/Public Holidays.
- 1.9. The Coal Authority (20.02.2024): It does not appear that the proposed footway and cycleway facility will require substantial foundations or earthworks. On this basis, it is not considered that a Coal Mining Risk Assessment would be required or would be proportionate to the scale and nature of the development proposed in this particular case. However, an informative is recommended should planning permission be granted.
- 1.10. Public Rights of Way Officer (27.02.2024 and 28.02.2024): No objection following further information provided by the applicant.
- 1.11. Highways (06.03.2024 and 02.04.2024): Removes previous highways objection following the submission of revised plans which demonstrate that the spacing between the chicane barriers has been increased to 3.5m, with a minimum clearance of 1.5m alongside the barriers for access. Whilst this would encourage cyclists to reduce their speed on approach to the footway it would not act as a barrier to cyclists on non-standard bicycles.
- 1.12. Environmental Health Officer for Air Quality (26.02.2024 and 18.03.2024): No objections to the proposed methodology within the submitted Dust Mitigation Strategy on grounds of air quality. However, it is still requested that a final report is submitted of the specific measures to minimise the spread of air-borne dust from the site during the construction period.
- 1.13. MEAS (08.03.2024, 28.03.2024 and 05.04.2024): The proposed plan shows that a 10m length of native hedgerow will be removed and it is advised that compensation for this loss will be required and the details of this shown on an amended plan prior to determination. A condition is recommended to ensure that no hedgerow removal is

undertaken during the bird breeding season. Following review of the Street Lighting Design Plan, the lux contours show that the proposed lighting is unlikely to have an adverse impact on bats. Following review of the Proposed Hedgerow Compensation Plan, the proposed species of Beech (*Fagus sylvatica*) is non-native, and it is advised that this is replaced with a combination (i.e. 3 or 4) of the following species - hawthorn, holly, hazel, dog rose, elder, blackthorn, and honeysuckle.

- 1.14. Designing Out Crime Officer for Merseyside Police (28.03.2024): Does not consider, based on the current levels of crime, that the proposal would have a negative impact on crime within the area, providing that the recommendations are considered.

4. REPRESENTATIONS

- 1.15. The application was publicised by way of a site notice (posted on 22.02.2024) and neighbour notification letters.

- 1.16. 1no. letter of support was received and can be summarised as follows:

- Rivington Primary School comprises children from surrounding areas and pupils are encouraged to walk or cycle to school;
- At school pick up/drop off times, the school is very congested and having a safe foot and cycle path will alleviate traffic;
- The proposal will support the school's Bikeability lessons and provide safer commutes.

- 1.17. 3 no. letters of objections were received and can be summarised as follows:

- The proposed benches and lighting to be used beyond 4pm are unnecessary and are not required to meet the objectives of the project, which is focused on schools;
- The proposal will encourage people to congregate on the new footpath, which will result in increased crime and anti-social behaviour and reduce community safety;
- The proposal will result in increased noise and disturbance;
- The proposal will result in increased littering;
- The proposed lighting and its height will result in disturbance to neighbouring properties;
- The proposed tree planting will result in loss of sunlight to neighbouring properties when they are fully mature;
- The playing field has previous issues with users on quad bikes/motorbikes and the proposal must include measures to prevent access to these vehicles;
- Access should also be prevented from Bishop Road Playing Field to Windleshaw Road;
- Enforcement needs to be undertaken during school pick up/drop off hours at Rivington Primary School.

5. SITE HISTORY

- 1.18. None relevant.

6. POLICYNational Planning Policy Framework

- 1.19. Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable development, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 1.20. Paragraph 12 of the NPPF clarifies 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. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. 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.
- 1.21. Development Plan
The adopted development plan for St Helens is the St Helens Borough Local Plan to 2037; and the Joint Merseyside and Halton Waste Local Plan (adopted 2013).
- Policy LPA01: Spatial Strategy
Policy LPA02: Development Principles
Policy LPA08: Green Infrastructure
Policy LPA06: Transport and Travel
Policy LPA12: Health and Wellbeing
Policy LPC05: Open Space
Policy LPC06: Biodiversity and Geological Conservation
Policy LPC09: Landscape Protection and Enhancement
Policy LPC10: Trees and Woodland
Policy LPD01: Ensuring Quality Development
- 1.22. Supplementary Planning Documents
Trees and Development SPD (June 2008)
Ensuring a Choice of Travel (June 2010)
- Other Considerations
- 1.23. The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 1.24. This application has been considered in relation to Section 17 of The Crime and Disorder Act.

- 1.25. The application has been considered in accordance with the St Helens Council's Comprehensive Equality Policy, which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

7. ASSESSMENT

- 1.26. The key matters for consideration are:

- Principle of Development
- Design, Appearance and Visual Amenity
- Impact upon Neighbouring/Residential Amenities
- Crime and Community Safety
- Impact upon Parking, Highway Safety and Access
- Trees and Landscaping
- Ecology
- Other Matters

Principle of Development

- 1.27. The application site is located within the defined settlement boundary of the St Helens Core Area and is therefore sustainably and appropriately located in accordance with Policy LPA01 of the Local Plan. The proposal seeks to construct a new 3.5m wide shared use footway and cycleway facility through Bishop Road Playing Fields. The proposed works are, therefore, considered to maintain and enhance the function of the existing outdoor sports and recreation facility, which is defined as an Open Space and Green Infrastructure, in accordance with Policy LPA08, and LPC05 of the Local Plan.

- 1.28. The proposal would also provide a new physical infrastructure that would serve the needs of the community through improved access and walking/cycling routes, in accordance with Policy LPA07 and LPA12 of the Local Plan and Paragraph 96 of the NPPF. Moreover, Sport England have raised no objection, noting that whilst the proposal would result in a minor loss of playing field, the location is on part of the field which is not considered capable of forming a pitch. As such, the proposal would meet exception 3 of the Playing Fields Policy and would accord with Paragraph 103 of the NPPF. The principle of the development would therefore be acceptable.

Design, Appearance and Visual Amenity

- 1.29. Policy LPA02 of the Local Plan states that new development will be required to contribute to a high quality built and natural environment by securing high quality design in all development.
- 1.30. Policy LPD01 of the Local Plan requires all proposals for development to maintain or enhance the character and appearance of the local environment, with a focus on the importance of local distinctiveness, as well as using good design to improve the quality of areas that may have become run down and need regeneration. For example, with regard to the siting, layout, massing, scale, design, and materials used in any building work, the building-to-plot ratio and landscaping.
- 1.31. Paragraph 135 of the NPPF requires planning policies and decisions to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, and establish or maintain a

strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.

- 1.32. The proposal is considered to be appropriately designed for its purpose as a new footway and would include new tree plantings along the eastern perimeter, which would provide landscape definition to the path and separation with the existing playing field pitches to the east. The proposed width of 3.5m is also considered to be small scale and the proposed installation of bins, lighting columns, and cycle parking would all contribute to the function of the public footway as a new active travel route. The footway is also deemed to be suitably located along the boundary between the Windleshaw Sports Club and the Bishop Road Playing Field and would utilise an existing access point at Elderflower Road. Accordingly, it is considered that the proposed development would be acceptable in terms of its design and impact upon visual amenity, in accordance with Policy LPA02 and LPD01 of the Local Plan and paragraph 135 of the NPPF.

Impact upon Neighbouring/Residential Amenities

- 1.33. Policy LPA02 of the Local Plan and paragraph 135 of the NPPF states that new development will be required to contribute to a high quality built and natural environment by securing a high standard of amenity for all existing and future occupants of land and buildings. Policy LPD01 of the Local Plan states that all proposals for development will be expected to avoid causing unacceptable harm to the amenities of the local area and surrounding residential and other land uses and occupiers.
- 1.34. There are existing residential dwellings adjacent to the application site along Elderflower Road to the north and Bishop Road to the south. The proposal will result in increased activity and comings and goings due to the nature of its use as a footway and there are also lighting columns proposed along the full length of the path. This has also been noted in neighbouring objections which have stated that the proposal will result in increased noise and disturbance and that the proposed lighting and its height will impact upon neighbouring properties.
- 1.35. Whilst it is acknowledged that the proposal would likely result in increased activity, the impact of this is not considered to be to a significant, harmful degree in regard to noise or other amenity impacts. The footway is to be used as a travel route and therefore, its users will be transient. The benches have been removed from the proposal but can be installed by the Local Authority without requiring planning permission, should seating be required in future. The impact of the proposal is also not considered to be any greater than the existing highway to the front of the neighbouring properties. It is also noted that access onto the Bishop Road Playing Fields is currently unrestricted to the public through Elderflower Road and that there is a Public Right of Way (PROW) footpath directly adjoining to the rear of the dwellings at Elderflower Road. As such, there is already a level of activity and pedestrian movement created by the existing access points and routes surrounding these dwellings. The Environmental Health Officer for Noise has also raised no objections, subject to a condition restricting construction work outside the hours of 08.00am - 18.00pm Monday to Friday, 08.00am - 13.00pm Saturday and not at all on Sundays/Public Holidays.
- 1.36. It is further noted that the proposed lighting columns will result in increased lighting at the application site. However, a proposed lighting plan has been provided which demonstrates that the spread of the light from the new lighting columns within the site, will not extend to the neighbouring residential dwellings. The lighting columns

titled 'LC01' and 'LC09' as shown on the submitted plans, which are closest to dwellings at Elderflower Road and Bishop Road will also have rear shields installed to help reduce the rear light spill. As such, the impact in terms of light nuisance as a result of the proposed lighting is considered to be minimal. Moreover, the proposed lighting will include a timer functionality and it would be within the Council's control as to whether this function will be utilised. However, given that the proposed lighting is considered to be acceptable, it is not considered necessary or reasonable for this function to be conditioned.

- 1.37. Neighbouring representations have also stated that the proposed tree planting will result in loss of sunlight to neighbouring properties when they are fully mature. The trees to be planted include a 50/50 mix of "Quercus robur (Fastigiata Group) 'Koster'" and "Tilia cordata 'Greenspire'". These trees can grow to ultimate heights of approximately 20m and 15m respectively. However, the nearest tree planting would be distanced over 26m away from the dwellings at Elderflower Road and there is also existing mature planting along the rear boundaries of these properties, which are considered to result in a higher degree of overshadowing than the proposed tree planting. Accordingly, the impact of the proposal in terms of loss of light is not considered to be detrimental.
- 1.38. Given the leisure and recreational uses of the adjacent Windleshaw Sports Club, The Unison Sports and Social Club, and the Bishop Road Police Club, the proposal is considered to have an acceptable relationship with these neighbouring facilities. The existing boundary treatments that currently separate the Bishop Road Playing Field to these buildings would also be retained and would provide screening from the proposed footway facility.
- 1.39. The proposed development is therefore considered to have an acceptable impact on the amenity of the occupiers of the existing residential and neighbouring properties surrounding the application site. Accordingly, the proposed development is considered to comply with Policy LPA02 and LPD01 of the Local Plan and the NPPF.

Crime and Community Safety

- 1.40. Paragraph 96 of the NPPF seeks development that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion e.g. through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.
- 1.41. Fear of crime is a material consideration in planning decisions, although relevant case law indicates that the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur from the development proposed.
- 1.42. Objections have been received stating that the proposed benches and lighting are unnecessary, with concerns expressing that the proposal will encourage people to congregate on the new footpath. Objectors are also concerned that the proposal will reduce community safety. It is appreciated that there are genuine fears regarding increased incidents of crime and anti-social behaviour resulting from the new proposed travel route. However, no assumptions can be made about how users of the proposed footway would behave, and it is not possible to attribute the proposed footway and its users to any future incidents of crime, as there is no evidence to support these assumptions. The proposal is also considered to result in a well-

designed, clear, and legible pedestrian and cycle route through the Bishop Road Playing Field, which would improve natural surveillance and encourage the active and continual use of this public space. Seating has been removed from the proposal however, the provision of public seating and lampstands falls under as permitted development under Part 12, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Subsequently, if the design or arrangement of lighting requires future alterations, these can be undertaken and provided without any planning permission, as can the installation of seating should this be required in the future.

- 1.43. The Designing Out Crime Officer for Merseyside Police has reviewed the proposal and considers that, based on the current levels of crime in the area, the proposal would not have an adverse negative impact on crime. The Designing Out Crime Officer also notes that by opening access from Bishop Road, this will increase the Bishop Road Playing Field's usage and increasing overall footfall to this area can have a protective effect on surrounding properties. From a 'Secured by Design' perspective, public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings. However, the area to the rear of Elderflower Road is already accessed from an existing path/entry. The Designing Out Crime Officer has provided guidance for the footpath and the Local Planning Authority considers that the proposal would accord with majority of these, as the footway facility will be straight, is of an appropriate width, and would be well lit. Guidance has also been provided for the proposed seating and these recommendations will be included as a planning informative, should seating be installed in the future. The proposal is, therefore, considered to be acceptable in accordance with the Paragraph 96 of the NPPF.

Impact upon Parking, Highway Safety and Access

- 1.44. Policy LPA06 of the Local Plan seeks to secure the delivery of new or improved road, rail, walking, cycling, and / or bus infrastructure where required. New development will only be permitted if it would enable good levels of accessibility by walking and cycling between homes, jobs, and services. The objectives of the Ensuring a Choice of Travel SPD seek to enable the provision of a balanced transport infrastructure which will provide access to employment, leisure, retail and other facilities for all residents and visitors. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 1.45. The proposal would provide new infrastructure that would allow for improved access through Elderflower Road and Bishop Road and there are also cycle parking spaces proposed. Highways have been consulted and notes that the proposed bituminous surfacing would be appropriate and the proposed lighting along the route is welcomed. Moreover, amended plans have been provided in response to Highways previous concerns to increase the spacing between the chicane barriers to 3.5m, with a 1.5m clearance alongside the barriers for access. Highways have reviewed the revised plans and state that there are now no outstanding highways concerns, noting that whilst the chicane barriers will encourage cyclists to reduce their speed on approach to the footway, it would not act as a barrier to cyclists on non-standard bicycles. The proposal is, therefore, considered to be acceptable in terms of highway safety and access, in accordance with Policy LPA06 of the Local Plan, the Ensuring a Choice of Travel SPD and the NPPF.

Trees and Landscaping

- 1.46. Policy LPC10 of the Local Plan states that new development, as appropriate having regard to its scale and nature, will be required to include the planting of new trees.
- 1.47. The proposed footway would be finished in bituminous footway surfacing. The hard landscaping materials proposed are therefore considered to be appropriate for the function of the footway. Tree planting is proposed along the full length of the facility and the Council's Trees and Woodlands Officer notes that the impacts of the proposal are relatively low, as the site is mainly intensely managed amenity grassland, and that integrated tree planting is included into the scheme that will create a strong landscape feature as it matures. The tree species chosen are large when mature but are species that have narrower crown forms and so reduce overhang of the sports pitch areas. The Council's Trees and Woodlands Officer has, therefore, raised no objection and recommends for a condition for all landscaping and tree planting to be fully implemented. Accordingly, subject to the above planning condition, the proposal is considered to have an acceptable impact upon trees and landscaping, in accordance with Policy LPC09 and LPC10 of the Local Plan and Paragraph 135 and 136 of the NPPF.

Ecology

- 1.48. Policy LPC06 of the Local Plan requires the Council to protect and manage species and habitats by requiring developers to ensure harm to protected species is avoided and where appropriate incorporate habitat features. Development proposals that would affect a nationally or locally designated nature conservation site, Priority Habitat(s), legally protected species, or Priority Species must be supported by an Ecological Appraisal and include details of any necessary avoidance, mitigation and / or compensation proposals, and of any proposed management measures.
- 1.49. Paragraph 180 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 186 states that when determining applications, local planning authorities should refuse permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for.
- 1.50. Merseyside Environmental Advisory Service (MEAS) have been consulted and noted that the initially proposed plan showed that a 10m length of native hedgerow would be removed and advised that compensation for this loss would be required and the details of this shown on an amended plan prior to determination. Merseyside Environmental Advisory Service (MEAS) have been consulted and noted that the initially proposed plan showed that a 10m length of native hedgerow be removed and advised that compensation for this loss would be required and the details of this shown on an amended plan prior to determination. A Proposed Hedgerow Compensation Plan has since been provided to show that a new 10m length of hedgerow will be provided to the southwest. Following review of this plan, MEAS noted that the proposed species of Beech (*Fagus sylvatica*) is non-native, and advised that this is replaced with a combination (i.e. 3 or 4) of the following species - hawthorn, holly, hazel, dog rose, elder, blackthorn, and honeysuckle. The applicant has since provided an amended plan to demonstrate that the proposed new hedgerow will be formed of Hawthorn, Holly and Hazel and the Local Planning Authority are satisfied that this addresses MEAS' comments.

- 1.51. MEAS have also recommended for a planning condition to ensure that no hedgerow removal is undertaken during the bird breeding season. A planning condition was also recommended for a lighting scheme to be provided to demonstrate it has been designed to protect ecology and does not result in excessive light spill. The applicant has since provided a Proposed Lighting Plan which MEAS have reviewed and confirms that the lux contours demonstrate that the proposed lighting is unlikely to have an adverse impact on foraging and commuting bats. Accordingly, subject to the above planning conditions, it is considered that the proposal would have an acceptable impact upon ecology, habitats and protected species, the tree and hedgerow species would ensure net gain for biodiversity is achieved in accordance with Policy LPC06 of the Local Plan and the NPPF.

Other Matters

- 7.26 The Environmental Health Officer for Contaminated Land has reviewed the application and raised no objections regarding potential contaminated land matters as the proposed works are relatively small scale. Accordingly, it is considered that the proposal would have an acceptable impact in terms of land contamination, in accordance with Policy LPD01 of the Local Plan and Paragraph 189 of the NPPF.
- 1.27. The Environmental Health Officer for Air Quality has reviewed the application and has requested a pre-commencement condition for a program of measures to be submitted to minimise the spread of air-borne dust from the site during the construction period. In response to this, the applicant has submitted a Dust Mitigation Strategy and the Environmental Health Officer for Air Quality has raised no objection to this document. However, it is still requested for a final report to be submitted, with details of the specific measures to be used to minimise the spread of air-borne dust and this will be attached as a planning condition. Subject to this planning condition, the proposal is considered acceptable in terms of air quality, in accordance with Policy LPD01 of the Local Plan.
- 1.28. The Coal Authority have been consulted and confirms that the application site falls partly within the defined Development High Risk Area. However, it does not appear that the proposed footway and cycleway facility will require substantial foundations or earthworks. On this basis, it is not considered that a Coal Mining Risk Assessment would be required or would be proportionate to the scale and nature of the development proposed in this particular case. However, an informative is recommended to advise the applicant of the potential hazards arising from former coal mining activity.

Observations on Representations

- 1.29. The majority of the points of objection have been addressed in the above analysis, those not previously addressed are detailed below:
- 1.30. Neighbouring objections have raised a concern stating that the proposal will result in increased littering. However, the proposed footway includes the installation of litter bins, and it cannot be assumed that the proposal would directly result in increased litter. Objectors have also stated that the playing field has had previous issues with users on quad bikes/motorbikes and the proposal must include measures to prevent access to these vehicles. Whilst it is acknowledged that such issues have occurred, the open access onto the field from Elderflower Road is an existing situation and this open access will be maintained. Furthermore, the proposal will include a chicane barrier to the new access point at Bishop Road that would prevent access onto the pathway to larger vehicles. An objector has stated that access should also be

prevented from Bishop Road Playing Fields to Windleshaw Road; however, no access is being provided to this road, with the main access points being from Elderflower Road and Bishop Road. Additionally, a neighbouring objection has expressed that enforcement needs to be undertaken during school pick up/drop off hours at Rivington Primary School; however, any issues relating to the school would be outside the scope and consideration of this application.

8. CONCLUSION

- 1.31. The principle of the development is acceptable as the proposal would provide a new shared use footway and cycleway facility which would maintain and enhance the function of the existing outdoor sports and recreation facility, which is defined as an Open Space and Green Infrastructure. The proposal would also provide new physical infrastructure which would serve the needs of the community through improved access and walking/cycling routes. The proposed development would have an acceptable impact in terms of design and appearance; crime and community safety; highway safety, access and parking; and trees and landscaping. Any harmful impacts upon residential amenity, ecology and air quality would be mitigated by conditions. On this basis the proposal complies with all relevant local and national planning policies and guidance.

9. RECOMMENDATION

- 1.32. Grant Planning Permission Subject to the following conditions, with authority delegated to the Head of Planning Services to add, amend, or remove conditions as they deem necessary:
1. The works hereby permitted must be begun within 3 years of the date of this decision notice.
 2. The development shall be carried out in accordance with the following application drawings/documents:
 - Location Plan (dwg no. 23-3002-01-003)
 - Bishop Road Playing Field, Planning Submission General Arrangement (dwg no. 23-3002-01-002) received 04.04.2024
 - Proposed Plan (Chicane Barrier and Access Distances)
 - Street Lighting Design (dwg no. SHD1287-SHD-HLG-COWL-DR-EO-Lighting Layout-R1 – Rev. R1)
 - Bishop Road Playing Field, Planning Submission Hedgerow Re-planting (dwg no. 23-3002-01-004) received 05.04.2024
 3. Prior to any above ground works taking place, a final report with details of the specific measures to minimise the spread of air-borne dust from the site during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
 4. All soft landscaping and proposed tree and hedgerow planting as shown on the approved plans shall be fully implemented prior to the first use of the footway facility or the first planting and seeding season post use of the footway facility if first use occurs outside of the planting season. Any trees, hedgerow, plants, or grassed areas which within a period of 5 years from the date of planting die, are

removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size, species and quality unless the Local Planning Authority gives written consent to the variation.

5. No site preparation, delivery of materials or construction works shall place outside the hours of 08.00am - 18.00pm hours Monday to Friday, 08.00am - 13.00pm hours Saturday and not at all on Sundays/Public Holidays.
6. No hedgerow removal or works that may affect nesting birds on the development site shall take place between 1st March and 31st August inclusive. If it is necessary to undertake works during the bird breeding season, then all hedgerow is to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If found to be present, details of how they will be protected are required to be submitted and approved in writing by the Local Planning Authority.

10. IMAGES



Figure 1. Access point at Elderflower Road



Figure 2. Bishop Road Playing Field (area of proposed footway along boundary)

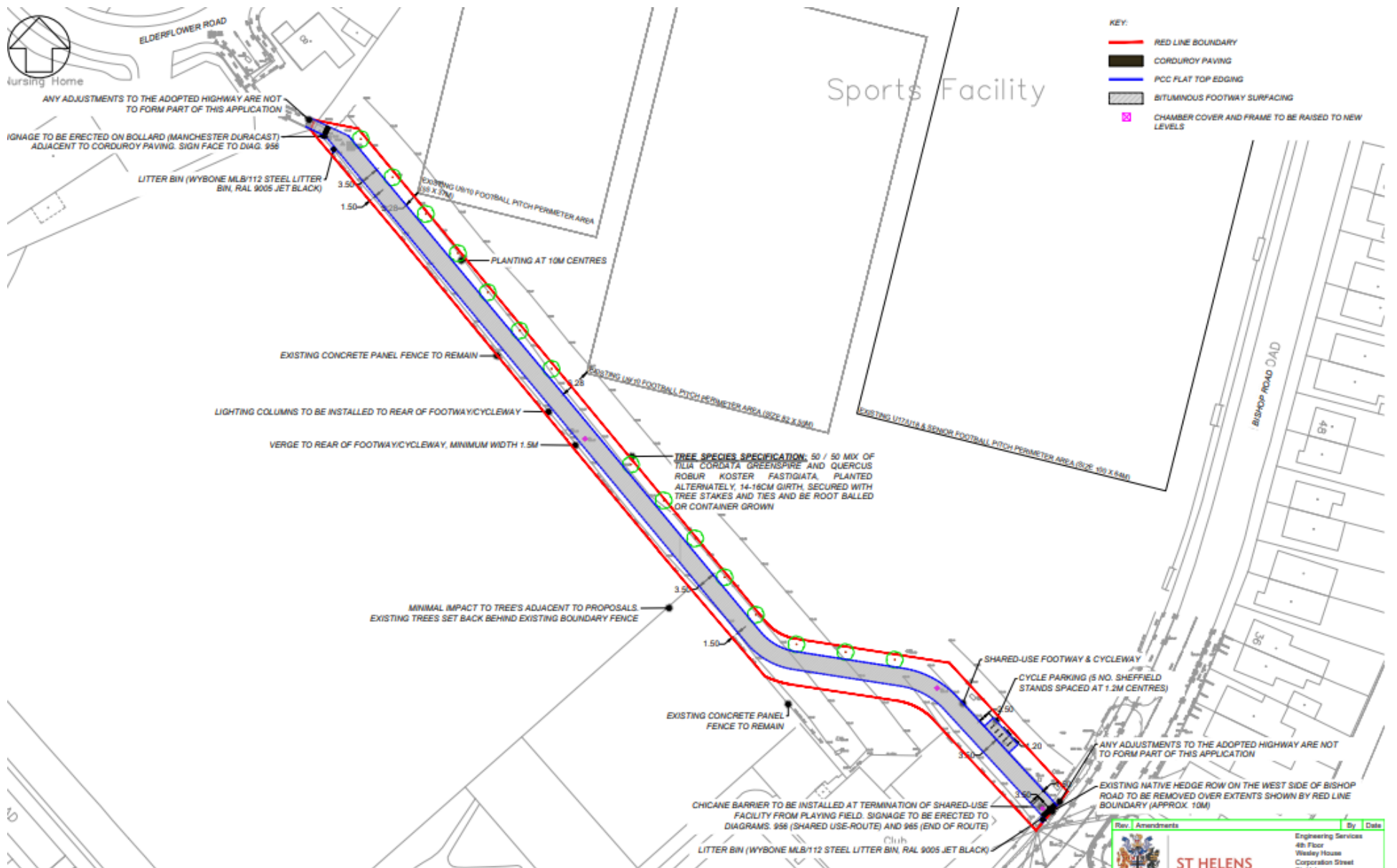


Figure 3. Bishop Road Playing Field



Figure 4. Area of proposed new access point at Bishop Road

11. PLANS



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APPLICATION NUMBER:	P/2024/0069/FP3
PROPOSAL:	Construction of Pocket Park facility at the land bound by Cooper Street, Chapel Street and Halefield Street
LOCATION:	Cooper Street Open Space, Cooper Street
WARD:	Windle Ward
APPLICANT:	Mr Christopher Dick
CASE OFFICER:	Miss Kim Vo
REASON BEFORE MEMBERS:	Council application
RECOMMENDATION:	Grant Planning Permission Subject to Conditions

1. APPLICATION SITE

- 1.1 The application relates to land bounded by Cooper Street, Chapel Street and Middlehurst Avenue. The application site is currently comprised of grassland, with existing mature trees to the west. There are existing residential dwellings fully surrounding the site, adjoining the site to the south and west and beyond the highways to the north and east.
- 1.2 The application site is located within the Central Spatial Area as defined by Policy LPB01 and shown on the Policies Map of the Local Plan.

2. PROPOSAL

- 1.1. The proposal seeks to construct a new pocket park facility at the application site. The pocket park would comprise of a paved surface that will provide access from Cooper Street to Middlehurst Avenue, running north to south through the site. The proposed facility would include the installation of lighting; a black steel litter bin; public seating; bollards; tree planting; and cycle parking. 13 no. trees would be planted alongside the path and along the boundaries of the site with Cooper Street and Chapel Street.
- 1.2. Some of these elements have been amended in response to public representations, the seating has been amended to more robust seating cubes and the applicants advise timer functionality would be included within the lighting proposed. It is not considered reasonable or necessary to control the timing of the lighting through a planning condition as the Council would control the lighting in future and this would allow flexibility to alter the timings depending on the time of year and need.
- 1.3. Works are also proposed onto the adopted highway, outside of the site edged red on the submitted Location Plan; however, these do not form as part of this application and will not be considered any further. Works to the adopted highway are permitted development when carried out by the Local Highway Authority and so do not require planning permission.
- 1.4. The proposal forms part of the By Ours Cowley Hill Liveable Neighbourhood community project. Informed by a series of public consultation workshops and surveys, asking the community about current issues and what they would like to see in their streets and spaces, the project identified a list of proposed infrastructure improvements and includes the proposed new pocket park under this planning application.

3. CONSULTATIONS

- 1.5. The Coal Authority (29.02.2024): No objection.
- 1.6. Merseyside Environmental Advisory Service (MEAS) (23.02.2024): The proposals will enhance biodiversity on the site and are welcomed.
- 1.7. Trees and Woodlands Officer (21.02.2024): No objections, subject to a condition in relation to landscaping. The impacts of the proposal are relatively low, and the scheme is primarily delivering the enhancement of an area of open space, which is currently of a relatively low landscape and biodiversity value. The proposal uses compact tree species, most of which will provide good spring blossom and autumn colours. The path and access improvements will open up use to a wider range of people creating an area of positive, usable open space.
- 1.8. Environmental Health Officer for Noise (21.02.2024): No objections, subject to a condition restricting construction work outside the hours of 08.00am - 18.00pm Monday to Friday, 08.00am - 13.00pm Saturday and not at all on Sundays/Public Holidays.
- 1.9. Environmental Health Officer for Contamination (06.03.2024): No objection, subject to a pre-commencement condition for a Phase 1 Site Investigation Report to be submitted and an additional condition in relation to a remediation verification report.
- 1.10. Highways (06.03.2024): No objection. Advice is provided on the specification of bollards to be installed and location of cycle parking.
- 1.11. Environmental Health Officer for Air Quality (26.03.2024): No objections on grounds of air quality, subject to a pre-commencement condition for a program of measures to be submitted to minimise the spread of air-borne dust from the site during the construction period.
- 1.12. Designing Out Crime Officer for Merseyside Police (28.03.2024): There is no reason to object to turning a waste piece of land back into use for the benefit of the community. Such areas have many benefits but require active maintenance programmes to ensure such areas do not become crime generators.

4. REPRESENTATIONS

- 1.13. The application was publicised by way of a site notice posted on 22.02.2024 and neighbour notification letters.
- 1.14. 1no. letter that neither objected to, nor supported the proposal was received and can be summarised as follows:
 - Proposes for the park to be fenced and gated at night to deter anti-social behaviour and prevent overnight congregation.
- 1.15. 13 no. letters of objections were received and can be summarised as follows:
 - The application site has existing crime and anti-social behaviour issues, and the proposal would exacerbate this;
 - The proposal will encourage people to congregate and reduce community safety;

- Benches previously existing in the surrounding area have since been removed due to anti-social behaviour;
- The proposal will result in increased noise and disturbance;
- There are an adequate number of parks available in the area;
- The proposal is not required by the community and the parks nearby have existing maintenance and safety issues;
- Parking and highway safety is an existing issue along Cooper Street and measures should be implemented to address this;
- The application site has existing issues of litter and dog waste;
- Neighbour consultation letters were not received by occupiers of Middlehurst Avenue;
- Request for CCTV to be installed, the wall at Middlehurst Avenue to be removed and for the site to be fenced off;
- Investment should be concentrated on traffic calming measures or town centre regeneration instead;
- Scrutiny is needed for the adjacent convenience store regarding their licensing and contribution to littering issues;
- There are parking issues relating to the nearby public house; and
- The proposal will result in the devaluation of properties.

5. SITE HISTORY

1.16. P/2009/0114 - Erection of 1.8 metre high fencing. Granted, 30.03.2009.

6. POLICY

National Planning Policy Framework

1.17. Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable development, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

1.18. Paragraph 12 of the NPPF clarifies 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. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. 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.

1.19. Development Plan

The adopted development plan for St Helens is the St Helens Borough Local Plan to 2037; and the Joint Merseyside and Halton Waste Local Plan (adopted 2013).

Policy LPA01: Spatial Strategy

Policy LPA02: Development Principles

Policy LPA06: Transport and Travel
 Policy LPA12: Health and Wellbeing
 Policy LPC05: Open Space
 Policy LPC06: Biodiversity and Geological Conservation
 Policy LPC09: Landscape Protection and Enhancement
 Policy LPC10: Trees and Woodland
 Policy LPD01: Ensuring Quality Development

1.20. Supplementary Planning Documents

Trees and Development SPD (June 2008)

Ensuring a Choice of Travel (June 2010)

Other Considerations

- 1.21. The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 1.22. This application has been considered in relation to Section 17 of The Crime and Disorder Act.
- 1.23. The application has been considered in accordance with the St Helens Council's Comprehensive Equality Policy, which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

7. ASSESSMENT

1.24. The key matters for consideration are:

- Principle of Development
- Design, Appearance and Visual Amenity
- Impact upon Neighbouring/Residential Amenities
- Crime and Community Safety
- Impact upon Parking, Highway Safety and Access
- Trees and Landscaping
- Land Contamination
- Other Matters

Principle of Development

- 1.25. The application site is located within the defined settlement boundary of the St Helens Core Area and is, therefore sustainably and appropriately located in accordance with Policy LPA01 and LPB01 of the Local Plan.
- 1.26. Policy LPC05 (Open Space) of St Helens Local Plan advises that "The Council will seek to ensure that the Borough's network of open spaces is protected, managed, enhanced and where appropriate expanded."
- 1.27. The proposal would construct a new pocket park facility that is considered to provide improved and usable green infrastructure, improving an existing informal area of open space, which would provide new opportunities for outdoor recreation, in accordance

with Policies LPA07, LPA12 and LPC05 of the Local Plan and Paragraph 96 of the NPPF. The principle of the development would therefore be acceptable.

Design, Appearance and Visual Amenity

- 1.28. Policy LPA02 of the Local Plan states that new development will be required to contribute to a high quality built and natural environment by securing high quality design in all development.
- 1.29. Policy LPD01 of the Local Plan requires all proposals for development to maintain or enhance the character and appearance of the local environment, with a focus on the importance of local distinctiveness, as well as using good design to improve the quality of areas that may have become run down and need regeneration. For example, with regard to the siting, layout, massing, scale, design, and materials used in any building work, the building-to-plot ratio and landscaping.
- 1.30. Paragraph 135 of the NPPF requires planning policies and decisions to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.
- 1.31. The proposal is considered to be appropriately designed for its purpose and would include new tree planting to define the boundaries of the public space. Whilst the proposed flexi pave surface course will result in some loss of grassland, it would provide improved access between Cooper Street and Middlehurst Avenue. The proposed installation of a litter bin, public seating and cycle parking are small scale developments which would all contribute to the function of the pocket park as an outdoor public recreational area. Additionally, the proposal is considered to provide an overall enhancement to the area, and it is considered that the proposed development would not cause any unacceptable impacts upon design or visual amenity, in accordance with Policy LPA02 and LPD01 of the Local Plan and paragraph 135 of the NPPF.

Impact upon Neighbouring/Residential Amenities

- 1.32. Policy LPA02 of the Local Plan and paragraph 135 of the NPPF states that new development will be required to contribute to a high quality built and natural environment by securing a high standard of amenity for all existing and future occupants of land and buildings. Policy LPD01 of the Local Plan states that all proposals for development will be expected to avoid causing unacceptable harm to the amenities of the local area and surrounding residential and other land uses and occupiers.
- 1.33. There are existing residential dwellings fully surrounding the application site. The proposal will result in increased activity and comings and goings due to the nature of its use as a public space and this has been noted in neighbouring objections. Whilst it is acknowledged that the proposal would likely result in increased activity, the impact is not considered to be any greater than the existing situation, as the application site currently forms as a green space, with non-restricted public access. The Environmental Health Officer for Noise has also raised no objections, subject to a planning condition restricting construction work outside the hours of 08.00am - 18.00pm Monday to Friday, 08.00am - 13.00pm Saturday and not at all on Sundays/Public Holidays.

- 1.34. No. 35 Chapel Street and no. 37 Cooper Street are residential dwellings which would adjoin onto the site to the south and to the east. However, the existing high yard boundary walls and public footpath to the north of no. 35 would provide screening and some separation with the proposal, with the existing mature trees, planting and fencing to the east obscuring views of the proposal to no. 37. No. 35 and no. 37 also do not contain any side elevation openings which would be directly overlooked as a result of the proposal. Moreover, there is a sufficient distance (of over 14m) between the residential dwellings at Cooper Street to the north and Middlehurst Avenue to the south. Subject to the above planning condition, the proposed development would not harm residential amenities, in accordance with Policy LPA02 and LPD01 of the Local Plan, and the NPPF.

Crime and Community Safety

- 1.35. Paragraph 96 of the NPPF seeks development that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.
- 1.36. Fear of crime is a material consideration in planning decisions, although relevant case law indicates that the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur from the development proposed.
- 1.37. Objections have been received expressing that the application site has existing crime and anti-social behaviour issues and the proposal would exacerbate this. Objectors also note that the proposal will encourage people to congregate and reduce community safety. A neighbouring representation also states that benches in the surrounding area have been removed due to anti-social behaviours. It is appreciated that due to previous incidents at the application site (as referenced within neighbouring representations), there are genuine concerns regarding increased incidents of crime and anti-social behaviour resulting from the new proposed pocket park. However, no assumptions can be made about how users of the proposed pocket park would behave, and it is not possible to attribute the proposal and its users to any future incidents of crime, as there is no evidence to support these assumptions. Moreover, the proposal is considered to result in a well-designed, clear, and legible access route through Cooper Street and Middlehurst Avenue, which would improve natural surveillance and encourage the active and continual use of this public area. Wider anti-social behaviour issues are a police matter, the proposed development would not materially increase these on an area of existing publicly accessible greenspace.
- 1.38. The Designing Out Crime Officer for Merseyside Police has been consulted and states that the number of crimes reported in the application site area is high. The Designing Out Crime Officer notes that pocket parks can be safe and welcoming places and should be open in design, well lit and not promote a sense of fear. Seating that could be used during daylight hours could be used to “legitimise” congregations of individuals during the hours of darkness. The public seating type should therefore not allow for the concealment of weapons, nor should it be arranged in a way that would encourage anti social behaviour.
- 1.39. The provision of public seating falls under as permitted development under Part 12, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Subsequently, if the design or arrangement of

the public seating within the proposed pocket park requires future alterations, to respond to concerns of residents, these can be undertaken and provided by the Council without requiring planning permission. The Designing Out Crime Officer concludes that there are no reasons to object to the proposal, which would bring the land into use for the benefit of the community. However, the pocket park will require active maintenance programmes to ensure the site does not become a crime generator. In response to this, the site is and will continue to be owned by the Council, and therefore, any future maintenance will be under the Council's control. Therefore, on balance, the proposal is considered to be acceptable in accordance with the Paragraph 96 of the NPPF.

Impact upon Parking, Highway Safety and Access

- 1.40. The proposal would provide improved access through Cooper Street and Middlehurst Avenue and there are also cycle parking spaces proposed. Highways have raised no objections to the proposal. Plans indicate bollards would be installed to prevent vehicle access on to the path and Highways have provided advice on the specification for these which will be provided to the applicant. 3 no. cycle stands would be provided in the development and the Local Planning Authority considers the location of these to be appropriate, as passive surveillance can be achieved through pedestrians and users travelling through Cooper Street. The development would have no severe impacts upon highway safety, in accordance with Policy LPA06 of the Local Plan, the Ensuring a Choice of Travel SPD and the NPPF.

Trees and Landscaping

- 1.41. Policy LPC10 of the Local Plan states that new development, as appropriate having regard to its scale and nature, will be required to include the planting of new trees
- 1.42. The majority of the grassland within the proposed pocket park would be retained with new tree planting proposed within the site. The new access route is to be finished in a flexi-pave surface course and this hard landscaping material is considered to be appropriate for its purpose. The Council's Trees and Woodlands Officer notes that the impacts of the path construction would be relatively low, and the scheme is primarily delivering the enhancement of an area of open space, which is currently of a relatively low landscape and biodiversity value. The proposal will use compact tree species, most of which will provide good spring blossom and autumn colours. The Council's Trees and Woodlands Officer has therefore raised no objection and recommends for a planning condition for all landscaping and tree planting to be fully implemented. As such, subject to the above planning condition, the proposal is considered to have an acceptable impact upon trees and landscaping, in accordance with Policy LPC09 and LPC10 of the Local Plan and Paragraph 135 and 136 of the NPPF.

Land Contamination

- 1.43. The Council's Contaminated Land Officer was consulted and notes that historic OS mapping indicates the site was historically occupied by a row of terraced residential properties, which have since been demolished. The proposed development represents a sensitive end use and given that construction and demolition activity has previously occurred on the site, a mantle of demolition made ground is anticipated to be present. Any such fill material may represent a potential source of contamination. As such, whilst the Contaminated Land Officer raises no objection, this is subject to a pre-commencement planning condition for a site investigation and risk assessment to be carried out, and an additional planning condition for a remediation verification report to be prepared if required. Subject to the recommended planning conditions, the

proposals impact in terms of contamination would be acceptable, in accordance with Policy LPD01 of the Local Plan and the NPPF.

Other Matters

- 1.44. The Environmental Health Officer for Air Quality has raised no objections on grounds of air quality. However, a pre-commencement planning condition has been requested for a program of measures to be submitted to minimise the spread of air-borne dust from the site during the construction period. Subject to the above pre-commencement planning condition, the proposal would be acceptable in accordance with Policy LPA02, LPD01 and LPD09 of the Local Plan and the NPPF.
- 1.45. The application site currently comprises of mown amenity grassland and is currently of low ecological value. MEAS have been consulted and raised no objections, noting that the proposal includes the creation of a pocket park comprising additional tree planting with 13 no. trees, as well as additional planting and landscaping improvements. The proposal will, therefore, enhance biodiversity on the site and would be acceptable in accordance with Policy LPC06 of the Local Plan and the NPPF.
- 1.46. The Coal Authority have been consulted and confirms that the application site falls partly within the defined Development High Risk Area. However, it is noted that the proposed development does not appear to require significant groundworks and, in any case, will be situated outside the Development High Risk Area. The Coal Authority, therefore, does not consider that a Coal Mining Risk Assessment is required and do not object to the planning application. However, a planning informative is recommended to advise the applicant of the potential hazards arising from former coal mining activity.

Observations on Representations

- 1.47. The majority of the points of objection have been addressed in the above analysis, those not previously addressed are detailed below:
- 1.48. Neighbouring objections have noted that there are adequate number parks available in the area which have existing maintenance and safety issues, and that the proposal is not required by the community. Planning policies do not place a limit on the number of parks and public spaces which can be provided in an area. The proposal would improve an area of existing publicly available green space.
- 1.49. Objectors have stated that the application site has existing issues of litter and dog waste. However, the proposal includes the installation of a litter bin and if there are existing littering/dog waste issues at the site, this can be reported to the Council's Environmental Health Service.
- 1.50. An objector has expressed that there was a lack of neighbour consultation letters sent. However, the application was publicised by way of a site notice posted on a nearby lamppost on 22.02.2024 and neighbour notification letters were sent to all adjoining properties.
- 1.51. Neighbouring representations have mentioned parking issues relating to the nearby public house, and that parking and highway safety is an issue along Cooper Street and measures should be implemented to address this. Objectors also stated that investment should be concentrated on traffic calming measures or town centre regeneration instead. However, any parking/traffic issues are considered to be an

existing situation and it would be outside the scope of this application to propose measures to address these.

- 1.52. Requests were made for CCTV to be installed, the wall at Middlehurst Avenue to be removed and for the site to be fenced off. However, these works are not considered necessary for the proposed pocket park and have not been sought as part of any amendments. The proposal would enhance an existing area of publicly accessible green space.
- 1.53. One objector had stated that scrutiny is needed for the adjacent convenience store regarding their licensing and contribution to littering issues, with another stating that the proposal will result in the devaluation of properties. In response to this, any issues relating to the convenience store are not deemed to be relevant to this application and the devaluation of properties is not a material planning consideration.

8. CONCLUSION

- 8.1 The principle of the development is acceptable as the proposal would create a new pocket park facility which will provide improved and usable green infrastructure and new opportunities for outdoor recreation. The proposed development would also have an acceptable impact in terms of design and appearance; residential amenity; crime and community safety; highway safety and parking; and trees and landscaping. Any contamination risks would be mitigated by conditions. On this basis the proposal complies with all relevant local and national planning policies and guidance.

9. RECOMMENDATION

1.54. Grant Planning Permission Subject to the following conditions:

1. The works hereby permitted must be begun within 3 years of the date of this decision notice.
2. The development shall be carried out in accordance with the following application drawings/documents:
 - Location Plan (dwg no. 23-3002-02-004)
 - Chapel Street & Cooper Street Pocket Park, General Arrangement (dwg no. 23-3002-02-003) received 04.04.2024.
3. No development hereby approved shall commence until a program of measures to minimise the spread of air-borne dust from the site during the construction period has been submitted to and approved in writing by the Local Planning Authority, using the EPUK & IAQM Assessment of dust from demolition and construction (2024 guidance). The development shall thereafter be implemented in accordance with the approved scheme.
4. No development hereby approved shall commence until:
 - a) A Phase 1 Site Investigation and Risk Assessment has been carried out to investigate the potential contamination issues associated with the site and the proposed development. The Phase 1 Site Investigation shall include a desk study, site walkover, human health and environmental risk assessment

and an initial conceptual site model. A written report on the Phase 1 investigation shall be submitted to and approved in writing by the Local Planning Authority.

- b) Unless otherwise agreed in writing with the Local Planning Authority, a Phase 2 Site Investigation and Risk Assessment Methodology, to assess the nature and extent of any contamination on the site, whether or not it originates on the site, shall be submitted to and approved in writing by the Local Planning Authority.
- c) Unless otherwise agreed in writing with the Local Planning Authority a Phase 2 Site Investigation and Risk Assessment shall be completed in accordance with the approved methodology. A written report, including a remedial options appraisal, shall be submitted to and approved in writing by the Local Planning Authority.
- d) Unless otherwise agreed in writing with the Local Planning Authority a detailed Remediation Strategy, which removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of remedial works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

All such reports shall be completed by a competent person in accordance with government and Environment Agency guidance, namely “Land Contamination: Risk Management” (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).

- 5. Prior to the first use of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority, a Remediation Verification Report prepared in accordance with the agreed Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Verification Report shall be completed by a competent person in accordance with government and Environment Agency guidance, namely “Land Contamination: Risk Management” (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).
- 6. No materials shall be used on the external surfaces of the proposed development other than those referred to on the approved plans / supporting documentation.
- 7. All soft landscaping and tree planting as shown on the approved plans shall be fully implemented prior to the first use of the pocket park facility or the first planting and seeding season post use of the pocket park facility if first use occurs outside of the planting season. Any trees or plants, or grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar

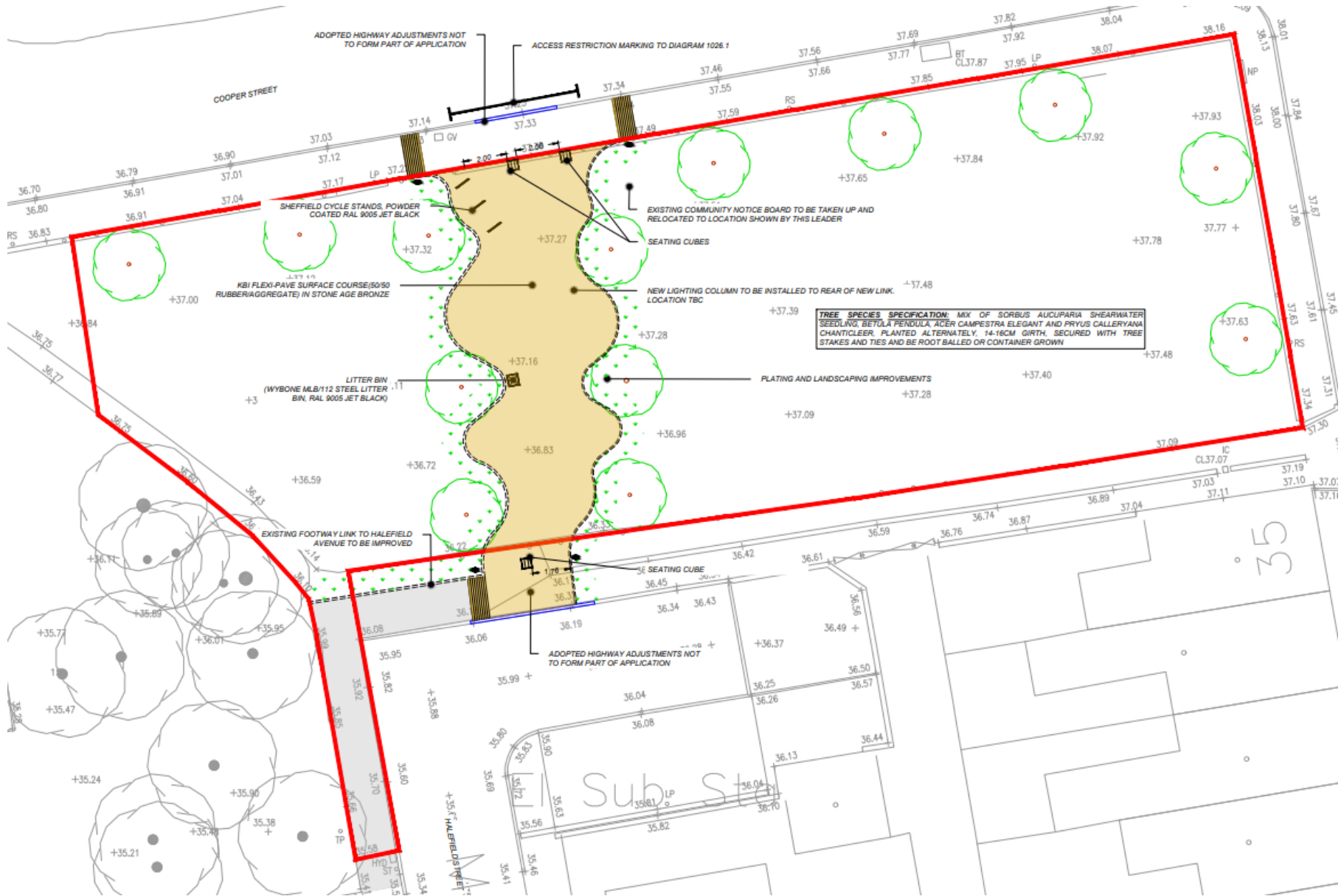
size, species and quality unless the Local Planning Authority gives written consent to the variation.

10. IMAGES



Views of application site from Cooper Street

11. PLANS



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APPLICATION NUMBER:	P/2024/0042/S73
PROPOSAL:	Variation of condition 1 on approval P/2023/0188/S73 to facilitate the delivery of Unit 4 at Omega West and seek the flexible B2 and/or B8 use of floorspace across the application site.
LOCATION:	Unit 4, Omega West Zone 8
WARD:	Bold And Lea Green Ward
APPLICANT:	Omega St Helens Limited
CASE OFFICER:	Mr Daley Parsonage
REASON BEFORE MEMBERS:	Significant Development
RECOMMENDATION:	Grant Planning Permission Subject to Conditions

1 APPLICATION SITE

- 1.1 The application site consists of 75 hectares (ha) of land, with half of the site still falling within Green Belt. The remaining half of the site forms employment allocation 1EA within the St Helens Local Plan and was removed from the Green Belt with the adoption of the Local Plan.
- 1.2 A designated main river, Whittle Brook, runs from the north to the south of the application site. Whittle Brook has been realigned to facilitate the development of Plot 4 with consent granted under permission P/2022/0748/RES. A second watercourse known as 'Barrow Brook' crosses the northeast corner of the site.
- 1.3 The application site is bound to the north by the M62 Motorway between Junctions 7 and 8, with arable land located beyond. To the east of the site is Omega Business Park and Lingley Mere Business Park. To the south and west is farmland. Immediately beyond the south-west boundary is Booth's Wood, which has been designated as a Local Wildlife Site (LWS), and Duck Wood and Finch's Plantation to the south.
- 1.4 Mersey Valley Golf & Country Club and the residential area of Lingley Green are also located south of the proposed development. There are several residential areas surrounding the application site, including Lingley Green (370 m southeast), Clock Face (1 km northwest), Bold Health (1.5 km southwest) and Westbrook (1.8 km east).
- 1.5 The main access to the application site is via Skyline Drive and Catalina Approach through the existing Omega Business Park, with direct access from the M62 Motorway at Junction 8.
- 1.6 The area within which Unit 4 is located forms part of a wider planning application (P/2020/0061/HYBR) that was granted planning permission by the Secretary of State subject to conditions and a S106 agreement (APP/H4315/V/20/3265899).
- 1.7 The hybrid planning permission was granted on the site for:

(i) **Full Planning Permission for the erection of a B8 logistics warehouse, with ancillary offices, associated car parking, infrastructure and landscaping; and**

(ii) **Outline Planning Permission for Manufacturing (B2) and Logistics (B8) development with ancillary offices and associated access infrastructure works (detailed matters of appearance, landscaping, layout and scale are reserved for subsequent approval).**

- 1.8 A S73 application to vary Condition 1 of the hybrid consent (P/2020/0061/HYBR) to change the B2/B8 split at Omega West was approved on 12 August 2022 (LPA ref: P/2022/0204/S73), which allows Unit 2 and 3 to be Use Class B8 warehouses, tailored to the requirements of known occupiers. The split secured by Condition 1 changed from B2 30% / B8 70% to B2 22% / B8 78%, as per the below approved Description of Development for the Condition S73 application:

“Variation of condition 1 of P/2020/0061/HYBR to amend the split of total floorspace from 30% B2 (General Industrial) and 70% B8 (Storage and Distribution) to 22% B2 (General Industrial) and 78% B8 (Storage and Distribution)”.

- 1.9 A further S73 application for the site was granted by Planning Committee under reference P/2023/0188/S73. This allowed the variation of condition 59 (Environmental Statements) on application P/2022/0204/S73 to increase the maximum height of Unit 4 from 19m to 22m and amend the landscaping parameters to allow the reorientation of the main building and updated Environmental Statement.
- 1.10 The current operative consent at Omega West is therefore permission P/2023/0188/S73.

2 PROPOSAL

- 2.1 Condition 1 on permission P/2023/0188/S73 reads as follows;

'The development hereby approved permits a total of 205,500 sq.m (approximately 2,212,002 sq.ft) of floorspace within the red line application site. There will be a 22% B2 and 78% B8 split within this total floorspace.'

- 2.2 This application seeks to vary Condition 1 to facilitate the delivery of Unit 4 at Omega West and seeks the flexible B2 and/or B8 use of floorspace (subject to controls) across the application site. This applicant advises the aim of this is to provide flexibility so as to ensure the delivery of the unit and the associated jobs, with the unit continuing to be marketed for B2 and/or B8 uses; however, the applicant considers that priority must be given to ensuring that the unit can be funded and the associated benefits realised.

- 2.3 The proposed change to condition 1 is to be as follows;

“The development hereby approved permits a total of 205,500 sq.m (approximately 2,212,002 sq.ft) of Use Class B2 and/or Use Class B8 floorspace

within the red line application site. No more than 22% of the floorspace shall be in B2 use. ”

3. CONSULTATIONS

- 3.1 Highways: No objections (21.02.24) as a similar number of overall trips likely and a reduction in demand for parking with a B8 use.
- 3.2 National Highways: No objections (06.02.24) as National Highways does not consider the development would have an adverse impact on the safety of or queuing on a trunk road.
- 3.3 Contaminated Land: No objections (04.03.24) as contamination not affected by the change in B2/B8 split.
- 3.4 Noise: No objections (26.02.24) however relevant noise conditions must remain.
- 3.5 Air Quality: No objections (21.02.24) however the relevant air quality conditions must remain.
- 3.6 Coal Authority: No objections (07.02.24) as site lies in Development Low Risk Area.
- 3.7 Public Rights of Way: Objection raised (15.02.24) as the application does not acknowledge the public right of way within the site. Planning Officer Note: This application does not affect the public right of way and any impacts have been considered under the original hybrid consent for the site.
- 3.8 Trees and Woodlands: No objections (06.02.24) as impacts on trees remains the same and is secured by condition to be retained.
- 3.9 Bold Parish Council: No comments received.
- 3.10 Warrington Borough Council: No comments received.

4. REPRESENTATIONS

- 4.1 This application has been advertised with a press notice, site notice and neighbour notification letters. No letters of representation have been received as a result of the public consultation.

5. SITE HISTORY

- 5.1 The following applications are relevant:
- 5.2 P/2020/0061/HYBR - Hybrid Planning Application for the following development (major development); (i) Full Planning Permission for the erection of a B8 logistics warehouse, with ancillary offices, associated car parking, infrastructure and landscaping; and (ii) Outline Planning Permission for Manufacturing (B2) and Logistics (B8) development with ancillary offices and associated access infrastructure works (detailed matters of appearance, landscaping, layout and scale are reserved for subsequent approval) – Granted 11/11/2021.

- 5.3 P/2022/0091/RES - Reserved matters application seeking approval for Appearance, Landscaping, Scale and Layout for the erection of Unit 2 (B8 warehouse) and associated infrastructure at Omega West pursuant to planning permission P/2020/0061/HYBR. Along with details required by conditions to be submitted with reserved matters and satisfy other relevant conditions no. 48-52, 55-56, 59, 65, 72-74, 76, 78, 80-81, 90-91, 95, 97 and 98. – Granted 01/07/2022
- 5.4 P/2022/0202/RES - Reserved matters application seeking approval for Appearance, Landscaping, Scale and Layout for the erection of Unit 3 (B8 warehouse) and associated infrastructure at Omega West pursuant to planning permission P/2020/0061/HYBR. Along with details required by conditions to be submitted with reserved matters no. 48-52, 55-56, 59, 65, 72-74, 76, 78, 80-81, 90-91, 95, 97 and 98 and satisfy other relevant conditions. – Granted 01/07/2022
- 5.5 P/2022/0204/S73 - Variation of condition 1 of P/2020/0061/HYBR to amend the split of total floorspace from 30% B2 (General Industrial) and 70% B8 (Storage and Distribution) to 22% B2 (General Industrial) and 78% B8 (Storage and Distribution). – Granted 12/08/2022
- 5.6 P/2022/0748/RES - Reserved Matters Application seeking approval for the diversion of the Whittle Brook watercourse alongside associated landscaping, drainage works and other associated details including information to satisfy conditions 48, 51-52, 72-74, 76-78 and 80-81 following s73 application P/2022/0204/S73. – Granted 17/02/2023
- 5.7 P/2023/0188/S73 - Variation of condition 59 (Environmental Statements) on application P/2022/0204/S73 to increase the maximum height of Unit 4 from 19m to 22m and amend the landscaping parameters to allow the reorientation of the main building and updated Environmental Statement. – Granted 27/07/2023
- 5.8 P/2023/0189/RES - Reserved Matters Application seeking approval for Appearance, Landscaping, Layout and Scale for the erection of Unit 4 comprising employment floorspace, internal access roads, footpaths and cycle routes, drainage works, associated car and HGV parking, and other associated infrastructure along with information to satisfy conditions 48, 49, 50, 51, 52, 55, 59, 65, 72, 73, 74, 76, 78, 80, 81, 90, 91, 95, and 97 – Granted 27/07/2023

6. POLICY

National Planning Policy Framework

- 6.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable development, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.2 Paragraph 12 of the NPPF clarifies 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. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. 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.

Development Plan

- 6.3 The adopted development plan for St Helens is the St Helens Borough Local Plan to 2037; and the Joint Merseyside and Halton Waste Local Plan (adopted 2013).

LPA01: Spatial Strategy

LPA02: Development Principles

LPA03: A Strong and Sustainable Economy

LPA03.1: Strategic Employment Sites

LPA06: Transport and Travel

LPA07: Infrastructure Delivery and Funding

LPC06: Biodiversity and Geological Conservation

LPC07: Greenways

LPC08: Ecological Network

LPC09: Landscape Protection and Enhancement

LPC10: Trees and Woodland

LPC11: Historic Environment

LPC12: Flood Risk and Water Management

LPC13: Renewable and Low Carbon Energy Development

LPD01: Ensuring Quality Development

LPD05: Extension, Alteration, Reuse or Replacement of Buildings in the Green Belt

LPD09: Air Quality

Supplementary Planning Documents

Biodiversity (June 2011)

Ensuring a Choice of Travel (June 2010)

Tree and Development (June 2008)

Area Action Plans

Bold Forest Park Area Action Plan (2017)

Other Considerations

- 6.4 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 6.5 This application has been considered in relation to Section 17 of The Crime and Disorder Act. The Police Crime Prevention Officer has been afforded the opportunity to comment on this scheme, but no comments have been received.
- 6.6 The application has been considered in accordance with the St Helens Borough Council's Comprehensive Equality Policy, which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a

diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

7. ASSESSMENT

Background

7.1 The key matters for consideration are:

- Population and Human Health (including Employment and the Economy)
- Air Quality
- Noise and Vibration
- Cultural Heritage
- Biodiversity
- Landscape and Visual
- Water
- Transport
- Major Accidents and Disasters
- Cumulative Effects

7.2 This is a Section 73 application pursuant to hybrid planning permission P/2020/0061/HYBR and subsequently varied by P/2022/0204/S73 and P/2023/0188/S73. The principle of the development is established by the original hybrid permission granted by the Secretary of State and is an extant planning permission.

7.3 This application seeks the variation of condition 1 attached to permission P/2023/0188/S73. The current condition reads as follows:

'The development hereby approved permits a total of 205,500 sq.m (approximately 2,212,002 sq.ft) of floorspace within the red line application site. There will be a 22% B2 and 78% B8 split within this total floorspace.'

7.4 This application seeks to vary the condition to read as follows;

'The development hereby approved permits a total of 205,500 sq.m (approximately 2,212,002 sq.ft) of Use Class B2 and/or Use Class B8 floorspace within the red line application site. No more than 22% of the floorspace shall be in B2 use.'

7.5 A S73 application is considered to be a new application for planning permission under the 2017 Environmental Impact Assessment (EIA) Regulations. It has been agreed that the latest Environmental Statement (ES) dated February 2023 is reviewed and a Statement of Conformity is submitted which reviewed each environmental discipline. This assessment would consider whether the change from 78% B8 to a potential maximum of 100% B8 affects the conclusion in the current ES. Therefore, this application does not involve re-assessment of matters established by the original hybrid planning permission and subsequent amendments which are not affected by the proposed amendment, such as the principal of the development or matters controlled

by reserved matters applications such as the layout, scale and landscaping of the development.

- 7.6 The assessment below will review the proposed changes against the development plan and also review the updated ES, which considers whether any changes to the baseline, assessment methodologies and proposed changes will alter the conclusions of the ES that accompanied the original hybrid application.
- 7.7 Unit 1, which forms part of the full element of the hybrid permission, has already begun to be built out and the impacts in relation to noise, highways, etc. were fully assessed with the application. For development granted outline consent, whilst the majority of the impacts were assessed as part of the hybrid application, the final details relating to appearance, landscaping, scale, and layout were assessed at the reserved matters stage and through discharge of conditions for Units 2, 3 and 4 under references P/2022/0091/RES, P/2022/0202/RES and P/2023/0189/RES. At the time of the site visit only Unit 4 had not had the construction of the building commenced.

Population and Human Health (including Employment and the Economy)

- 7.8 Local Plan policy LPA03 aims to create a strong and sustainable economy which includes helping to meet the Liverpool City Region's needs for economic growth, job creation and skills development and maximising the economic opportunities presented by St Helens Borough's location. Policy LPA03 sets out the overall quantity of employment land needed up to the end of the Plan period, i.e. 2037, but does not quantify the split between B2 (General Industry) and B8 (Storage and Distribution) uses required within that overall employment land need. Notwithstanding such, Table 4.2 in the reasoned justification text to the Policy does provide the overall employment need (2012-2037) split down indicatively into individual use types. This shows the biggest element of employment land need being comprised of B8 storage and distribution uses.
- 7.9 It is notable that when positively determining the Hybrid planning application (reference P/2020/0061/HYBR) for the Omega West development, which comprised a split of 30% B2 and 70% B8, and considering the Socio-Economic Benefits, the Secretary of State (SoS) took into account that the development was forecast to generate around 1,207 FTE jobs for the TJ Morris scheme in Unit 1 and around 2,679 FTE jobs for the outline development, and that the proposal would contribute around £141.5M in GVA to the St Helens economy. The SoS agreed with the Inspector that this was a significant number of jobs which would have a tangible benefit to the local economy and would provide an early opportunity to help address the deprivation issues highlighted, and that the proposal would provide a critical boost to the St Helens economy and support the regeneration objectives of the Council. The SoS also considered the locational benefits of the site, and the fact that provisions in conditions and planning obligations can be used to secure opportunities for the most deprived communities in St Helens. The Secretary of State agreed that overall, the socio-economic benefits delivered by the proposal attracted very significant weight.
- 7.10 It is therefore important to carefully consider the differential Socio-Economic Benefits of the current proposed application against those of the original Hybrid consent

(P/2020/0061/HYBR) and that of P/2022/0204/S73, which subsequently approved a split of 22% B2 and 78% B8. This proposed application would have the potential to allow flexibility for the whole Omega West development site to operate under a B8 use and the Statement of Conformity that accompanies the application provides what is referred to as a 'worst case scenario' in terms of employment projections for 100% B8 floorspace. On the basis of a 205,500m² Gross External Area across the total Omega West site, and assuming a worst-case scenario in terms of employment density where this is all B8 floorspace, the change of use would give rise to a total gross employment generation of 3,304 net FTE jobs; consequently, there would be the potential for the site to generate 709 fewer jobs compared to the currently approved 22%/78% B2/B8 use class split across the site.

- 7.11 These figures are based on associated employment density of 1 FTE employees / 70 m² for a B2 use compared with a density of 1 FTE employees / 36 m² for a B8 use; it is however important to recognise that the Environmental Statement requires use of the Government's Employment Density Guide ('EDG') (November 2015) to generate employment figures and it is noted that such guidance should be treated as a starting point for consistent benchmarking only, with it being clear that development specific information should still be reviewed: "It is intended to provide a general guide to employment density and a robust and consistent base for the HCA and its partners to assess the potential local employment benefits of impacts of changes to the size and use of commercial floorspace in an area. The Guide is not intended to replace detailed development-specific information or analysis but provide a consistent benchmark to assess local employment density changes."
- 7.12 The Applicant, who retains control over the wider Omega estate undertook detailed analysis of the existing job densities across the estate in 2022, in support of the previous S73 (P/2022/0204/S73) that sought to amend the B2 / B8 split across Omega West. This information remains up-to-date, and the analysis of existing occupiers across the Omega estate demonstrates a more reliable estimate to be 1FTE / 51m² for B2 and 1FTE / 45 m² for B8. This analysis clearly concludes that across Omega, B8 is likely to generate a higher job density than B2. The Unit 4 Reserved Matters application provides 39,100 sq m of floorspace and utilising the Omega analysis it is anticipated that 769 FTE jobs in a B2 scenario for Unit 4, compared with 867 FTE jobs in a B8 scenario. While there is marginal difference between the two use classes (less than 100 jobs), the Omega analysis is clear that a B8 occupier at Unit 4 would likely generate more FTE jobs, with both uses generating a significant number of high-quality jobs for local people.
- 7.13 Gross Value Added ('GVA') per employee is an economic productivity metric that measures the contribution of each employee to the economy. Utilising the approved 2023 Environmental Statement estimates, the GVA for Unit 4 is projected as circa £49.5M in the B2 scenario and circa £55.8M in the B8 scenario. It is anticipated that the overall Omega West development would contribute an estimated net £160.6M GVA to the economy within St. Helens (exceeding the £141.5M recognised by the Secretary of State when considering the Hybrid application). This continues to emphasise the importance and benefits of Omega West in generating job opportunities within St. Helens.

- 7.14 A Planning Report (December 2023) has also been submitted in support of the proposed variation of the existing planning consent to allow for flexible B2 and/or B8 use of Unit 4. It highlights that occupier requirements for space remain robust despite the backdrop of turbulent economic conditions – with the lack of take-up volume a result of a significant shortfall of appropriate supply (with very limited Grade A space available).
- 7.15 In terms of sector by sector take up, manufacturing uses account for an average of 13% of all big box take up across the UK (across the last 7 years). This figure lessens in locations of better motorway connectivity as that advantage is of more value to occupiers with a higher amount of distribution function. Omega has seen the majority of new build industrial development of over 100,000 sq ft and take-up of over 100,000 sq ft during the last 10 years in Warrington and St Helens, due to it having the availability of speculatively built units and consented land capable of accommodating large buildings. To date over 6.3 million sq ft of industrial/logistics accommodation has been developed at Omega. There are only two occupiers at Omega requiring a B2 consent totalling approximately 340,000 sq ft, with the other occupiers totalling just under 6M sq ft required a B8 consent for their warehouse/logistics operations.
- 7.16 It is noted that all of the buildings in the North West market area can offer B8 use, while the majority of units also retain a flexible B2/B8 planning consent to maximise the ability to respond to regional occupier requirements; there are no B2 only consented units. This, in part, is because planning permission is not required for the change of use from B2 to B8, but is required for B8 to B2. In terms of future development pipe-line supply in the North West for units of 100,000 sq ft and above, there is approximately 7.6M sq ft of space with a detailed planning consent and a further 5M sq ft submitted for detailed planning; all of which include a minimum a B8 consent and with the majority being a flexible B2/B8 consent. As far as the applicants are aware, apart from Unit 4, none of the current future new build pipe-line supply has a B2 only detailed planning consent. Since the beginning of 2021, all speculatively built units over 100,000 sq ft in the North West have had at least a B8 planning consent; therefore, no units have been speculatively built with a B2 only consent.
- 7.17 It is advised that investors will not fund a B2 only consented unit in the North West for speculative development. This is because the scheme would be unviable due to the potential long letting void period as a result of the limited demand from B2 occupiers. Manufacturers typically take a freehold Design & Build solution due to their bespoke site/building configuration and expensive fit-out costs; however, Design & Build deals to B2 occupiers are relatively rare in the North West. Therefore, to assist with the development and disposal of Unit 4 Omega West at the earliest opportunity, the applicant advises it is critical that the planning is widened to a B2 and B8 consent, to offer flexibility in order to capture demand for Grade A space from industrial, manufacturing, warehouse, and logistics end users.
- 7.18 Plots at Omega have been marketed on a wider basis over the course of the scheme's lifespan since inception. Whilst the entire site has been marketed for B2/B8 use since November 2021, when the Secretary of State decision to approve the original consent was received, the applicant has provided evidence that Unit 4 has been specifically marketed individually with 'B2 use only' since mid-2022 but has seen very limited

interest from B2 use occupiers, with the following obstacles identified with those who did engage:

- Stated a requirement of 30m+ height, which is not achievable at Unit 4.
- Utility capacity requirements (electricity, gas & water supply and drainage) requirements are too large.
- Required buildings too bespoke to fit within the parameters available for Unit 4.
- Rents required for viable development are considered too high for B2 uses i.e. would not pay premium for the location as the advantages to B8 users are lessened for B2 users i.e drive times to key motorway junctions, areas of large populous, etc.
- Concerns surrounding noise/emissions with nearby residential development – both current and planned.

7.19 The applicants submitted Planning Report also makes reference to Freeport Tax sites, highlighting that their specific benefits provide an attractive opportunity to businesses within the manufacturing sector, making it difficult for Unit 4 to secure B2 demand when competing against them, with Parkside being the closest to Omega and the largest Freeport Tax site in the LCR.

7.20 Officers conclude that the analysis of the Omega estate demonstrates that a B8 unit would likely generate increased jobs and associated total GVA versus a B2 unit; however, the differences are marginal, and a flexible B2/B8 Unit 4 as proposed in the current planning application would provide the best opportunity for further significant investment, jobs and GVA to be realised at the earliest opportunity via Unit 4 Omega West. It is therefore the proposed development would comply with Local Plan policy LPA03. The proposed amendment would also remain compliant with the original Environmental Statement and would not materially diverge from the very special circumstances which were considered to outweigh the harm to the green belt and other harm when approving the original permission.

Air Quality

7.21 Policy LPD09 of the Local Plan states development must demonstrate that they will not introduce a significant new source of any air pollutant or lead to a significant deterioration in local air quality.

7.22 The residual effects are unchanged from those reported in Section 6.6 of Chapter 6 (Air Quality) of the February 2023 ES addendum. The predicted residual air quality effects are negligible at all modelled receptors in the opening year (not significant).

7.23 The Councils Air Quality officer has raised no objections subject to the retention of previous conditions. The proposal would have no significant change in traffic flows for the development.

Noise and Vibration

7.24 Policy LPD01 expects all proposals for development, as appropriate, to avoid causing unacceptable harm to the amenities of the local area and surrounding residential and

other land uses and occupiers.

- 7.25 The proposed change of use is anticipated to slightly increase the number of HGVs and slightly decrease the number of car trips. These changes in traffic flow are small in terms of noise emissions. Noise levels on Catalina Approach are predicted to be up to +0.2 dB higher, and noise levels on Skyline Drive are predicted to be up to +0.1 dB higher. No other roads in the network are predicted to experience a change in noise levels. The traffic noise increases on Catalina Approach and Skyline drive are negligible. In addition, these are the main access roads to Omega Zone 8, and there are no sensitive receptors adjacent to the carriageways. The traffic flow changes do not change the conclusions of the February 2023 ES addendum and the residual effects are unchanged from those reported in Chapter: 7 Noise and Vibration of the February 2023 ES addendum.
- 7.26 The Councils Noise Officer has raised no objections. The variation of the condition is therefore considered to still be compliant with the Development Plan and the ES.

Cultural Heritage

- 7.27 Local Plan Policy LPC11 aims to promote the conservation and enhancement of the Borough's heritage assets and their settings in a manner that is appropriate to the significance of each asset.
- 7.28 There are no overall changes to the assessment or conclusions presented in the original ES. The cultural heritage and archaeological receptors have not changed; therefore, the assessment of effects remains valid. The variation of the condition is therefore considered to still be compliant with the Development Plan and the ES.

Biodiversity

- 7.28 Local Plan Policy LPC08 and Policy LPC09 seek to conserve, maintain, enhance and / or restore any landscape features that are important to the character of the local area, and secure a net gain in biodiversity.
- 7.29 The Statement of Conformity identifies that updated surveys have been provided as a result of implementation of the various reserved matters applications. However, the overall conclusions of the ES remain the same. The variation of the condition is therefore considered to still be compliant with the Development Plan and the ES.

Landscape and Visual

- 7.30 Policy LPC09 of the Local Plan seeks to conserve, maintain, enhance and / or restore any landscape features that are important to the character of the local area.
- 7.31 The conclusions of the ES remain the same in that there would be significant adverse effects from the proposal. There are no changes to the public right of way. The variation of the condition is therefore considered to still be compliant with the Development Plan and the ES.

Water

- 7.32 Policy LPC12 of the Local Plan states the impact of development proposals on flood risk and water management assets will be considered in accordance with case law, legislation, and the National Planning Policy Framework.
- 7.33 The drainage scheme for Units 1, 2, 3 and 4 have already been approved. The proposed split in B2/B8 use would not have an impact on this arrangement or future uses. The conclusion of the ES remains the same that there would be no significant effects. The variation of the condition is therefore considered to still be compliant with the Development Plan and the ES.

Transport

- 7.34 Local Plan Policy LPA06 'Transport and Travel' states the Council's strategic priorities for the transport network include facilitating economic growth, enabling good levels of accessibility between homes, jobs and services, and improving air quality and minimising carbon emissions.
- 7.35 The proposed change of use to a potential maximum of 100% B8 is not anticipated to have any impact on the residual effects of the construction phase. The Highways Officer considers that the initial condition stipulated a fixed split of B2/B8 use across the site and whilst the variation would allow flexibility on the B2 and B8 floorspace, an increase in B8 floorspace would likely result in similar overall trips to the site and a reduction in demand for car parking.
- 7.36 Officers consider that there would be no adverse highways impacts as a result of the variation of the condition.

Major Accidents and Disasters

- 7.37 Local Plan Policy LPD01 states that all proposals for development are expected to ensure that any contamination or ground stability issues that exist on the site of the proposed development would be remediated to an appropriate standard.
- 7.38 The conclusions of the ES remain the same that the proposed development resulting in significant adverse effects on the environment as a result of its vulnerability to major accidents and/or disasters is considered to be low. The variation of the condition is therefore considered to still be compliant with the Development Plan and the ES.

Cumulative Effects

- 7.44 The conclusions of the ES remain the same that there are no adverse significant interproject cumulative effects anticipated. The variation of the condition is therefore considered to still be compliant with the Development Plan and the ES.

8. CONCLUSION

- 8.1 The proposed variation of condition would be in conformity with the hybrid planning permission, the Environmental Statement and the Development Plan. The projected employment figures arising from the development would still provide economic benefit with a potential 100% B8 use across the site. On that basis it is considered that the development would still secure significant economic benefits.

9. RECOMMENDATION

- 9.1 Grant Planning Permission Subject to the following conditions:

Conditions which apply to all parts of the development

1. The development hereby approved permits a total of 205,500 sq.m (approximately 2,212,002 sq.ft) of Use Class B2 and/or Use Class B8 floorspace within the red line application site. No more than 22% of the floorspace shall be in B2 use.

Conditions for the full application

2. The works hereby permitted must be begun within 3 years of 11th November 2021.
3. The development shall be carried out in accordance with the following plans unless otherwise required by another condition.

Plans

- o OPP DWG. 2 4150-00001-PL6 Site Location Plan
- o OPP DWG. 3.1 4150-05105-PL4 Parameters Plan 1 - Outline and Detailed

Application

- o UNIT 1 DWG. 1 6385 - 181 Rev. K Proposed Site Layout Plan
- o Unit 1 4150-CA-00-00-DR-A-00071 - Proposed Plan PL1
- o INFRA DWG. 14.15969-Z8-BR-100 Rev. A Bold Hall Bridge South Ramp Works
- o WSP, Omega West - Borehole Decommissioning Validation Letter Report (BH8A03 and BH8B03)
- o Proposed Building Sections 6385 187 Rev B- Unit 1 DWG 7

Floorplans

- o UNIT 1 DWG. 0 6385 - 180 Rev B Proposed Building Plan
- o UNIT 1 DWG. 3 6385 - 183 Rev. D Ground Floor Office Layout Plan
- o UNIT 1 DWG. 4 6385 - 184 Rev. D First Floor Office Layout Plan
- o UNIT 1 DWG. 5 6385 - 185 Rev. D Second Floor Office Layout Plan
- o UNIT 1 DWG. 6 6385 - 186 Rev. C Proposed Roof Plan

Elevations

- o UNIT 1 DWG. 2a 6385 - 193 Rev. C Proposed Elevations No Hatch
- o Unit 1 DWG. 2 6385-182 Rev C - Proposed Elevations Unit 1

Associated Infrastructure

- o UNIT 1 DWG. 15 6385 - 192 Gate Details
- o UNIT 1 DWG. 8, 9 & 10 6385 - 188 Rev. A Gatehouse, Smoking Shelter & Cycle Shelter

Details

- o UNIT 1 DWG. 28 CPW-190081-M-SK-03-P6 Mechanical and Electrical Plant Locations

Sketch

- o INFRA DWG. 22 4150-CA-00-00-DR-A-P1 Primary Substation Elevations
- o INFRA DWG. 23 4150-CA-00-00-DR-A-P2 Typical Customer Substation
- o INFRA DWG. 24 4150-CA-00-00-DR-A-P2 Substation Fencing Plan
- o INFRA DWG. 25 4150-CA-00-00-DR-A-P1 Typical Gas Governor
- o UNIT 1 DWG. 16 190081-E-EXT--XX-01 P4 External Lighting Strategy
- o Lux Levels / Light spill Rev. P4 Levels

Highways

- o Plan ref: 5969-Z8-GA-115 Rev B entitled 'Infrastructure Works Visibility Assessment' and
- o Plan ref: 5969-Z8-ATR-100 Rev A entitled 'Infrastructure Works Swept Path Analysis' both within Appendix D 'External Works Assessment'.
- o INFRA DWG. 1.1 5969-Z8-GA-100 Rev J entitled 'Highways Works General Arrangement Sheet 1 of 2'
- o Plan ref: 11191042_SK326/A entitled 'Proposed mitigation at M6 Junction 8' in Appendix F of Transport Assessment.

Levels Plans

- o UNIT 1 DWG. 26 131504 Rev. E Overland Flood Flow (Exceedance) Routing,
- o INFRA DWG. 19 5969-Z8- EWK-200 Rev. F Full Proposed Levels
- o INFRA DWG. 20 5969-Z8-EWK-201 Rev. C Full Proposed Sections

Overall landscaping plans

- o OPP DWG. 5 POE_199_001 Rev. K Landscape Strategy
- o INFRA DWG. 17 POE_199_007 Rev. A Tree Planting Landscape Details
- o INFRA DWG. 18 POE_199_009 Rev. I Full Landscape Proposals
- o INFRA DWG. 21 POE_199_010 Rev. F Detailed Application Site Context
- o UNIT 1 DWG. 31 131504 Rev. B Head Wall Outfall and Tree Removal Plan
- o Tree Protection Plan Drg No RSE_3152_TPPa V9;
- o Tree Protection Plan Drg No RSE_3152_TPPb V9;
- o Tree Protection Plan Drg No RSE_3152_TPPc V9;
- o Tree Protection Plan RSE_3152_TPPd Rev V9
- o Tree Protection Plan RSE_3152_TPPe Rev V9

Around Unit 1 landscaping plans

- o UNIT 1 DWG. 13a 2138 - PL001-1 Rev. J Preliminary Landscape Proposals (Sheet 1 of 3)
- o UNIT 1 DWG. 13b 2138 - PL001-2 Rev. H Preliminary Landscape Proposals Sheet 2 of 3)
- o UNIT 1 DWG. 13c 2138 - PL001-3 Rev. J Preliminary Landscape Proposals (Sheet 3 of 3)
- o UNIT 1 DWG. 13d 2138-PL001-4 Rev A Omega Z8 Sitting area - Preliminary Hard

Landscape Proposals

- o UNIT 1 DWG. 11 6385 - 189 Rev. H Proposed External Finishes Plan
- o UNIT 1 DWG. 12 6385 - 190 Rev. E Dropped Kerb & Tactile Paving

North West Landscaping 'Green Wedge' and cycle path through site

- o INFRA DWG. 14 POE_199_004 Rev. E Structural Landscape-Proposed & Existing Contours
- o INFRA DWG. 15 POE_199_005a Rev. J Detailed Planting Plan Sheet 1 of 2

- o INFRA DWG. 26 POE_199_005b Rev. H Detailed Planting Plan Sheet 2 of 2
- o OPP DWG. 6 POE_199_002 Rev. D Indicative Landscape Sections

Boundaries

- o UNIT 1 DWG. 14 6385 - 191 Rev. H Fencing Details

Ecology

- o INFRA DWG. 12 16903-11ES Rev. C Bat Box Proposals'
- o INFRA DWG. 13 16903-12ES Rev. C Bird Box Proposals

Drainage

- o UNIT 1 DWG. 24 131504 Rev. F Surface Water Drainage Layout
- o UNIT 1 DWG. 25 131504 Rev. E Foul Drainage Layout Rev. D
- o UNIT 1 DWG. 26 131504 Rev. E Overland Flood Flow (Exceedance) Routing
- o UNIT 1 DWG. 29 131504-2230 Rev. C Western Pond Sections and Northern and Southern Swale Details
- o UNIT 1 DWG. 30 131504-PC-2231 Rev. A Ordinary Watercourse Diversion
- o UNIT 1 DWG. 31 131504 Rev. B Head Wall Outfall and Tree Removal Plan
- o UNIT 1 DWG. 32 131504 2110 Rev. B Watercourse Diversion Works General Arrangement
- o UNIT 1 DWG. 33 131504 Watercourse Diversion Works Long-sections
- o OPP DWG. 11 5969-Z8-GA-117 Drainage Maintenance Plan Rev. C

4. The fuelling and vehicle wash, sprinkler house, tanks and cage storage as approved under C/2023/0026/CON shall be implemented in accordance with the approved details prior to the first occupation of Unit 1.
5. The site's levels shall be constructed in accordance with those shown on plan ref: UNIT 1 DWG. 26 131504 Rev. E Overland Flood Flow (Exceedance) Routing, INFRA DWG. 19 5969-Z8- EWK-200 Rev. F Full Proposed Levels and INFRA DWG. 20 5969-Z8- EWK201 Rev. C Full Proposed Sections. Any change in levels shall be shown on existing and proposed plans and submitted and agreed in writing with the Local Planning Authority. Only the approved details shall be implemented.
6. Unit 1, hereby shown on the plans identified in Condition 3, falls within Use Class B8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and any Order revoking or re-enacting that order, no change of use shall take place within Unit 1, as identified on the plans in condition 3. The unit shall remain Use Class B8 with ancillary offices, unless planning permission is sought from and granted by the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class I and P, Part 7, Class H or any Order revoking or re-enacting that Order, no further development shall take place within the curtilage of Unit 1, as identified on the plans within Condition 3, unless planning permission is sought from and granted by the Local Planning Authority.
8. Construction work shall not take place outside 07.00-19.00 hours Monday to Friday, 07.00 - 14.00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority. The exception to this is activity which is outlined in Section 8.1 'Hours of Work and Appendix H ('Night-Time Construction Noise Technical Note', prepared by WSP) of document titled "Construction Environment Management Plan Unit 1 :

Doc 7 V5, Omega Zone 8, St Helens /TJ Morris Ltd dated April 2020." prepared by Quod on behalf of TJ Morris Ltd.

9. No temporary power plant shall be used outside the permitted hours of construction unless in accordance with details which have been submitted to an approved in writing by the Local Planning Authority. Any such plant shall only be operated in accordance with the approved details. The exception to this is activity which is outlined in Section 8.1 ('Hours of Work') and Appendix H ('Night-Time Construction Noise Technical Note' prepared by WSP) of document titled "Construction Environment Management Plan Unit 1 : Doc 7 V5, Omega Zone 8, St Helens /TJ Morris Ltd dated April 2020." prepared by Quod on behalf of TJ Morris Ltd.
10. Prior to the first occupation of Unit 1 as identified on the plans in Condition 3, or first use of the car park as shown on plan ref:16385-181 Rev. K hereby approved, electric car charging infrastructure comprising at least one electric car charging point for every 30 car parking spaces hereby approved shall be provided on the site. As a minimum, 4 charging points shall comprise a dedicated 32 amp radial circuit which is directly wired to an appropriate RCD at the consumer unit and terminates at a BS EN 62196 Type 2 electric vehicle charging point located where it is accessible from a dedicated off-street car parking bay. Additional 'active' spaces (up to a maximum of 39 as shown on the Proposed Site Plan) shall be provided subject to demand. The infrastructure shall remain in perpetuity.
11. The proposed new bus stop / shelter infrastructure as approved under C/2022/0029/CON shall be implemented in accordance with the approved details prior to the first occupation of Unit 1.
12. Prior to the first occupation of Unit 1, the internal highway infrastructure, shall be constructed to binder course surfacing level (or block paved) and shall be available for use in accordance with the approved plans.
13. Prior to the first occupation or use of Unit 1, the areas indicated on the submitted plans to be set aside for parking and servicing shall be surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 6385-181 K. The parking and servicing areas shall be retained as such thereafter and shall not be used in a manner that prevents the parking of vehicles.
14. Prior to occupation of Unit 1 the Phase 1 roads as shown on INFRA DWG. 1.1 5969- Z8- GA-100 Rev J entitled 'Highways Works General Arrangement Sheet 1 of 2' shall be built to the approved standards and available for use. The roads shall be maintained in accordance with the management and maintenance details outlined in Infra Doc.6 "Highways Management & Maintenance of Omega Roadways Document" (July 2020) until such times as a private management and maintenance company has been established or until such time as an agreement has been entered into under the Highways Act 1980.
15. Prior to the first occupation of Unit 1, mitigation including the widening works between M62 J8 and Skyline Drive / Fairchild Road roundabout, and remarking of M62 exit slip to provide two lanes to Skyline Drive (as outlined in drawing 11191042_SK326/A) shall be implemented, to ensure the junction lane use and exit geometry is consistent with traffic modelling submitted.

16. Prior to the first occupation of Unit 1, the 3 metre high fence as shown on plan ref: 6385- 191 Rev H shall be erected along the northern boundary of the development site and shall not be within one metre from any part of the existing motorway fence. Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition.
17. The verification report for decommissioning of bore holes approved under C/2022/0034/CON shall be complied with.
18. The lighting scheme for the cycle pathway as approved under C/2022/0041 shall be fully implemented.
19. Prior to the first use of Unit 1, a Local Employment Scheme for the operational phase of that building shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted Local Employment Scheme shall demonstrate how the development will use all reasonable endeavours to recruit at least 20% of labour from within the Borough of St Helens, focusing on the most deprived Super Output Areas. The Scheme shall include the following:
 - a) Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies such as the Local Chamber and job centres will take place in relation to maximising the access of the local workforce to information about employment opportunities;
 - b) Details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships;
 - c) A procedure setting out criteria for employment, and for matching of candidates to the vacancies;
 - d) Measures to be taken to offer and provide college and/or work placement opportunities at the Development to students within the locality;
 - e) A procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the St Helens Borough Council including details of the origins qualifications numbers and other details of candidates; and,
 - f) A timetable for the implementation of the Local Employment Scheme.

The development shall be implemented in accordance with the approved Scheme.
20. The bat box details approved under C/2022/0006/CON shall be implemented prior to the first occupation of Unit 1.
21. The bird box details approved under C/2022/0006/CON shall be implemented prior to the first occupation of Unit 1.
22. No additional external plant or equipment shall be permitted on site, nor shall any additional openings be formed in the elevations or roof of Unit 1, hereby permitted, which directly ventilates the building or which discharges from any internal plant or equipment, until a scheme has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented.
23. The rating level of noise emitted from the fixed plant and equipment serving Unit 1 shall not exceed those quoted in Table 7.7-4 "Fixed plant and equipment noise limits" of Appendix 7.7 Industrial/Commercial Noise Assessment - Environmental Statement Vol 2 - OPP DOC. 11.20 prepared by WSP and

dated Dec 2019 at the specific receptors identified. Any assessment to determine compliance with the quoted levels shall be made in accordance with the method provided in BS4142:2014 + A1:2019 "Methods for rating as assessing industrial and commercial sound" and shall be carried out by a suitably qualified acoustic consultant/competent person.

24. The operational noise from the development associated within Unit 1 shall not exceed the levels quoted in Appendix 7.7 "Industrial and Commercial Noise Assessment" Environmental Statement Vol 2 - OPP DOC.11.20 - prepared by WSP and dated Dec 2019. Any assessment to determine compliance with the quoted levels shall be made in accordance with the method provided in BS4142:2014 + A1:2019 methods for rating as assessing industrial and commercial sound" and shall be carried out by a suitably qualified acoustic consultant/competent person.
25. The Operation Noise Management of the site shall be carried out in accordance with the details provided in the document titled " Unit 1, Omega Zone 8, St. Helens, Operational Noise Management Plan, DOC.10 dated July 2020", prepared by WYG on behalf of TJ Morris Ltd - document ref A118153". Any changes to this shall be submitted to and approved in writing by the Local Planning Authority.
26. Full details of the acoustic noise barriers identified in Environmental Statement in Chapter 7 (Noise and Vibration) Document No. OPP DOC.11.7 dated March 2022 prepared by WSP shall be installed in accordance with a scheme/specification which has been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the first use of Unit 1 and retained thereafter. Any timber/acoustic fencing used in the boundary treatment shall be treated to give a minimum design service life of at least 15 years.
27. The site access shall be constructed in accordance with the approved site layout plan (ref: 6385-181 K) and drawings (5969-Z8-GA-115 Rev B entitled 'Infrastructure Works Visibility Assessment' and '5969-Z8-GA-100 Rev A entitled 'Infrastructure Works Swept Path Analysis') within Appendix D 'External Works Assessment' to binder course surfacing level prior to occupation of Unit 1. The access shall be kept available for use at all times.
28. The Travel plan approved under C/2022/0045/CON shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use.

An annual report shall be submitted to the Local Planning Authority no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The annual report shall include a review of the Travel Plan measures, monitoring data and an updated action plan.
29. The highway improvement works shall be carried out in accordance with the approved plans under C/2022/0019.
30. No drainage from the proposed development shall connect into M62 motorway drainage system, nor shall any surface drainage from the site run-off towards the route.
31. The internal connected pedestrian/cycle links north to the M62 overbridge of PRoW 102 and east to Catalina Approach to the principles of Chetwoods

Drawing No.4150- 05100- SK15 Indicative Masterplan shall be completed prior to the occupation of Unit 1.

32. The development shall be carried out in accordance with the following plans, unless otherwise agreed in writing with the Council as Local Planning Authority:
- o Amended Construction Environment Management Plan Unit 1: Doc 7 V5, Omega Zone 8, St Helens /TJ Morris Ltd dated April 2020 prepared by Quod on behalf of TJ Morris Ltd. Received on 13/08/2020; and
 - o Amended INFRA DOC. 1 Construction Environmental Management Plan - INFRA Parts 1 to 4. Received on 13/08/2020.

For the avoidance of doubt, the measures in the construction management plans include ecological measures which include, but are not limited to, pre-commencement checks, removal and protection of nesting and breeding birds, reptiles, badgers, pond clearance and purple ramping fumitory which shall all be implemented during the course of construction including landscaping. The provision of wheel wash facilities shall also be provided.

33. The removal and eradication of invasive species on the full elements of the application site shall be carried out in accordance with the submitted method statement entitled 'Himalayan Balsam Control Method Statement, The Ecology Practice, 6 July 2020.
34. The bat mitigation measures as set out within page 30 of the 'Environmental Statement Vol.1 Chapter 'Biodiversity' OPP DOC 11.9' and the 'Woodland, Tree and Hedgerow Clearance Method Statement' within Appendix F of Unit 1 Doc 0.7 Construction Environmental Management Plan (Detailed Application Area) (as amended and received on 07/08/2020) and INFRA DOC. 1 Construction Environmental Management Plan, which includes pre-commencement checks and the use of soft felling techniques following best practice at an appropriate time of year, are to be implemented in full during construction and landscaping.
35. Notwithstanding the proposed planting listed in condition 37 the field maple (*Acer campestre*), shall be replaced with hawthorn or holly. *Viburnum opulus* shall be replaced in hedgerow planting with blackthorn and in woodland edge planting it shall be replaced by an increase in other native species listed.
36. The SUDS attenuation pond shall be implemented in accordance with the details approved under C/2022/0095/CON.
37. All landscaping and tree planting must be in accordance with the specifications and details within the documents:-

Overall

- o OPP DWG. 5 POE_199_001 Rev. K Landscape Strategy
- o INFRA DWG. 17 POE_199_007 Rev. A Tree Planting Landscape Details
- o INFRA DWG. 18 POE_199_009 Rev. I Full Landscape Proposals
- o INFRA DWG. 21 POE_199_010 Rev. F Detailed Application Site Context

Around Unit 1

- o UNIT 1 DWG. 13a 2138 - PL001-1 Rev. J Preliminary Landscape Proposals (Sheet 1 of 3)
- o UNIT 1 DWG. 13b 2138 - PL001-2 Rev. H Preliminary Landscape Proposals Sheet 2 of 3)
- o UNIT 1 DWG. 13c 2138 - PL001-3 Rev. J Preliminary Landscape Proposals (Sheet 3 of 3)

- o UNIT 1 DWG. 13d 2138-PL001-4 Rev A Omega Z8 Sitting area - Preliminary Hard

Landscape Proposals

- o UNIT 1 DWG. 11 6385 - 189 Rev. H Proposed External Finishes Plan
- o UNIT 1 DWG. 12 6385 - 190 Rev. E Dropped Kerb & Tactile Paving

North West Landscaping 'Green Wedge' and cycle path through site

- o INFRA DWG. 14 POE_199_004 Rev. E Structural Landscape-Proposed & Existing Contours
- o INFRA DWG. 15 POE_199_005a Rev. J Detailed Planting Plan Sheet 1 of 2
- o INFRA DWG. 26 POE_199_005b Rev. H Detailed Planting Plan Sheet 2 of 2
- o OPP DWG. 6 POE_199_002 Rev. D Indicative Landscape Sections

Boundaries

- o UNIT 1 DWG. 14 6385 - 191 Rev. H Fencing Details

All specified landscaping works shall be completed prior to any use of Unit 1 on site or the first planting season post-occupation (if occupation occurs outside of the planting season). Any trees or plants or grassed areas which, within a period of 5 years from the date of planting, die or are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size, species and quality unless the Local Planning Authority gives written consent to the variation.

38. All landscape planting works shall be inspected annually during the month of August, each year for the first 5 years after planting. The inspections shall record the health and condition of trees and plants planted and assess where trees and plants need to be replaced. This report shall be submitted to the Local Planning Authority, prior to the planting season commencing in each year and the details and specifications of replacement trees and plants to be planted in that coming planting season provided in writing. The replacement trees and plants shall then be planted in the period between the 1st December and 1st March and the Local Planning Authority informed when all re-planting works are completed.
39. All ongoing landscape management shall be in accordance with the details and specifications within the documents entitled:
- o Unit 1 Doc.8 Landscape and Ecology Management Plan (LEMP) Unit 1 Rev D
 - o Unit 1 Doc 9a May 2020 Landscape Management Plan Unit 1
 - o INFRA DOC. 2 Landscape & Ecology Management Plan - 169-03 Omega Zone 8 Issue 3
 - o INFRA DOC. 3b Landscape Management Plan - INFRA also entitled The Landscape maintenance strategy - Omega Zone 8, St Helens, March 2020

submitted with this application and be associated with the landscape drawings submitted in Condition 36 and the requirements of any other conditions. A, review of the delivery of these management plans must be provided to the Local Planning Authority annually for a period of 10 years. The Council should be provided with contact details for the Management Company(s) appointed to implement the approved Management Plans prior to any occupation of Unit 1.

40. All tree work shall be to BS3998 (2010) with any woodland, tree and hedgerow removal being in accordance with the details submitted within the following plans:
- o Amended Construction Environment Management Plan Unit 1: Doc 7 V5, Omega Zone 8, St Helens /TJ Morris Ltd dated April 2020 prepared by Quod on behalf of TJ Morris Ltd. Received on 13/08/2020
 - o Amended INFRA DOC. 1 Construction Environmental Management Plan - INFRA Parts 1 to 4. Received on 13/08/2020
 - o UNIT 1 DWG. 31 131504 Rev. B Head Wall Outfall and Tree Removal Plan
 - o Method Statement Drainage Outfall Statement Unit 1 Doc.12

submitted with this application, with no felling taking place between the period 1st March to 1st September in accordance with the guidance in these submitted documents.

41. Temporary measures to provide physical protection of all trees, hedges and shrubs shown to be retained shall be in accordance with the tree protection plans in the document entitled 'Tree Protection Fencing Document No OPP Doc. 11.22q' submitted with this application:-
- o Tree Protection Plan Drg No RSE_3152_TPPa V9;
 - o Tree Protection Plan Drg No RSE_3152_TPPb V9;
 - o Tree Protection Plan Drg No RSE_3152_TPPc V9; and
 - o Drainage Outfall Statement Unit 1 Doc.12

The provision of total exclusion zones must be achieved by the erection of protective fencing as specified in the submitted plans which should not be to a standard less than that specified in British Standard BS5837 (2012). The areas so defined shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of site demolition and building works.

42. Arboricultural Supervision and provision of an Ecological Clerk of Works shall be as specified in the following approved documents:
- o Amended Construction Environment Management Plan Unit 1: Doc 7 V5, Omega Zone 8, St Helens /TJ Morris Ltd dated April 2020 prepared by Quod on behalf of TJ Morris Ltd received on 13/08/2020; and
 - o Amended INFRA DOC. 1 Construction Environmental Management Plan - INFRA Parts 1 to 4 received on 13/08/2020

The Ecological Clerk of Works, Site Biodiversity Champion and Site Biodiversity Manager shall be deployed for the duration of the construction phase on site. A site meeting between the Site Manager(s), the Ecological Clerk of Works / Site Biodiversity Champion / Site Biodiversity Manager, the St. Helens Trees and Woodlands Officer and the Countryside Development and Woodlands Officer shall take place within 2 weeks of development commencing. The frequency of further meetings, and the reporting procedure to the Local Planning Authority, is to be agreed at the initial site meeting.

43. The drainage scheme for Unit 1 shall be implemented, retained and maintained in accordance with the following plans.
- o OPP DOC. 8.1-4 Drainage Strategy Rev. 5

- o OPP DOC. 1.1 Flood Risk Assessment (Ref No. 70060349-FRA August 2020)
- o UNIT 1 DWG. 24 131504 Rev. F Surface Water Drainage Layout
- o UNIT 1 DWG. 25 131504 Rev. E Foul Drainage Layout Rev. D
- o UNIT 1 DWG. 26 131504 Rev. E Overland Flood Flow (Exceedance) Routing
- o UNIT 1 DWG. 29 131504-2230 Rev. C Western Pond Sections and Northern and Southern Swale Details
- o UNIT 1 DWG. 30 131504-PC-2231 Rev. A Ordinary Watercourse Diversion
- o UNIT 1 DWG. 31 131504 Rev. B Head Wall Outfall and Tree Removal Plan
- o UNIT 1 DWG. 32 131504 2110 Rev. B Watercourse Diversion Works General Arrangement
- o UNIT 1 DWG. 33 131504 Watercourse Diversion Works Long-sections
- o OPP DWG. 11 5969-Z8-GA-117 Drainage Maintenance Plan Rev. C

No further section of Barrow Brook shall be removed than has been shown on the plans. No surface water will be permitted to drain directly or indirectly into the public sewer and any variation to the discharge of foul shall be submitted to and agreed in writing with the

Local Planning Authority prior to the commencement of the development.

44. The details of maintenance regimes and treatment of site boundaries and/or buffers around water bodies within the Construction Environmental Management Plan and Landscape Environmental Management Plan approved under C/2022/0020/CON shall be implemented. Any subsequent variations shall be agreed in writing by the Local Planning Authority.
45. The scheme providing details of management responsibilities for the undeveloped 8m buffer to Whittle Brook approved under C/2022/0020/CON shall be implemented. Any subsequent variations shall be agreed in writing with the Local Planning Authority, in which case the development shall be carried out in accordance with the amended scheme.
46. The development hereby approved shall be implemented in accordance with INFRA DOC. 4 Local Employment Scheme (Construction) and INFRA DOC. 5 Local Suppliers of Services and Goods During the Construction Phase. The Local Planning Authority shall be notified in writing when the local recruitment process begins and the measures taken as identified within the statement.

Conditions for the Outline applications

47. All applications for reserved matters shall be made within three years of 11th November 2021 and development must be commenced before the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approve.
48. No development shall take place until details of the following reserved matters relevant to that phase have been submitted to and approved in writing by the Local Planning Authority:
 - a. Appearance
 - b. Landscaping
 - c. Scale and
 - d. Layout

The development shall be carried out in accordance with the reserved matters as approved.

49. Reserved matters applications for scale and appearance shall include full details of facing materials. The proposed facing materials shall be selected to minimise the visual bulk of the buildings and their effectiveness shall be demonstrated through a written justification and series of photomontages. The development shall be implemented in accordance with these details.
50. The sites levels shall be constructed in accordance with those shown on plans;
 - o OPP DWG. 8 5969-Z8-EWK-100 Rev. B Outline Proposed Levels; and
 - o OPP DWG. 9 5969-Z8-EWK-101 Rev. B Outline Proposed Sections

Any change in levels shall be shown on existing and proposed plans and submitted and agreed in writing with the Local Planning Authority. Only the approved details shall be implemented.
51. A Phasing Plan shall be submitted for approval with all reserved matters applications. The proposed development shall be implemented in accordance with the approved plan.
52. Reserved matters applications for layout shall take account of Whittle Brook prior to and after its diversion. Any layout shall demonstrate that there is no development within the 8 metre buffer either side of the bank top.
53. The gross external floor space area of any building in use class B8 or B2 (including any ancillary B1a offices) submitted with any reserved matters application shall not be less than 27,870 sq.m (300,000 sq.ft).
54. The overall total gross floorspace within the outline application site shall not exceed 123,930 sq.m (1,333,971 sq.ft). Each reserved matters application shall state the ground floor area dimensions and what element will be B8 and/or B2.
55. Reserved matters applications shall include a lighting strategy for that phase, which includes details of light columns, lighting specifications, a light spillage plan showing the LUX levels in relation to the closest nearby properties/highways and details of baffles if required. The lighting scheme shall be designed to maintain the amenity of neighbouring residents, ensure highway safety and protect ecology by preventing excessive light spill onto sensitive habitats. The development shall be implemented in accordance with the agreed details.
56. No development shall commence on any phase of the development or each reserved matters application until a Construction Environmental Management Plan (CEMP) for that phase/reserved matter has been submitted to and agreed in writing with the Local Planning Authority. The CEMP shall include but not be limited to:
 - o Details of phasing;
 - o A dust management plan which includes details of the proposed dust monitoring programme, both before and during construction, with proposed locations and duration of monitoring;
 - o Details of how pre-commencement checks for vehicles and water voles will be undertaken;

- o Method statement for the protection of English Bluebells present within Duck Wood and/or elsewhere on site;
- o Reasonable Avoidance Measures for protected species including bats and breeding birds;
- o Method statement for the felling of trees;
- o Construction traffic routes, which shall include a primary traffic route;
- o The local and number of parking spaces for contractors;
- o Temporary roads/areas of hard-standing;
- o A schedule for large vehicles delivering/exporting materials to and from site;
- o A scheme of street sweeping/street cleansing;
- o Details of lighting which is designed to minimise impacts on residential amenity and ecology;
- o The identification of a minimum 8 metre; buffer zone from the west and southern boundary from in which no construction activity can take place;
- o A surface water management plan;
- o Contact details of the principal contractor;
- o Confirmation that the principles of Best Practicable Means for the control of noise and vibration will be employed, as defined within the Control of Pollution Act 1975; and
- o Confirmation that the good practice noise mitigation measures detailed within BS528-1: 2009+A1:2014 shall be employed.

The development shall be carried out in accordance with the agreed CEMP.

57. Construction work shall not take place outside the hours of 07.00-19.00 hours Monday to Friday, 07.00-14.00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority
58. No temporary power plant shall be used outside the permitted hours of construction unless in accordance with details which have been submitted to an approved in writing by the Local Planning Authority. Any such plant shall only be operated in accordance with the approved details.
59. Reserved Matters applications shall be in accordance with the Environmental Statement (January 2020), and Environmental Statement Addendum (August 2020), and the Updated Environmental Statement (February 2023), and the following parameter plans and details:
 - o OPP DWG. 3.1 4150-05105-PL4 Parameters Plan 1: Outline and Detailed Application Boundaries
 - o OPP DWG. 10 POE_199_011 Parameter Plan 3: Outline Landscape Rev E
 - o The maximum ridge height of Units 2 and 3 shall not exceed 19 metres.
 - o The maximum ridge height of Unit 4 shall not exceed 22m.
60. Prior to the commencement of each phase, or with any reserved matters application submission a Local Employment Scheme for the construction of that phase shall be submitted to and agreed in writing with the Local Planning Authority. The submitted Local Employment Scheme shall demonstrate how the development will use all reasonable endeavours to recruit at least 20% of labour from within the Borough of St Helens focusing on the most deprived Super Output Areas. The Scheme shall include the following:
 - a) Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies such

as St Helens Chamber and Ways to Work will take place in relation to maximising the access of the local workforce to information about employment opportunities;

- b) Details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships or an agreed alternative;
- c) A procedure setting out criteria for employment, and for matching of candidates to the vacancies;
- d) Measures to be taken to offer and provide college and/or work placement opportunities at the development to students within the locality;
- e) Details of the promotion of the Local Employment Scheme and liaison with contractors engaged in the construction of the development to ensure that they also apply the Local Employment Scheme so far as practicable having due regard to the need and availability for specialist skills and trades and the programme for constructing the development;
- f) A commitment that the construction phase of the development will be undertaken in accordance with the Unite Construction Charter;
- g) A procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to St Helens Borough Council including details of the origins qualifications numbers and other details of candidates; and
- h) A timetable for the implementation of the Local Employment Scheme.

The development shall be implemented in accordance with the approved scheme.

61. No development shall take place in a phase until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance and LLFA Guidance, and with evidence of an assessment of the site conditions, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and LLFA Guidance. This will include the need for a full drainage strategy, flood modelling and detailed construction level drawings for all surface water aspects, in line with the Drainage strategy (OPP DOC. 8.1 Drainage Strategy Rev. 5) supplied in application P/2020/0061/HYBR. The agreed scheme shall be implemented before the first use of any building hereby permitted in that phase and managed/maintained as agreed thereafter.
62. The scheme for the provision and management of an 8 metre wide buffer zone alongside the Whittle Brook watercourse approved under C/2022/0017/CON shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the Local Planning Authority, in which case the development shall be carried out in accordance with the amended scheme.
63. No development shall take place in the relevant phase (in accordance with the Phasing Plan secured by Condition 51) until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The landscape and ecological management plan for that phase shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements (where relevant to a particular phase):

- o details of maintenance regimes;
 - o details of any new habitat created on-site;
 - o details of treatment of site boundaries and/or buffers around water bodies;
 - o details of management responsibilities;
 - o Whittle Brook channel long section showing existing and proposed bed levels (this should indicate change in channel length and associated gradient. Any change should be assessed with regard to hydromorphology and biological quality elements in the WFD assessment);
 - o indicative channel cross-sections to represent all design proposals (i.e. 2-stage channel, inset berms and any changes at proposed meanders); and
 - o geomorphology surveys to inform detailed design proposal to be provided to the Environment Agency, including data on the reference reach.
64. Prior to the commencement of each phase of the development, or reserved matters application a Scheme to promote the use of local suppliers of goods and services during the construction of that phase shall be submitted to and agreed in writing with the Local Planning Authority. A procedure for monitoring the local suppliers of goods and reporting the results of such monitoring to St Helens Borough Council including details of the origins qualifications numbers and other details of candidates shall be supplied to the St Helens Borough Council. The development shall be implemented in accordance with the agreed Scheme.
65. Prior to the commencement of development on each phase, or with the submission of a reserved matters application the developer shall submit a Piling Method Statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement: The method statement shall include the following details:
- o Details of the method of piling;
 - o Days / hours of work;
 - o Duration of the pile driving operations (expected starting date and completion date);
 - o Prior notification to the occupiers of potentially affected properties; and
 - o Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint.
66. Prior to the commencement of any B2 and B8 use hereby permitted on any individual plot, the operator shall submit a scheme to the LPA detailing any sources of vibration which may be detectable at other nearby premises. The scheme shall detail any mitigation measures proposed to minimise such vibration to levels that will not cause alarm or distress at neighbouring premises in accordance with British Standards. Once approved in writing by the Local Planning Authority, all agreed mitigation measures shall be implemented prior to the commencement of use.
67. Prior to the first use of any building, a Local Employment Scheme for the operational phase of that building shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted Local Employment Scheme shall demonstrate how the development will use all reasonable endeavours to recruit at least 20% of labour from within the Borough of St Helens, focusing on the most deprived Super Output Areas. The Scheme shall include the following:

- a) Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies such as St Helens Chamber and Ways to Work, will take place in relation to maximising the access of the local workforce to information about employment opportunities;
- b) Details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships;
- c) A procedure setting out criteria for employment, and for matching of candidates to the vacancies;
- d) Measures to be taken to offer and provide college and/or work placement opportunities at the Development to students within the locality;
- e) A procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the St Helens Borough Council including details of the origins qualifications numbers and other details of candidates; and
- f) A timetable for the implementation of the Local Employment Scheme.

The development shall be implemented in accordance with the approved Scheme.

68. Prior to the commencement of development within zone 4 as shown on plan ref: LA100018360 2020, a Phase 2 site investigation and assessment shall be undertaken in accordance with the recommendations of the submitted Phase 1 Geo-environmental Assessment (WSP, ref 11158(002), May 2019). The results of the site investigation and assessment shall be submitted to and agreed in writing with the Local Planning Authority. Should the Phase 2 investigation identify any requirements for remediation then a remedial strategy, including a validation methodology, shall be submitted to and agreed in writing with the Local Planning Authority. The remedial strategy shall include a methodology and verification plan for the decommissioning of any deep boreholes.

All such reports shall be completed by a competent person in accordance with government and Environment Agency guidance, namely "Land Contamination: Risk Management" (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).

69. Prior to occupation/ commencement of use of any phase of the development within zone 4 as shown on plan ref: LA100018360 2020, the agreed remedial strategy (if required) will have been implemented, and a site validation/ completion report for each building within that phase shall be submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, the site validation/ completion report shall include, but will not necessarily be limited to:

- i) full details of all remediation works undertaken;
- ii) validation (in accordance with the validation methodology detailed within the agreed remedial strategy) of the adequacy of the remediation;
- iii) sampling, testing and assessment of the suitability of any imported or site won soils;
- iv) the fate of any excavated material removed from site; and
- v) verification of the successful decommissioning of boreholes.

The site validation/ completion report(s) shall be completed by a competent person in accordance with government and Environment Agency guidance,

namely "Land Contamination: Risk Management"
(<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).

70. Prior to the first use of each phase or reserved matters, the unit hereby approved, an Operational Noise Management Strategy for each individual unit shall be submitted to and agreed in writing with the Local Planning Authority. The agreed Strategy shall be implemented thereafter.

71. Prior to the occupation of any unit, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and agreed in writing with the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:

- o identification of the responsible/adopting authority / undertaker / management company; and
- o the inspection and ongoing maintenance regime throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

72. Any reserved matters application shall include an up-to-date Arboricultural Impact Assessment, with Tree Constraints Plan and Tree Protection Plan with the temporary measures to provide physical protection of all trees, hedges and shrubs shown to be retained (which shall retain, as a minimum the areas illustrated as "Existing Woodland / Trees / Vegetation to be retained and protected" in the plan entitled "Parameters Plan 3 Outline Landscape (OPP Planning) Drawing No. POE_199_011" submitted with this application). This information must detail tree protection measures which will be put in place to not only protect the existing retained trees, hedges and woodlands but also any new tree planting and landscaping delivered as part of any development on site. All tree protection measures shall be to at least BS 5837 (2012) standard. Method statements shall also be included, particularly where there are impacts to root protection areas and ground protection or special 'no dig' surfacing is required. All measures shall be in place prior to any demolition or development taking place on site. The provision of total exclusion zones so defined shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of all site and building works (including works that may be carried out within the adjacent outline area of the site).

73. Any reserved matters application shall include an Arborist Clerk of Works Method Statement and Ecological Clerk Works Method Statement. These Statements must include details of the Site Biodiversity Champion. All tree work and hedgerow removal specified in these documents shall be to BS3998 (2010), with no felling taking place between the period 1st March to 31st August, unless otherwise clearly specified methodologies for arboricultural and ecological supervision and inspection aimed at avoiding disturbance to breeding birds and protected species are detailed within these documents.

All tree work must be supervised by the Arboricultural Supervisor for the site. The contact details for the Arboricultural Supervisor / Ecological Clerk of Works and Site Biodiversity Champion, along with the dates of an initial site meeting between Site Managers, Site Biodiversity Champion, the St. Helens Trees and Woodlands Officer and the Countryside Development and Woodlands Officer shall be provided prior to commencement of development. The frequency of

further meetings, and the reporting procedure to the Local Planning Authority, is to be agreed at the initial site meeting.

74. Any reserved matters application for landscaping shall provide fully specified landscape plans. All plans shall be in accordance with the species recommendations, principles and standards detailed in the document "Omega Zone 8: Landscape Strategy December 2019 (Rev C 05.08.20)", "Landscape Strategy : Omega Zone 8 (OPP Dwg 5) Drawing No. POE_199_001 Dated 12/19 Revision H and the "Parameters Plan 3 Outline Landscape (OPP Planning) Drawing No. POE_199_011 Dated 04/20 Revision A", OPP DWG. 12 5969-Z8-SK-015 Rev. D Parameter Plan 4: Watercourse Diversion and OPP DWG.13 5969-Z8-SK-09 Rev. D Watercourses Diversion Route and Sections, submitted with this application.

In addition, all plans shall provide the following supporting information:

- o detailed designs and planting specifications, including cross sections, for all water bodies, including river diversions, being created on site;
- o the removal of rhododendron and under planting of existing retained woodlands using appropriate native woodland species;
- o specifications for all other soft and hard landscape details for 'ecological' areas as well as within the developed areas of the site;
- o the design and specification of any paths and tracks to be constructed, which shall provide a route that is surfaced and at least 1.5 metres in width, preferably using a bound recycled stone surface e.g Hoppath and incorporate "Access for All" principles e.g. maximum gradients of 1 in 20 (1:12 for short sections);
- o a timescale for the delivery of landscaping, which must be completed prior to use of the development unless otherwise first agreed in writing with the Local Planning Authority; and a detailed maintenance programme and schedule for all landscaping completed on site.

All specified landscaping works shall be completed prior to any use of any buildings on site or the first planting season post-occupation (if occupation occurs outside of the planting season) unless otherwise first agreed in writing with the Local Planning Authority. Any trees, shrubs and plants and meadow areas planted / sown, which within a period of 5 years from the date of planting / sowing die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size, species and quality unless the Local Planning Authority gives written consent to the variation.

75. All landscape planting works shall be inspected annually during the month of August, each year for the first 5 years after planting. The inspections shall record the health and condition of trees and plants planted and assess where trees and plants need to be replaced. This report shall be submitted to the Local Planning Authority, prior to the planting season commencing in each year and the details and specifications of replacement trees and plants to be planted in that coming planting season provided in writing. The replacement trees and plants shall then be planted in the period between the 1 December and 1 March and the Local Planning Authority informed when all replanting works are completed.
76. Any reserved matters application shall include a detailed Ecological and Landscape Management Plans updated for areas that are illustrated as being retained and created in the plan entitled ""Parameters Plan 3 Outline Landscape (OPP Planning) Drawing No. POE_199_011" submitted with this

application and separately for the developed areas within the rest of the site. The plans shall:

- o Include detailed maintenance and management schedules / programmes for the landscape areas illustrated as being retained and created within the "Parameters Plan 3 Outline Landscape (OPP Planning) Drawing No. POE_199_011" submitted with this application.
- o Use the principles identified within the documents "Omega Zone 8: Landscape Strategy December 2019 (Rev C 05.08.20) and Omega Zone 8: Landscape Maintenance Strategy March 2020 Rev D Issued 05.08.20.
- o Include the management of ponds, wetlands and rivers / streams being created on site.
- o Provide methodologies for the control of invasive species such as Himalayan balsam and rhododendron.
- o Provide details of nest box specification and locations for bird and bat species on site, which shall include provision of barn owl boxes.

Progress, review and delivery of the management plans must be provided to the Local Planning Authority annually. The Council should be provided with contact details for the Management Company(s) appointed to implement these management plans prior to any use of any buildings onsite. Only the approved details shall be implemented.

77. The removal and eradication of invasive species on the outline elements of the application site, as identified on plan ref:4150-05105-PL4 shall be carried out in accordance with the submitted method statement entitled 'Himalayan Balsam Control Method Statement, The Ecology Practice, 6 July 2020.
78. Reserved matters applications shall be supported by updated bat surveys.
79. The bat mitigation measures as set out within page 30 of the 'Environmental Statement Vol.1 Chapter 'Biodiversity' OPP DOC 11.9' and the 'Woodland, Tree and hedgerow clearance method statement' within Appendix F of Unit 1 Doc 0.7 Construction Environmental Management Plan (Detailed Application Area) (as amended and received on 07/08/2020), which includes pre-commencement checks and the use of soft felling techniques following best practice at an appropriate time of year, are to be implemented in full.
80. Notwithstanding 'INFRA DWG. 12 16903-11ES Rev. C Bat Box Proposals'; reserved matters applications shall provide details of bat boxes within the boundary of the outline element of this application (as shown on plan ref:4150-05105-PL4). The details shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall be shown on a scaled plan and include the quantity, type, location and timing of installation. The approved details shall be implemented.
81. Should two years elapse from the date of the water vole survey (Amended Appendix 9.13 Water Vole survey, dated June 2020), submitted with the application then updated water vole surveys will be required to be carried out for any reserved matters application and the details and findings submitted to and agreed in writing with the Local Planning Authority.
82. No grassland clearance or tree or hedgerow felling, lopping or pruning shall take place between 1st March and 31st August, unless a survey for breeding birds together with a scheme of necessary mitigation and protection measures, undertaken by a suitably qualified person, has been submitted to and approved

in writing by the Local Planning Authority. Should grassland clearance, tree or hedgerow felling, loping or pruning take place between the dates stated above, any agreed mitigation and protection measures shall be implemented and retained throughout the period.

83. Prior to the installation of the SUDS attenuation ponds, details of how the SUDS ponds will be designed to benefit nature conservation shall be submitted to and agreed in writing with the Local Planning Authority. The details shall include profile plans and planting plans. Only the approved details shall be implemented.

84. Notwithstanding the requirements of Conditions 62 and 63, the development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: August 2020/70060349-FRA/WSP) and the following mitigation measures it details:

- o Diversion of Whittle Brook design to include increased capacity within the watercourse to reduce the flood risk currently affecting the proposed development site;
- o Surface water discharge from the site to be limited to 5.8 l/s/ha with 15,495 cubic metres of attenuation provided to cater up to the 100-year climate change rainfall event affecting the site; and
- o Raised finished floor levels - 0.3m above the 100-year climate change level for the on-site drainage system & 0.15m above proposed surrounding ground level.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

85. Access into the site shall be delivered in accordance with the general arrangements shown on Plan UNIT 1 DWG. 1 6385 - 181 Rev. G Proposed Site Layout Plan and shall be provided prior to the first use of any building hereby permitted.

86. The roads shall be maintained in accordance with the management and maintenance details outlined in Infra Doc.6 Highways Management & Maintenance of Omega Roadways Document (July 2020) until such times as a private management and maintenance company has been established or until such time as an agreement has been entered into under the Highways Act 1980.

87. The development shall provide internal connected pedestrian/cycle links north to the M62 overbridge of PRoW 102, east to Catalina Approach and east to Omega Boulevard/Orion Boulevard to the principles of Chetwoods Drawing No.4150-05100- SK15 Indicative Masterplan. The Omega Boulevard/Orion Boulevard link (which is intended to double as an emergency access route) shall be operational prior to the opening of the first unit within the outline area of the site unless otherwise agreed in writing with the Local Planning Authority.

88. Within 6 months of a building being occupied, a Travel Plan for that building shall be submitted to and approved in writing by the Council as Local Planning Authority. The plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include but not be limited to:
- o Operational details of a shuttle bus service;
 - o Involvement of employees;
 - o Information on existing transport policies, services and facilities, travel behaviour and attitudes;
 - o Updated information on access by all modes of transport;
 - o Resource allocation including Travel Plan Co-ordinator and budget;
 - o A parking management strategy;
 - o A marketing and communications strategy;
 - o An action plan including a timetable for the implementation of each such element of the above; and
 - o Mechanisms for monitoring, reviewing and implementing the Travel Plan.
89. The approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use. An annual report shall be submitted to the Local Planning Authority no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The annual report shall include a review of the Travel Plan measures, monitoring data and an updated action plan.
90. Reserved Matters applications shall include precise details of car, motorbike and cycle parking. The details shall include a justification for the level of spaces proposed, a layout plan, details of surfacing and any facilities such as lockers, showers etc. The parking provision should include 1 priority parking space (each equipped with 1 electric vehicle charge point) per 30 parking spaces. These spaces shall be provided prior to the first use of the building approved under that reserved matters application and retained as such thereafter.
91. Reserved matters applications shall include provision for overnight lorry accommodation and shall include evidence to demonstrate that the level of provision is adequate for that phase of the development. The development shall be implemented in accordance with the agreed details and those areas shall be retained as such thereafter.
92. No additional external plant or equipment shall be permitted nor shall any additional openings be formed in the elevations or roof of the units hereby permitted which directly ventilate the building or which discharge from any internal plant or equipment, without the prior written permission of the Local Planning Authority. Only the approved details shall be implemented.
93. The rating level of noise emitted from the fixed plant and equipment serving units shall not exceed those quoted in Table 7.7-4 "Fixed plant and equipment noise limits" of Appendix 7.7 Industrial/Commercial Noise Assessment - Environmental Statement Vol 2 - OPP DOC. 11.20 carried out by WSP dated Dec 2019 at the specific receptors identified . Any assessment to determine compliance with the quoted levels shall be made in accordance with the method provided in BS4142:2014 + A1:2019 "Methods for rating as assessing

industrial and commercial sound" and shall be carried out by a suitably qualified acoustic consultant/competent person.

94. Operational noise from the development shall not exceed the levels quoted in Appendix 7.7 "Industrial and Commercial Noise Assessment" Environmental Statement Vol 2 - OPP DOC.11.20 - carried out by WSP dated Dec 2019. Any assessment to determine compliance with the quoted levels shall be made in accordance with the method provided in BS4142:2014 + A1:2019 "Methods for rating as assessing industrial and commercial sound" and shall be carried out by a suitably qualified acoustic consultant/competent person.
95. As part of any phase or reserved matters application an updated Noise and Vibration Assessment shall be submitted which builds on the findings of those presented in in Updated Environmental Statement in Chapter 7 (Noise and Vibration) Document No. OPP DOC.11.7 dated March 2022. The updated assessment shall seek to minimise noise emanating from the development and detail any mitigation required.
96. All floor floating operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. In addition, prior to the commencement of any floor floating activities, the developer shall submit a written method statement, to be approved by the Local Planning Authority prior to the commencement of floor floating activities. The floor floating work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

- o Details of the method of floor floating;
 - o Days / hours of work;
 - o Duration of the floor floating operations (expected starting date and completion date);
 - o Prior notification to the occupiers of potentially affected properties; and
 - o Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
97. As part of any reserved matters application, full details of the acoustic noise barriers for any units shall be submitted to and agreed in writing with the Local Planning Authority. It should be based on the details identified in the Updated Environmental Statement in Chapter 7 (Noise and Vibration) Document No. OPP DOC.11.7 dated March 2022 carried out by WSP. The barriers shall be installed in accordance with a scheme/specification which has been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the first use of the relevant unit and retained thereafter. Any timber/acoustic fencing used in the boundary treatment shall be treated to give a minimum design service life of at least 15 years.
98. Unit 2 (as shown indicatively on the Phasing Plan Ref: 5138-CA-00-00-DR-A-00056) shall be implemented in accordance with the following details (approved under the reserved matters application reference P/2022/0091/RES, and condition discharge application reference C/2022/0014/CON and C/2022/0017/CON), unless otherwise agreed in writing with the Local Planning Authority:

- o Plan ref: 5105-CA-02-00-DR-A-00050 PL5 Site Location Plan
- o Plan ref: 5105-CA-02-00-DR-A-00051 PL9 Proposed Site Plan
- o Plan ref: 5105-CA-02-00-DR-A-00055 PL4 Land Ownership Plan
- o Plan ref: 5105-CA-02-GF-DR-A-00100 PL2 Unit 2 Building Plan
- o Plan ref: 5105-CA-02-ZZ-DR-A-00200 PL6 Proposed elevations
- o Plan ref: 5105-CA-02-ZZ-DR-A-00101 PL3 Office Layout
- o Plan ref: 5105-CA-02-RL-DR-A-00102 PL4 Roof Plan
- o Plan ref: 5105-CA-02-ZZ-DR-A-00150 PL4 Building Sections
- o Plan ref: 5105-CA-02-00-DR-A-00900 PL3 Gatehouse
- o Plan ref: 5105-CA-02-00-DR-A-00354 PL6 Smoking Shelter
- o Plan ref: 5105-CA-02-00-DR-A-00351 PL6 Bicycle Shelter Details
- o Plan ref: 5105-CA-02-00-DR-A-00300 PL7 Fencing Detail
- o Plan ref: 5105-CA-02-00-DR-A-00901 PL5 Sub-station Details
- o Plan ref: 5105-CA-02-00-DR-A-00902 PL5 Gas Governor
- o Plan ref: 5105-CA-02-00-DR-A-00903 PL3 Sprinkler Tank and Pump House
- o Plan ref: 5105-CA-02-00-DR-A-00250 PL8 External Ground Finishes
- o Plan ref: 8605-WSP-U2-XX-DR-C-00101 P05 Contour Plan Proposed Levels
- o Omega West Phase 2, Unit 2 Proposed Site Sections 8605-WSP-U2-XX-DR-C00102 P05
- o Plan ref: 5105-CA-02-00-DR-A-00056 PL5 Phasing Plan
- o Plan ref: 8605-WSP-U2-XX-DR-C-00508 P05 Extent of Buffer Zone Plan
- o Plan ref: 8605-WSP-U2-XX-DR-C-00509 P04 Unit 2 Whittle Brook 8m Buffer Zone Proposed Works
- o Plan ref: 5105-CA-02-00-DR-A-00350 PL6 Car Parking Details
- o Plan ref: 5105-CA-02-00-DR-A-00352 PL6 Motorcycle shelter details
- o Plan ref: G3772-DSSR-EXT-XX-SK-MEP-50401 P1 Site Plan External Plant Sketch
- o Plan ref: 8605-WSP-U2-XX-DR-C-00101 P05 Omega West Phase 2, Unit 2 Contour Site Plan
- o Construction Environmental Management Plan (CEMP) Rev B
- o Plan ref: 5105-CA-02-00-DR-A-00904 PL1 HV Switch Enclosure

Highways

- o Plan ref: 8605-WSP-S38-XX-DR-C-00100 P04 Highway Works General Arrangement
- o HGV Management Plan Unit 2 dated June 2022 and received on 27/06/2022

Drainage

- o Plan ref: 8605-WSP-U2-XX-DR-C-00502 P01 Unit 2 Foul Drainage Manhole Schedule
- o Plan ref: 8605-WSP-U2-XX-DR-C-00500 P04 Foul Water Drainage Layout
- o Plan ref: 8605-WSP-U2-XX-DR-C-00504 P04 Overland Flood Flow routing
- o Plan ref: Omega West Unit 2 Drainage Strategy Report (December 2021) V4
- o Plan ref: 8605-WSP-U2-XX-DR-C-00501 P04 Unit 2 Surface Water Drainage Layout
- o Plan ref: 8605-WSP-U2-XX-DR-C-00503 P02 Omega West Phase 2, Unit 2 Surface Water Manhole Schedule
- o Plan ref: 8605-WSP-U2-XX-DR-C-00505 P04 Unit 2 Basin Plan
- o Plan ref: 8605-WSP-U2-XX-DR-C-00506 P01 Unit 2 Basin Sections
- o Plan ref: 8605-WSP-U2-XX-DR-C-00517 P02 Omega West Phase 2, Unit 2, Basin Sections
- o Plan ref: 8605-WSP-U2-XX-DR-C-00510 P02 Unit 2 Pumping Station Compound General Arrangement
- o Plan ref: 8605-WSP-U2-XX-DR-C-00511 P01 Omega West Phase 2, Unit 2 Pumping Station Compound Standard Details

- o Plan ref: 8605-WSP-U2-XX-DR-C-00512 P01 Omega West Phase 2, Unit 2 Surface Water Pumping Station Inlet Chamber General Arrangement
- o Plan ref: 8605-WSP-U2-XX-DR-C-00513 P01 Omega West Phase 2, Unit 2 Surface Water Pumping Station Wet Well General Arrangement
- o Plan ref: 8605-WSP-U2-XX-DR-C-00514 P01 Surface water pumping station valve
- o Water Framework Directive Assessment May 2022 WFD-R1
- o Management & Maintenance of Omega Sustainable Drainage 14/06/2022
- o Lighting Plan ref: CC4837 01 10m SJES Tubular column rooted & flange plated c /w various bracket arrangements
- o Plan ref: D44749/AE/A Lighting Plan
- o Plan ref: G3772-DSSR-EXT-XX-DR-MEP-63001 P2 Site Plan External Lighting Layout
- o Plan ref: KL 3176 Rev F Lighting Column
- o Kingfisher Lighting Semita Urban Datasheet (2021)
- o Kingfisher Lighting Viva-City Flood Datasheet (2021)
- o Kingfisher Lighting Viva-City Pro Datasheet (2021)
- o Kingfisher Lighting Zactis Datasheet (2021)

Tree Protection and Ecology Plans

- o Arboricultural Implication Assessment and Method Statement (November 2021)
 - o Arboricultural Plans October 2021 Rev A
 - o Ecological Clerk of Works Method Statement Ref 16908-02ECW_A January 2022
 - o Plan ref: POE_255_002 Rev A Unit 2 Planting Plan
 - o Plan ref: POE_255_004 Rev A Indicative Planting Details
 - o Plan ref: POE_255_001 Rev F Landscape General Arrangement Plan
 - o Plan ref: POE_255_009 Rev B Landscape Context Plan
 - o Detailed Landscape and Ecological Management Plan Rev C 16908-01
 - o Landscape Management Strategy November 2021 V3
 - o Himalayan Balsam Control Method Statement 16903-HBMS_FINAL
 - o Pond Removal Methodology 16908-02CP_B
 - o CEMP: Biodiversity (January 2022) 16908-01CP_B
 - o Woodland, Tree & Hedgerow Clearance Method Statement 16908-03CP_A
 - o Plan ref: POE_255_003 C Soil Strategy Plan
 - o Plan ref: POE_255_005 A Indicative Cross Sections (Sheet 1 of 2)
 - o Plan ref: POE_255_006 A Indicative Cross Sections (Sheet 2 of 2)
 - o Plan ref: POE_255_007 E Infrastructure Works
 - o Plan ref: 16908-01RM_A Rev B Bird & Bat Box locations
 - o Plan ref: 8605-WSP-U2-XX-DR-C-00520 P02 Whittle Brook 8m Buffer Zone Sections through Watercourse
99. Unit 2, hereby shown on the plans identified in Condition 1, falls within Use Class B8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and any Order revoking or re-enacting that order, no change of use shall take place within Unit 2, as identified on the plans in condition 1. The unit shall remain Use Class B8 with ancillary offices, unless planning permission is sought from and granted by the Local Planning Authority.
100. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class I and P, Part 7, Class H or any Order revoking or re-enacting that Order, no further development shall take place within the curtilage of Unit 2, as identified on the

plans within Condition 1, unless planning permission is sought from and granted by the Local Planning Authority.

101. Prior to the first occupation of Unit 2, the internal highway infrastructure and areas indicated on the approved plans to be set aside for parking and servicing shall be surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in condition 1. The parking and servicing areas shall be retained as such thereafter and shall not be used in a manner that prevents the parking of vehicles.
102. The development shall be carried out in-accordance with the approved Construction Environmental Management Plan listed as condition no.56 under C/2022/0014.
103. The surface water drainage scheme shall be implemented in-accordance with the details approved under condition no.61 under C/2022/0014. The approved scheme shall be implemented before the first use of any building hereby permitted in that phase and managed/maintained as agreed thereafter.
104. The Landscape and Ecological Management Plan shall be implemented in-accordance with the details approved under condition no.63 under C/2022/0014. Any subsequent variations shall be agreed in writing by the Local Planning Authority and subsequently implemented.
105. The Site Investigation and remediation strategy shall be implemented in-accordance with the details approved under condition no.68 under C/2022/0014.
106. The drainage management and maintenance plan shall be implemented in-accordance with the details approved under condition no.71 under C/2022/0014.
107. The Suds attenuation ponds shall be implemented in-accordance with the details approved under condition no.83 under C/2022/0014.
108. The floor floating operations shall be implemented in-accordance with the details approved under condition 96 under C/2022/0014.
109. The Local Employment Scheme for the construction of this phase shall be implemented in-accordance with the details approved under condition 60 under C/2022/0014. The procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to St Helens Borough Council shall be complied with.
110. The Scheme to promote the use of local suppliers of goods and services during the construction of this phase shall be implemented in-accordance with the details approved under condition 64 under C/2022/0014. The procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to St Helens Borough Council shall be complied with.
111. Unit 3 (as shown indicatively on the Phasing Plan Ref: 5138-CA-00-00-DR-A-00056) shall be implemented in accordance with the following details (approved under the reserved matters application reference P/2022/0202/RES and condition discharge reference C/2022/0035/CON), unless otherwise agreed in writing with the Local Planning Authority:

- o Plan ref: 5138-CA-00-00-DR-A-00050 PL5 Site Location Plan
- o Plan ref: 5138-CA-00-00-DR-A-00051 PL7 Site Layout Plan
- o Plan ref: 5138-CA-00-00-DR-A-00052 PL7 Contextual Site Plan
- o Plan ref: 5138-CA-00-00-DR-A-00100 PL5 Unit 3 Building Plan
- o Plan ref: 5138-CA-00-XX-DR-A-00200 PL7 Proposed elevations
- o Plan ref: 5138-CA-00-00-DR-A-00105 PL5 Hub Office 1 (West) GA Plans
- o Plan ref: 5138-CA-00-00-DR-A-00106 PL5 Hub Office 2 (East) GA Plans
- o Plan ref: 5138-CA-00-01-DR-A-00102 PL4 Main Office First Floor GA Plan
- o Plan ref: 5138-CA-00-02-DR-A-00103 PL4 Main Office Second Floor GA Plan
- o Plan ref: 5138-CA-00-ZZ-DR-A-00101 PL5 Main officer Ground Floor Plan
- o Plan ref: 5138-CA-00-00-DR-A-00110 PL5 Vehicle Maintenance Unit
- o Plan ref: 5138-CA-00-00-DR-A-00115 PL5 Roof Plan
- o Plan ref: 5138-CA-00-00-DR-A-00150 PL5 Building Sections
- o Plan ref: 5138-CA-00-00-DR-A-00900 PL2 Gatehouse
- o Plan ref: 5138-CA-00-00-DR-A-00351 PL2 Bicycle Shelter
- o Plan ref: 5138-CA-00-00-DR-A-00300 PL6 Fencing Detail
- o Plan ref: 5105-CA-02-00-DR-A-00901 PL3 Sub-station Details
- o Plan ref: 5138-CA-00-00-DR-A-00902 PL3 Gas Governor
- o Plan ref: 5138-CA-00-ZZ-DR-A-00354 PL1 Chill Plant GA Plans
- o Plan ref: 5138-CA-00-ZZ-DR-A-00904 PL3 Sprinkler Tanks and Pump House
- o Plan ref: 5138-CA-00-00-DR-A-00250 PL6 External Finishes
- o Plan ref: 5138-CA-00-00-DR-A-00056 PL4 Phasing Plan
- o Plan ref: 5138-CA-00-ZZ-DR-A-00350 PL3 Car Parking Details
- o Plan ref: 5138-CA-00-00-DR-A-00352 PL2 Motor cycle shelter details
- o Construction Environmental Management Plan (CEMP) Rev C
- o Plan ref: 8605-WSP-U3-XX-DR-C-00102 P01 Unit 3 Proposed Site Sections
- o Plan ref: 5138-CA-00-00-DR-A-00903 PL3 HV Switch Enclosure

Highways

- o Plan ref: 8605-WSP-S38-U3-DR-C-00500 P04 Highway Works General Arrangement
- o Unit 3 HGV Management Plan dated June 2022 and received on 27/06/2022

Drainage

- o Water Framework Directive Assessment May 2022
- o Omega West Phase 3, Unit 3, Drainage Strategy Report Plan ref:8605/003
- o Plan ref: 8605-WSP-U3-XX-DR-C-00520 P01 Sections through watercourse
- o Plan ref: 8605-WSP-U3-XX-DR-C-00517 P01 Omega West Phase 3, Unit 3 Basin Sections
- o Plan ref: 8605-WSP-U3-XX-DR-C-00514 P01 Omega West Phase 3, Unit 3, Surface Water Pumping Station Valve Chamber General Arrangement
- o Plan ref: 8605-WSP-U3-XX-DR-C-00513 P01 Unit 3 Surface Water Pumping Station Wet Well General Arrangement
- o Plan ref: 8605-WSP-U3-XX-DR-C-00512 P01 Unit 3 Surface Water Pumping Station Inlet Chamber General Arrangement
- o Plan ref: 8605-WSP-U3-XX-DR-C-00511 P01 Unit 3 Pumping Station Compound Standard Details
- o Plan ref: 8605-WSP-U3-XX-DR-C-00510 P02 Unit 3 Pumping Station Compound General Arrangement
- o Plan ref: 8605-WSP-U3-XX-DR-C-00509 P01 Unit 3 Whittle Brook 8m Buffer Zone Proposed Works
- o Plan ref: 8605-WSP-U3-XX-DR-C-00508 P02 Unit 3 Whittle Brook 8m Buffer Zone Extent
- o Plan ref: 8605-WSP-U3-XX-DR-C-00507 P01 Unit 3 Basin Head Wall Details
- o Plan ref: 8605-WSP-U3-XX-DR-C-00506 P01 Unit 3 Basin Sections
- o Plan ref: 8605-WSP-U3-XX-DR-C-00505 P02 Unit 3 Basin Plan

- o Plan ref: 8605-WSP-U3-XX-DR-C-00504 P02 , Unit 3 Overland Flood Flow Exceedance Routing
- o Plan ref: 8605-WSP-U3-XX-DR-C-00503 P01 Unit 3 Surface Water Manhole Schedule
- o Plan ref: 8605-WSP-U3-XX-DR-C-00502 P01 Unit 3 Foul Drainage Manhole Schedule
- o Plan ref: 8605-WSP-U3-XX-DR-C-00501 P02 Unit 3 Surface Water Drainage Layout
- o Plan ref: 8605-WSP-U3-XX-DR-C-00500 P02 Unit 3 Foul Drainage Layout

Lighting

- o External lighting Strategy March 2022
- o Kingfisher Lighting_Viva-City Flood
- o Kingfisher Lighting_Viva-City
- o Kingfisher Lighting_Zactis
- o KL 3176F F Column 8CT89
- o 10m SJES Tubular Column Rooted & Flange Plated C/W Various Bracket Arrangement ref:CC4837 01

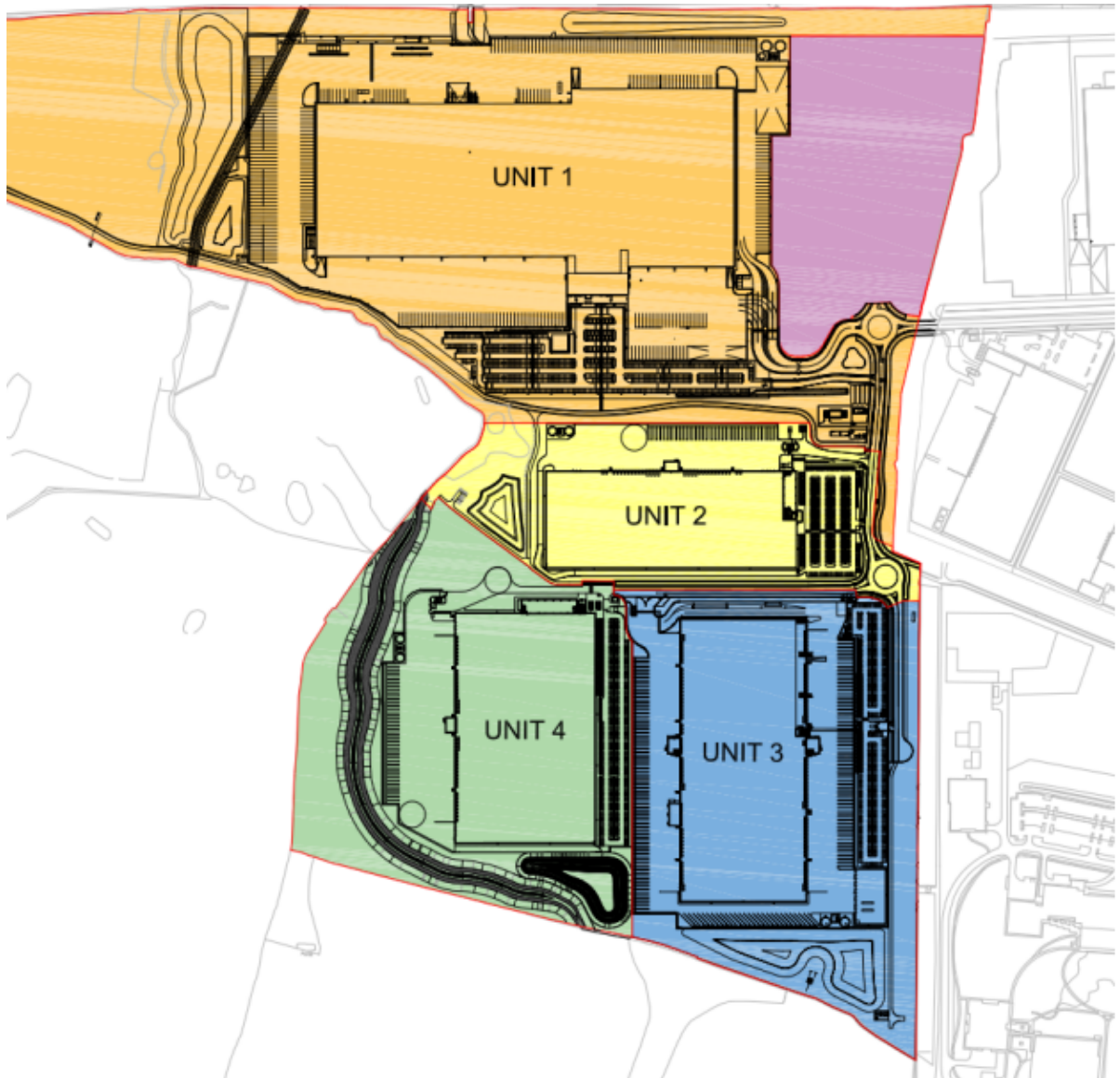
Tree Protection and Ecology Plans

- o Arboricultural Implication Assessment and Method Statement March 2022 and Tree
 - o Protection Plans
 - o Ecological Clerk of Works Method Statement March 2022 V2
 - o Plan ref: POE_255_011 Rev A 1 Planting Plan
 - o Plan ref: POE_255_013 Indicative Planting Details
 - o Plan ref: POE_255_010 Rev A Landscape General Arrangement Plan
 - o Detailed Landscape and Ecological Management Plan Rev A V2 received on 28/06/2022
 - o Landscape Management Strategy February 2022 Rev A
 - o Himalayan Balsam Control Method Statement July 2020
 - o Plan ref: 16908-01BB_A Rev A Bird and Bat Box locations
 - o Pond Removal Methodology
 - o CEMP: Biodiversity (February 2022)
 - o Plan ref: POE_255_008 Rev C Soft Landscape Infrastructure Works
 - o Plan ref: POE_255_012 REV A Soil Strategy Plan
 - o Ecological Clerk of Works Method Statement (March 2022)
112. The Unit 3 building shall be used for storage and distribution (Use Class B8) only, unless otherwise agreed in writing with the Local Planning Authority
113. The quantum of B8 floorspace occupied across the outline area (as defined by DWG.03.1 Outline and Detailed Application Boundaries) shall not exceed that allowed by Condition 1 of P/2022/0204/S73.
114. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class I and P, Part 7, Class H or any Order revoking or re-enacting that Order, no further development shall take place within the curtilage of Unit 2, as identified on the plans within Condition 1, unless planning permission is sought from and granted by the Local Planning Authority.
115. Prior to the first occupation of Unit 3, the internal highway infrastructure and areas indicated on the approved plans to be set aside for parking and servicing shall be surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in condition 1. The

parking and servicing areas shall be retained as such thereafter and shall not be used in a manner that prevents the parking of vehicles.

116. Prior to the first use or occupation of unit 3, hereby approved, acoustic barrier shall be installed in accordance with the details agreed under discharge of condition application C/2023/0100/CON. Once erected the fence shall be maintained in accordance with approved specification thereafter.
117. The development shall be carried out in-accordance with approved plan ref: G3773-DSSREXT XX-DR-63001 P3 External Lighting Layout.
118. The development shall be carried out in-accordance with the approved Construction Environmental Management Plan listed as condition no.56 under C/2022/0035.
119. The surface water drainage scheme shall be implemented in-accordance with the details approved under condition no.61 under C/2022/0035. The approved scheme shall be implemented before the first use of any building hereby permitted in that phase and managed/maintained as agreed thereafter.
120. The buffer zone along Whittle Brook shall be implemented in-accordance with the details approved under condition no.62 under C/2022/0035. Any subsequent variations shall be agreed in writing by the Local Planning Authority, in which case the development shall be carried out in accordance with the amended scheme.
121. The Landscape and Ecological Management Plan shall be implemented in-accordance with the details approved under condition no.63 under C/2022/0035. Any subsequent variations shall be agreed in writing by the Local Planning Authority and subsequently implemented.
122. The Site Investigation and remediation strategy shall be implemented in-accordance with the details approved under condition no.68 under C/2022/0035.
123. The drainage management and maintenance plan shall be implemented in-accordance with the details approved under condition no.71 under C/2022/0035.
124. The Suds attenuation ponds shall be implemented in-accordance with the details approved under condition no.83 under C/2022/0035.
125. The floor floating operations shall be implemented in-accordance with the details approved under condition 96 under C/2022/0035.
126. The Local Employment Scheme for the construction of this phase shall be implemented in accordance with the details approved under condition 60 under C/2022/0035. The procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to St Helens Borough Council shall be complied with.
127. The Scheme to promote the use of local suppliers of goods and services during the construction of this phase shall be implemented in-accordance with the details approved under condition 64 under C/2022/0035. The procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to St Helens Borough Council shall be complied with.

10. IMAGES



Phasing Plan



Application site (Unit 2 Foreground, Unit 3 Background)



Access road to Unit 4. Unit 3 shown.



View towards the plot for Unit 4 with diverted brook to the right.



View towards plot of Unit 4 before completion of the river diversion



Further views of river diversion works.

APPLICATION NUMBER:	P/2024/0080/ADC
PROPOSAL:	Advertisement consent to display 1no. sign above the front boundary fence and 1no. attached to the building, both non illuminated.
LOCATION:	Newton Le Willows Childrens Centre, Patterson Street Newton Le Willows
WARD:	Newton West Ward
APPLICANT:	Mrs Vicky Velasco
CASE OFFICER:	Ms Julie Hine
REASON BEFORE MEMBERS	Council Application
RECOMMENDATION:	Grant Planning Permission Subject to Conditions

1. APPLICATION SITE

- 1.1 The site is occupied by a Newton Children's Centre on the corner of Patterson Street and Foundry Street in Newton-le-Willows. The Centre is set back from the road with parking to the front of the building and is accessed from Patterson Street. There are residential dwellings to the north and east, with District Primary School immediately to the south of the site.

2. PROPOSAL

- 2.2 The proposal is to replace the existing sign above the entrance to the Centre affixed to the front boundary railings and also replace the existing sign attached to the front of the building. The fence sign will be the same dimensions and location as the existing sign namely 2.4m above ground with a width of 2m and a depth of 1.2m and will be non- illuminated. The sign attached to the front of the building will be located in the same central position on the front elevation of the building and with the same dimensions, namely 1.25m in width and 0.85m in depth. Both signs will be constructed of composite aluminium.

3. CONSULTATIONS

- 3.1 Highways (19.02.2024) - No objections to the proposal.

4. REPRESENTATIONS

- 4.1 The application was publicised by neighbour notification letters to those dwellings immediately opposite the site. A site notice was posted on 29 February 2024.
- 4.2 No representations were received from the publicity given.

5. SITE HISTORY

5.1 There is no relevant planning history.

6. POLICY

National Planning Policy Framework

6.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable development, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

6.2 Paragraph 12 of the NPPF clarifies 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. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. 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.

Development Plan

6.3 The adopted development plan for St Helens is the St Helens Borough Local Plan to 2037; and the Joint Merseyside and Halton Waste Local Plan (adopted 2013).

LPD08 - Advertisements

Other Considerations

6.4 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

6.5 This application has been considered in relation to Section 17 of The Crime and Disorder Act. The Police Crime Prevention Officer has been afforded the opportunity to comment on this scheme, but no comments have been received.

6.6 The application has been considered in accordance with the St Helens Council's Comprehensive Equality Policy, which seeks to prevent unlawful discrimination,

promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

7. ASSESSMENT

- 7.1 Advertisements are controlled under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The Regulations require Local Planning Authorities to control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.
- 7.2 Factors for consideration when determining this application are therefore limited to whether the proposed signage would adversely affect safety, would have a detrimental impact on the character and appearance of the area or a detrimental effect on residential amenity having regard to Policy LPD08 of the St Helens Borough Local Plan.
- 7.3 Paragraph 136 of the National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate process within the planning system controls the display of advertisements which should be operated in a way which is simple, efficient, and effective.
- 7.4 Policy LPD08 states that '*proposals for advertisement display will be granted consent provided they would have an acceptable impact upon amenity or public safety.*

Amenity

1. *Advertisements should respect the scale of and be sympathetic to their surroundings and not dominate any building(s), the street scene or any nearby open and / or publicly accessible area(s).*
2. *Advertisements should respect the design and appearance of any building(s) on which they would be displayed.*
3. *Advertisements displayed on or within the setting of a Listed Building must be of particularly high quality, respecting the size, materials, proportions and detailing of the building concerned. Advertisements that could affect the character or appearance of a Conservation Area must respect the predominant building styles and design that lend the area its special character.*
4. *Consideration will be given to the size, location, and means of any illumination of any proposed advertisement and whether the proposal would lead to there being a proliferation of advertisements creating clutter in the area.*

Public Safety

5. *The location, siting, illumination, design, and scale of any proposed advertisement must not compromise the safety of pedestrians, drivers, or other users of the public highway, for example by hindering their movement, obscuring visibility or by causing a distraction.'*

Amenity

- 7.5 The signage details and size have been provided earlier within this report and so are not described in detail in this section. The proposed signs are replacements for the existing signs on the boundary fence and the building and are typical for a community facility. The signs are very similar to those for District Primary School, located immediately to the south in terms of their design and dimensions. The proposed signage would not harm the visual amenity of the application site or surrounding area.
- 7.6 The proposed signs will not be illuminated and so the amenity of those dwellings nearby on Patterson Street to the east will not be significantly affected by the proposals.

Safety

- 7.7 The application has been reviewed by Highways Officers who have considered the impacts of the advertisement on highway safety and raise no objections.
- 7.8 The proposed signage is not considered to create a distraction for drivers along Patterson Street and Foundry Street. It replaces similar signs in the same location above the boundary railings and on the front elevation of the building itself and are of similar proportions and are non-illuminated. It is considered these proposed signs would not cause a materially different distraction to drivers. The proposed advertisement is considered to comply with criteria 5 of St Helens Borough Local Plan Policy LPD08 and would not pose a risk to public safety.
- 7.9 It is considered that the proposed signs would comply with the requirements of Local Plan Policy LPD08 and the NPPF.

8. CONCLUSION

- 8.1 The proposed advertisement signs do not adversely affect amenity or safety. The siting, scale and appearance is acceptable, and it complies with the requirements of Policy LPD08 of the St Helens Borough Local Plan and the National Planning Policy Framework.

9. RECOMMENDATION

- 9.1 Grant Advertisement Consent subject to the following conditions:
1. This consent shall be a period of five years.
 2. Any advertisement displayed in accordance with this consent shall be maintained in clean and tidy condition, to the reasonable satisfaction of the Council as Local Planning Authority.
 3. Any land (including buildings) used for the display of advertisements in accordance with this consent shall be maintained in a clean and tidy condition, to the reasonable satisfaction of the Council as Local Planning Authority.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements in accordance with this consent shall be maintained in a safe condition.
5. Where removal of any advertisement is required under the terms of this consent, the removal shall be carried out to the reasonable satisfaction of the Council as Local Planning Authority.
6. Before any advertisement is displayed on the land or building in accordance with this consent, the permission of the owner or any other person entitled to grant permission shall be obtained.
7. No advertisement displayed in accordance with this consent shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway, or aerodrome.
8. This consent shall be for the form of advertisement display specified in the application, subject to any modifications required or allowed by the terms of this decision, and, in the case of advertisements consisting of particular words and symbols of specified sizes and shall not extend to authorise a different form of display.
9. The development shall be carried out in accordance with the following application drawings:

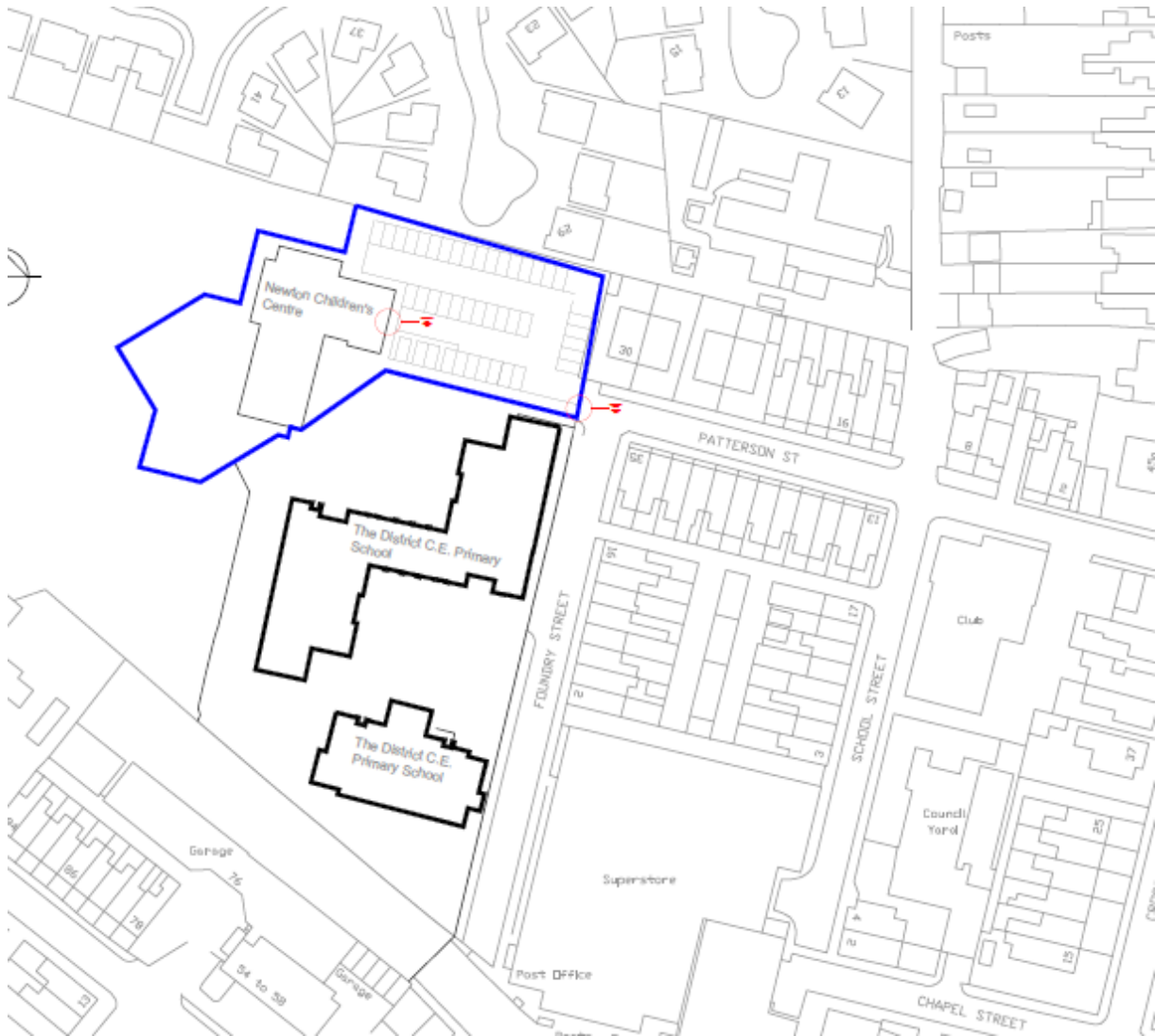
35227/1 Location Plan

35227/2 Proposed Block Plan

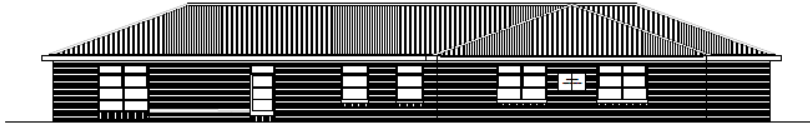
35227/3 Existing and Proposed Sign Details

10. IMAGES

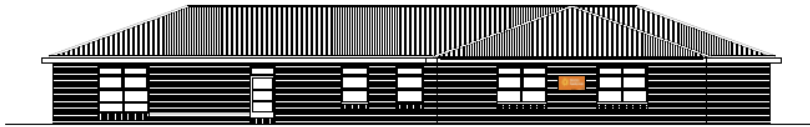
LOCATION PLAN



EXISTING AND PROPOSED BUILDING SIGN DETAILS

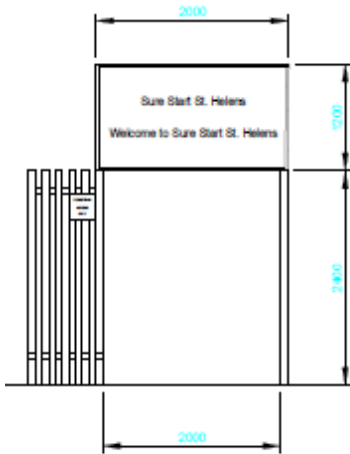


EXISTING EAST FACING ELEVATION

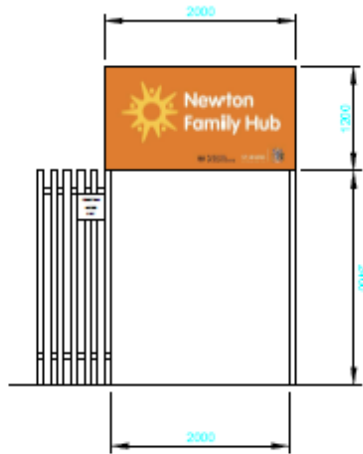


PROPOSED EAST FACING ELEVATION

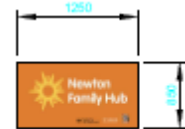
EXISTING AND PROPOSED FENCE SIGNS



EXISTING FENCE MOUNTED SIGN



PROPOSED FENCE MOUNTED SIGN



PROPOSED WALL MOUNTED SIGN



SITE IMAGES



APPLICATION NUMBER:	P/2023/0373/RES
PROPOSAL:	Application for the approval of reserved matters (layout, appearance, landscaping, and scale), pursuant to planning permission P/2011/0058, for residential development comprising 295 dwellings, internal access roads, car parking, substation, landscaping and other associated infrastructure, with access from Providence Avenue.
LOCATION:	Moss Nook, Watery Lane & Providence Avenue St Helens
WARD:	Sutton North West Ward
APPLICANT:	Harworth Estates Ltd
CASE OFFICER:	Mr Stephen Gill
REASON BEFORE MEMBERS:	Significant Development
RECOMMENDATION:	Delegate to Head of Planning to approve reserved matters subject to the re-discharge of Condition 8 of hybrid planning approval P/2011/0058 and the conditions

1. APPLICATION SITE

- 1.1 The application relates to a phase (Phase 3) of the wider brownfield development site known as Moss Nook, which benefits from hybrid planning permission for a mixed-use development granted under reference P/2011/0058 (“hybrid planning permission”). The Phase 3 application site itself is approximately 7.97 hectares in size and occupies the central part of the overall Moss Nook development, which is to the north of Providence Avenue, and south of Sutton Brook.
- 1.2 The overall site is allocated for housing in the St Helens Borough Local Plan to 2037 (“Development Plan”) under Development Plan Policy LPA04.1, site reference 10HA (Moss Nook Urban Village, Watery Lane, Moss Nook).
- 1.3 There are five phases to the overall development at Moss Nook, as agreed in the approved Phasing Plan, and these are summarised as follows:
 - Phase 1: Residential Development – A reserved matters application reference: P/2021/0015/RES was granted for the delivery of 258 dwellings, and these are currently under construction.
 - Phase 2: Sports Pitches and Changing Facilities – A full planning application is currently pending for this development, reference: P/2023/0218/FUL, and this is subject to Section 106 negotiation.

- Phase 3: Residential Development – Subject of this reserved matters application.
- Phase 4: Residential Development – No application received for this parcel of land.
- Phase 5: Open Space - No application received for this parcel of land.

2. PROPOSAL

- 2.1 Consent is sought for the approval of Reserved Matters for Phase 3, which includes layout, appearance, landscaping, and scale for a residential development comprising 295 dwellings. The development would deliver a mixture of 2, 3 and 4 bed semi-detached, detached and mews type properties, along with apartments. A mixture of materials is proposed for this development including buff and red brick, along with render. The layout would include tree lined streets, and a comprehensive landscaping scheme to help soften and improve the appearance of the development. The layout has been designed to carefully to consider the main boundaries of the development, to ensure that it complements the existing surroundings, and will not look out of character.
- 2.2 The properties proposed for this phase of development will be for both affordable housing and Build to Rent (BtR). The affordable housing will deliver 185 units split between affordable rent, social rent, and shared ownership; these properties would be owned and managed by Torus62 Ltd (“Torus”) and delivered through Homes England funding. The remaining 110 dwellings are BtR properties, which would be rented out at market rates; that will be owned by a long-term institutional investor and an agent appointed to oversee the management of the scheme in accordance with the submitted Property Management Strategy.
- 2.3 The mix for the type and tenure of properties is detailed in the table below:

	2-bed	3-bed	4-bed	Total
Affordable Rent	70			70
Shared Ownership		85	10	95
Social Rent		20		20
Build to Rent	24	78	8	110
Total	94	183	18	295

- 2.4 Through the application process, the applicant has proactively worked with the Local Planning Authority, to amend the scheme to consider the comments provided by consultees through the process. This has resulted in a reduction in the amount homes proposed from 300 to 295, and this is set out further in this report.

3. CONSULTATIONS

- 3.1 Highways Officer – Following previous technical responses, minor clarifications and

alterations should be considered and incorporated into the layout. 1.03.24. At the time of writing this report the Highways Officer is considering further design revisions submitted by the applicant and an update will be provided at Planning Committee.

- 3.2 Trees and Woodlands Officer – Additional information requested (relating to tree pits, the Boundary Plan, path specifications and a Landscape Management Plan). (28.02.24). At the time of writing this report the Trees and Woodland Officer is considering further design revisions submitted by the applicant and an update will be provided at Planning Committee.
- 3.3 Environmental Health (Contaminated Land) - No objection subject to conditions concerning a build phase remediation strategy and validation report for this phase of development. (28.09.23)
- 3.4 Environmental Health (Air Quality) - No objection. The Construction Environment Management Plan (“CEMP”) has been reviewed and all the measures included within the Air Quality Assessment appear to be included in the CEMP. (28.12.23)
- 3.5 Environmental Health (Noise) - No objection. (14.08.23)
- 3.6 Strategic Housing - No fundamental objections to the application. Strategic Housing have recommended that reconsideration is given as to whether this will meet need and demand for private sector tenancies in the area. The SHMA estimated that up to 35% percent of new market housing up to 2037 should be smaller homes of 2 bedrooms or less. Three bedroom homes at market rent may be unaffordable to smaller households who would be potential customers for the Build to Rent market. Inclusion of smaller homes would reduce this risk. (11.08.23)
- 3.7 Lead Local Flood Authority – No objection (14.03.24). Drainage is being dealt with the under a separate discharge of condition application reference C/2023/0058/CON, which is discussed further in the report. The information previously requested by the LLFA has been adequately addressed.
- 3.8 Urban Design Officer – Objection raised (05.03.23). Whilst there are significant improvements in comparison to the original scheme, I am still objecting to this application as there are issues with the proposed scheme that need to be resolved for it to be considered good design. At the time of writing this report the Urban Design Officer is considering further design revisions submitted by the applicant and an update will be provided at Planning Committee.
- 3.9 United Utilities - No objection to the proposed drainage design in principle. Recommended informatives in relation to the protection of UU assets. (11.08.23)
- 3.10 Merseyside Environmental Advisory Service - No objection subject to conditions to ensure that the recommended mitigation measures set out ecological report are implemented. (19.12.2023)
- 3.11 Environment Agency - No objection. A Flood Risk Activity Permit will be required. This

is a permit that would be agreed directly between the applicant and the Environment Agency. (03.08.23)

- 3.12 Police Architectural Liaison – No response received.
- 3.13 The Coal Authority - No objection. The submission was supported by a Treated Mine Shafts – Influence Zone Plan (Phase 3), dated Nov 23 and referenced WJ/MSP/001_P1. This plan demonstrates that built development is located outside of the zones of influence of the mine entries within Phase 3.(14.08.23)
- 3.14 Liverpool City Region Combined Authority – No objection. LCRCA state that now Providence Way is complete, the agreed bus infrastructure should now be delivered in line with the requirement of the hybrid planning permission. The LCRCA have requested that the Local Planning Authority place conditions on the application to ensure that the bus services and infrastructure is delivered prior to the completion and occupation of the first dwelling. A request for a condition relating to a Travel Plan has also been requested. (28.09.23) .

4. REPRESENTATIONS

- 4.1 The application was publicised by way of neighbour notification, site notice and press notice in accordance with Article 15 of the Development Management Procedure Order 2015 (As Amended). No representations have been received in response to the publicity undertaken.

5. SITE HISTORY

- 5.1 There is a significant planning history relating to the overall site, including several discharge of condition applications. The following is a summary of the most relevant applications, which form the approved hybrid planning permission for the overall site:
- P/2003/01574 - An application for planning permission by H J Banks and Company Ltd referred to The Secretary of State under Section 77 of the 1990 Act for demolition of existing buildings, provision of sports and recreational facilities, access roads and associated infrastructure and engineering works, open space, and erection of new residential and retail development on this site, namely: Moss Nook, Watery Lane, St Helens - Granted (18.07.2007).
 - P/2011/0058 - Application under S73 to vary conditions 4, 33, 34, 35 and 36 and remove conditions 31 and 32 attached to planning permission P/2003/1574 in order to revise the parameters plan and the highways requirements associated with it – Granted (22.05.2017).

6. POLICY

National Planning Policy Framework

- 6.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable

development, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 6.2 Paragraph 12 of the NPPF clarifies 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. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. 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.

Development Plan

- 6.3 The adopted development plan for St Helens is the St Helens Borough Local Plan to 2037; and the Joint Merseyside and Halton Waste Local Plan (adopted 2013).

- LPA01: Spatial Strategy
- LPA02: Development Principles
- LPA03: A Strong and Sustainable Economy
- LPA04: Meeting St Helens Borough's Housing Needs
- LPA06: Transport and Travel
- LPA07: Infrastructure Delivery and Funding
- LPC01: Housing Mix
- LPC05: Open Space
- LPC06: Biodiversity and Geological Conservation
- LPC09: Landscape Protection and Enhancement
- LPC10: Trees and Woodlands
- LPC12: Flood Risk and Water Management
- LPC13: Renewable and Low Carbon Energy Development
- LPD01: Ensuring Quality Development
- LPD02: Design and Layout of New Housing
- LPD03: Open Space

Supplementary Planning Documents

- Affordable Housing
- Design & Crime
- Design Guidance
- Ensuring a Choice of Travel

- New Residential Development

Other Considerations

- 6.4 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 6.5 This application has been considered in relation to Section 17 of The Crime and Disorder Act. The Police Crime Prevention Officer has been afforded the opportunity to comment on this scheme, but no comments have been received.
- 6.6 The application has been considered in accordance with the St Helens Council's Comprehensive Equality Policy, which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

7. ASSESSMENT

- 7.1 This is a reserved matters application pursuant to the hybrid planning permission reference P/2011/0058. The principle of residential development was established as part of the hybrid planning permission and does not need to be re-assessed as part of this application. As part of the hybrid planning permission, impacts from technical matters such as vehicle movements and traffic impacts, air quality, drainage and flood risk, the quantum of development, and impacts to the existing infrastructure have already been appraised and accepted. Any technical matters discussed in this report will be linked to planning conditions attached to the hybrid planning permission.
- 7.2 This application and its assessment are limited to the matters that were reserved for future consideration as part of the hybrid planning permission, which are discussed below. As such the main considerations for this application are:
- i) Access
 - ii) Scale
 - iii) Layout
 - General
 - Highways
 - Residential Amenity
 - Planning Balance
 - iv) Appearance
 - v) Landscaping
 - vi) Other Matters
 - Parameters
 - Affordable Housing

- Open Space
- Ecology
- Drainage
- Planning Conditions

i) Access

- 7.2 Access arrangements for the overall development, including Phase 3, were considered, and approved as part of the hybrid planning application. The access points are illustrated on the approved Parameters Plan reference HJB/PA511/226a (see image in Figure 2 below).
- 7.3 The access arrangements for Phase 3 are via two points taken from Providence Avenue. Providence Avenue is the main spine road though the Moss Nook development site, which has been constructed as part of the hybrid planning permission for the delivery of this allocation. The first access is positioned to the southwest corner of the site, which is a 6.5m wide access road, and would extend northwards from Providence Avenue along the western boundary of the site. The second is situated to the south of the site, and is a 5.5m wide access road, which would extend northwards from Providence Avenue through the site. The Highways Officer has reviewed the access arrangements and has not raised any fundamental concerns as they are positioned in accordance with the details approved as part of the hybrid planning permission.

ii) Scale

- 7.4 Local Plan Policy LPD02 states (in summary) that new residential developments will need to be of a high-quality design and use good architecture that respects and / or enhances the character of the surrounding area in terms of appearance, materials used, scale, mass, and pattern of structures, spaces, and streets.
- 7.5 In terms of the scale of the properties proposed in this application, the Design Brief approved for the overall site sets out the requirements and was agreed as part of discharging Condition 7 of the hybrid planning permission (under reference: C/2019/0037/CON). The approved Design Brief states that schemes for residential development on the Moss Nook site will deliver a broad housing mix, comprising detached, semi-detached, and terraced housing, ranging from 2-bedroom starter properties to larger 4-bedroom family homes. The approved Design Brief also states that building heights across the site should be a maximum of 2.5 storeys in height.
- 7.6 The house types and their overall appearance in this Phase 3 application are discussed further below in the Appearance section of this report; however, in terms of their scale, there are 11 different house types proposed, and 1 type of apartment. These will range from two, three and four-bedroom detached, semi-detached and mews type properties, along with two-bedroom apartments. The house types will range from 2 storey to 2.5 storeys in height, which complies with the requirements of the approved Design Brief.
- 7.7 The scale of the house types proposed and their positioning within the site has been reviewed by the Urban Design Officer and no objections have been raised in this regard.

On that basis, the development accords with the scale of overall development agreed within the approved Parameters Plan. In addition, the scale of the house types proposed comply with the principles agreed in the approved Design Brief for the site, and this therefore complies with Local Plan Policy LPD02.

iii) **Layout**

- 7.8 Local Plan Policy LPD01 states that developments should maintain or enhance the character and appearance of the local environment, with a focus on the importance of local distinctiveness, as well as using good design to improve the quality of areas that may have become run down and be in need of regeneration, for example with regard to the siting, layout, massing, scale, design and materials used in any building work, the building-to-plot ratio and landscaping.
- 7.9 Local Plan Policy LPD02 requires the design and layout of new housing development to provide a safe, secure, attractive, permeable, legible, and useable environment and promote safe living environments that encourages natural surveillance.
- 7.10 The NPPF at paragraph 96 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.11 During the process of the considering the application, there has been a great deal of collaborative working between the LPA and applicant in relation to the layout, which has resulted in various amendments across the scheme.

General

- 7.12 The Design and Crime SPD states that the layout and orientation of dwellings should face onto the most public areas by fronting streets, footpaths, and public spaces. Internal layouts and the positioning of habitable room windows should ensure that there is a good level of natural surveillance both to and from the street and any passageways.
- 7.13 The new Residential Development SPD states that car parking should be integrated into the overall layout and design of new housing development making sure that the fronts of properties are not dominated by cars, and that there is a good relationship between houses and the street.
- 7.14 Overall, it is noted that the layout of the scheme has improved significantly during the application process, with the applicant having worked proactively to try to incorporate the changes that have been requested by the Local Planning Authority (LPA) during the assessment period. Consequently, a much-improved layout proposal has been secured and is one that would deliver significant levels of housing and affordable housing provision.
- 7.15 In terms of the layout itself, on the south and west boundaries the building line and

frontage of the development (and its relationship to the existing character of the area) is generally positive, as set out by the Urban Design Officer.

- 7.16 During the process of assessing the application, the LPA requested that the road serving the properties to the north be amended so that it was moved closer to the northern boundary of the development phase. The LPA considered that this amendment would create an improved relationship between Phases 3 & 5 and would also help to create a less cramped appearance as identified by the Urban Design Officer; however, the applicant was unable to make this change due to geotechnical constraints within the site on the northern boundary, and within Phase 5, which is now acknowledged by Officers following the receipt of supporting technical evidence.
- 7.17 Notwithstanding the above, following discussions with the LPA, the applicant has made considerable efforts to alter the building lines to the northern section of the layout, in order to create a better relationship between the development and Phase 5 (open space). The applicants (on the latest plans) have also altered the road width / hierarchy and have also amended the parking arrangements on the northern boundary. This is a much-improved proposal that will offer a better street scene appearance for the northern section of the layout and includes a good-sized green buffer that is absent of development and creates a soft transition of the overall development into Phase 5 (open space) to the north.
- 7.18 In terms of the proposed parking arrangements generally, in design terms there is a mixture of frontage parking and side parking across the layout. From an urban design perspective, there is always a preference for side parking, as too much frontage parking can lead to a poor street scene appearance. In considering the Urban Design Officers comments, the applicant has made considerable efforts to reduce upfront parking and have spent time adjusting the layout to offer side parking for properties where this has been possible. This has contributed to the loss of 5 units within the scheme, and whilst there are properties that still propose frontage parking, this does need to be balanced with the applicant's commercial requirements i.e., the loss of more units to accommodate side parking could make the scheme unviable (as set out by the applicant).
- 7.19 There are areas within the layout where parking provision on certain plots could be adjusted to make better use of space within the layout; however, these are relatively minor points that are being addressed with the applicant as opposed to being a fundamental issue. At the time of writing this report the Urban Design Officer is considering this information and an update will be provided at Planning Committee if there are any further changes to the layout.
- 7.20 The request for a more consistent approach to the character of the house types from a design perspective has also been considered; however, this needs to be balanced with what the actual housing needs are in the area for future occupants. Torus (who are attached to this scheme as an affordable housing provider for St Helens) have an in-depth knowledge of what house types are needed for the scheme. Whilst continuity in the character of the house type design would be beneficial, in the planning balance it is considered that it is more beneficial to provide homes that helps to address a housing

need in the area.

- 7.21 Landscaping is discussed in detail below; however, it is worth noting that the Countryside Development and Woodlands Officer has reviewed the trees and their positioning, and subject to planning conditions no objections have been raised. Because of the positive amendments made to road alignment and parking arrangements, this has effectively secured further improvements to the consistency of the tree lining on the streets, which is welcomed. At the time of writing this report the Countryside Development and Woodlands Officer is considering the revised layout information and an update will be provided at Planning Committee if there are any changes to the layout.
- 7.22 Details of the final site levels are required and can be secured by way of a suitably worded pre commencement planning condition if the application was to be approved.

Highways

- 7.23 The overall highway impacts of the development on the existing highway network were assessed as part of the hybrid planning permission, and these are not revisited as part of this application as there is no remit to do so. The only highway matters considered in this Reserved Matters application is whether the proposed layout is acceptable from an access and safety point of view.
- 7.24 The Highways Officer has no objection to the level of parking provision proposed for each property within the layout and does object to the specification of the highway network, including the widths and sizes of the roads and footways within the layout. A swept path analysis has been undertaken for service vehicles and the street hierarchy is considered to be acceptable for the layout proposed, subject to minor clarifications and alterations being incorporated into the layout. At the time of writing this report, the Highways Officer is considering further design revisions submitted by the applicant and an update will be provided at Planning Committee.
- 7.25 During the application process, there was much discussion in respect of surfacing materials for the road network within the layout. A mixture of the following material would be used:
- Black tarmacadam
 - Hot Rolled Asphalt (HRA) with coloured chippings
 - Block pavements set in tarmac
 - Grasscrete
- 7.26 The black tarmacadam would be used on the primary streets that run through the layout, and around the proposed access points, which is to be expected; however, this surface treatment can have a harsh appearance if it is used extensively throughout a layout without any variation. The other surface treatments proposed as set out above are used extensively on the boundaries and throughout the layout on secondary streets, the courtyards, and on private drives. HRA is used extensively on the northern boundary, which is welcomed as it offers a much softer appearance than black tarmacadam and helps with transition between Phase 3 & Phase 5. HRA is also used in part on the

primary streets, to help break up the appearance of the tarmac on the primary streets.

- 7.27 The variation in surface materials is welcomed and will give individuality to streets within the layout, preventing streets from appearing as bland, monotonous, and harsh in their appearance. The use of different surfacing materials provides variation and also softens the appearance of the overall layout.
- 7.28 It is noted that the LCRCAs have requested that the LPA place conditions on the application to ensure that the bus service and the associated infrastructure is delivered, and a request for a Travel Plan has also been made, which should be secured by way of condition. Condition 33 of the hybrid planning permission sets out a requirement to agree a Travel Plan Framework, which the applicant has applied to discharge through application C/2023/0058/CON. The Highways Officer has confirmed that sufficient information has been submitted in order to discharge this Condition 33 (in relation to Phase 3). In relation to the requirement for the introduction of a bus service, this was secured through the Section 106 Agreement for the overall site and will be delivered with the agreement of Merseytravel in line with Schedule 4 of the Section 106.

Residential Amenity

- 7.29 Local Plan Policy LPD01 aims to ensure that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa. In addition, the policy also seeks to minimise the impacts of development from potential noise, vibrations, and air quality impacts.
- 7.30 Paragraph 136 of the NPPF seeks, amongst other things, to ensure developments will function well and promote health and well-being with a high standard of amenity for existing and future users.
- 7.31 In terms of living standards, the New Residential Development SPD provides guidance on separation distances, and recommends the following:

From	To	Minimum Distance
First floor habitable room window (see definition below)	A blank wall or a non-habitable room window (see definition below)	12.5m
First floor habitable room window (see definition below)	Another habitable room window (see definition below)	23m – Private Garden Side 18m – Public Street Side.

- 7.32 In terms of residential amenity relating to the future occupiers of the development, all of the plots provide adequate separation between habitable room windows and gable elevations. In addition, generally the dwellings and apartments provide sufficient outdoor garden space to the side/rear and front of the properties. Whilst none of the properties demonstrate poor outdoor amenity standards, some minor amendments have been requested to the latest plans by Officers, including fence realignments in order to create

greater levels of amenity space for some plots. An update will be provided to Planning Committee if further revisions are received. Overall, the proposed layout will offer a good standard of living for future residents, and this complies with Local Plan Policy LPD01 and section 12 of the NPPF.

- 7.33 In relation to any potential impacts for existing residents surrounding the site, the closest would-be residents of Phase 1, which is situated to the south of the site. The layout for Phase 3 is stepped well back from the southern boundary and offers considerable separation from the northern boundary of Phase 1 (well in excess 18m public street side), and this is acceptable. It is noted that Phase 4 will come forward later in the overall development process to the northwest of the site; however, given the orientation between Phases 3 & 4, there are unlikely to be any fundamental issues in terms of residential amenity. In addition, it would be the responsibility of the applicants in Phase 4 and the LPA to take account of any development granted for Phase 3, ensuring that residential amenity is maintained for both existing and future residents.
- 7.34 In conclusion, there are no fundamental concerns in relation to residential amenity and the proposed layout, and this complies with Local Plan Policy LPD01 and the NPPF at Section 12.

Planning Balance

- 7.35 There are areas where the layout could be further improved, however, it should also be noted that the applicant has (and continues to) worked proactively with the LPA to try to address most of the issues raised. The LPA also understands that the design requirements do need to be considered alongside the commercial aspects of delivering a development of this scale on a site that requires substantial remediation. On balance, it is considered that the delivery of over 60% affordable housing provision is given significant weight (see paragraph 7.58 for further context), and whilst the layout could be further improved in some areas, the remaining issues raised are not considered to be so significant that they would justify a refusal of this application, when balanced against the level of affordable housing being proposed.
- 7.36 Overall, it is considered that the layout proposed is acceptable in this instance, and therefore, the development complies with Local Plan Policies LPD01 and LPD02 and Section 12 of the NPPF.

iv) Appearance

- 7.37 Local Plan Policy LPD01 states that developments should maintain or enhance the character and appearance of the local environment, with a focus on the importance of local distinctiveness, as well as using good design to improve the quality of areas that may have become run down and are in need of regeneration, for example with regard to the siting, layout, massing, scale, design and materials used in any building work, the building-to-plot ratio and landscaping.
- 7.38 Local Plan Policy LPD02 also advocates the importance of achieving a high-quality design that enhances the character of the surrounding area in terms of appearance and

the materials used.

- 7.39 The NPPF at paragraph 136 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.40 The approved Design Brief for the site states that properties proposed within the development site should feature an alternative red and buff facing brick to that used within the 'Green Edge & Central Avenue', with the use of contrasting brick window head and cill details. Roof tiles should be a mixture of grey / brown.
- 7.41 All house types proposed in this scheme would incorporate a pitched roof design and in terms of materiality, the roofs for each house type would be finished in grey slate tiling. The door and window designs are standard in their appearance and are not out of the ordinary for the house types proposed. Some house types include cill and header detailing above the doors and windows, which will add some interest.
- 7.42 The Urban Design Officer has reviewed the house types and whilst they would prefer a more consistent approach across the layout, they do not object to their appearance, or the materials proposed. Whilst the applicant has set out the intended material types for the housing, no specific details or samples have been submitted; therefore, a planning condition would be required to ensure that material specifications are submitted and approved prior to the commencement of any above ground works.
- 7.43 The applicant has submitted a materials plan for the development, which demonstrates variation right across the layout. The main material to be used for the housing would be brick, including both a red and buff brick. Some house types would be finished (in full) in a plain white render, however, render is not a primary material proposed within the layout. Each boundary edge of the site would contain house types that are finished primarily in a red facing brick. There is small variation to this in parts (on the boundary edges), with the addition of house types that are fully rendered. This would add some variation to the appearance of the development from the most publicly visible areas (at the boundary edges). Through the centre of the development, the properties would be constructed from a buff brick for the most, and some rendered properties are also proposed in this area, which again helps to add interest and variation.
- 7.44 The existing buildings and properties that surround the site have a mixed appearance. They are (for the most) two or three storeys in height and are commonly constructed from a traditional red brick. In terms of the immediate setting and its appearance, the development at Phase 3 sits immediately adjacent to Phase 1 to the south of the site. The main material of the properties on the northern boundary of Phase 1 (facing the south of Phase 3) is a multi-brick with a red appearance. Whilst the materiality of both Phases is very unlikely to be precisely the same, they will need to complement each other. Therefore, as stated above, a planning condition relating to a requirement to agree specific materials for Phase 3 would be required.

- 7.45 In terms of the appearance of the boundary treatments, a mix of these is proposed, including 1.8m curved brick walls, 1.8m brick walls and 1.8m high close boarded timber fencing. The brick wall boundary treatment is used for areas that face the street scene, which is acceptable. The close boarded timber fencing would be used to divide plots and also define rear boundaries of properties that face one another; the timber fencing would not be prominent feature of the street scene, which is acceptable overall. However, on the latest plans submitted, there are some areas of the latest layout where timber fencing would be visible on the street scene, and this would not be acceptable. Therefore, a planning condition has been recommended that would ensure that details of boundary treatments are submitted and agreed prior to implementation if the application were to be approved.
- 7.46 In terms of the highway surfacing materials, and their appearance, these have been discussed above and are considered to be acceptable in principle.
- 7.47 Considering the house types and materials proposed, and the boundary treatments put forward for Phase 3 (in principle), it is not considered that the development will look out of character with the immediate or wider setting in terms of appearance (subject to condition). Overall, the varied use of the materials for the house types is welcomed and would add some interest to the overall appearance of the site. The type of boundary treatments proposed are common for the type of scheme proposed, and subject to a planning condition to agree some amendments, no objections would be raised. Therefore, it is concluded that the development meets the tests of Local Plan Policies LPD01 and LPD02, along with section 12 of the NPPF.

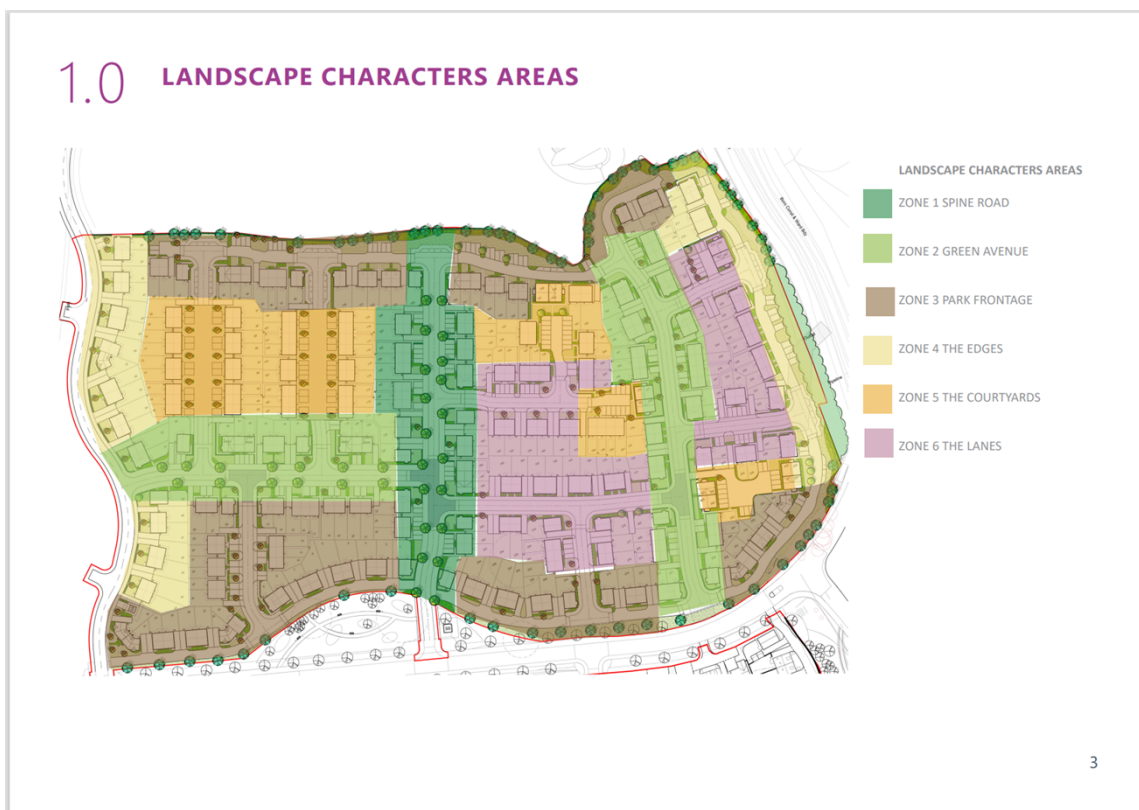
v) Landscaping

- 7.48 Local Plan Policy LPD02 states that new residential development will provide appropriate landscaping, including tree-lined streets, using native tree and shrub species and where appropriate other boundary treatments, thereby providing a strong Green Infrastructure in line with Policy LPA08.
- 7.49 The applicant has submitted a comprehensive soft landscaping scheme with the application, which includes a Landscape Design Statement. The Landscape Design Statement divides the layout into six separate zones, including:
- Zone 1: Spine Road
 - Zone 2: Green Avenue
 - Zone 3: Park Frontages
 - Zone 4: The Edges
 - Zone 5: The Courtyards
 - Zone 6: The Lanes
- 7.51 The image in Figure 1 below shows the proposed Landscape Character Areas and the zones. The area around Zone 1 is the spine road through the development and forms one of the main entrances into the site. Zone 2 is the Green Avenue, which is situated to the east of the layout and includes the other main entrance into the site. Zone 3 is the park frontage, and these areas are situated to the north and south of the layout. Zone 4

are the edges, and these areas are situated on the eastern and western boundaries of the site. Zone 5 are the Courtyards, which are areas that are located centrally within the site. Zone 6 is The Lanes, which are areas that are situated centrally and to the east of the layout.

7.50 The Countryside Development and Woodlands Officer did raise concerns in relation to the tree planting that was proposed along the spine road (Zone 1) and wanted to see the introduction of grass verges to break up what would be an extensive area of bitmac on one of the main entrances into the development. The applicant responded by introducing grass verges with the tree planting, which will break up the appearance of the bitmac and would improve the aesthetic appearance of the street scene; this is supported.

Figure 1: Landscape Character Areas



7.51 Tree pit details were requested, and this detail has now been provided by the applicant. At the time of writing this report the Trees and Woodland Officer is considering this information and an update will be provided at Planning Committee.

7.52 The Countryside Development and Woodlands Officer also raised a concern that there seemed to be a disconnect in the relationship between Phase 3 and Phase 5 (open space) i.e., there would be no physical connection between the phases. To address this the applicant has now provided three footpaths, which would directly connect Phase 3 and Phase 5 together and would provide future residents with easy access to what will be an extensive area of open space in the future. No specifications of the paths have been provided at this stage; however, this would be the subject of a planning condition to ensure that the specification is agreed prior to any implementation. A knee rail has

also been introduced to form an edge to the development and prevent verge parking on the northern boundary; this boundary treatment is supported, and no objections have been raised to its introduction.

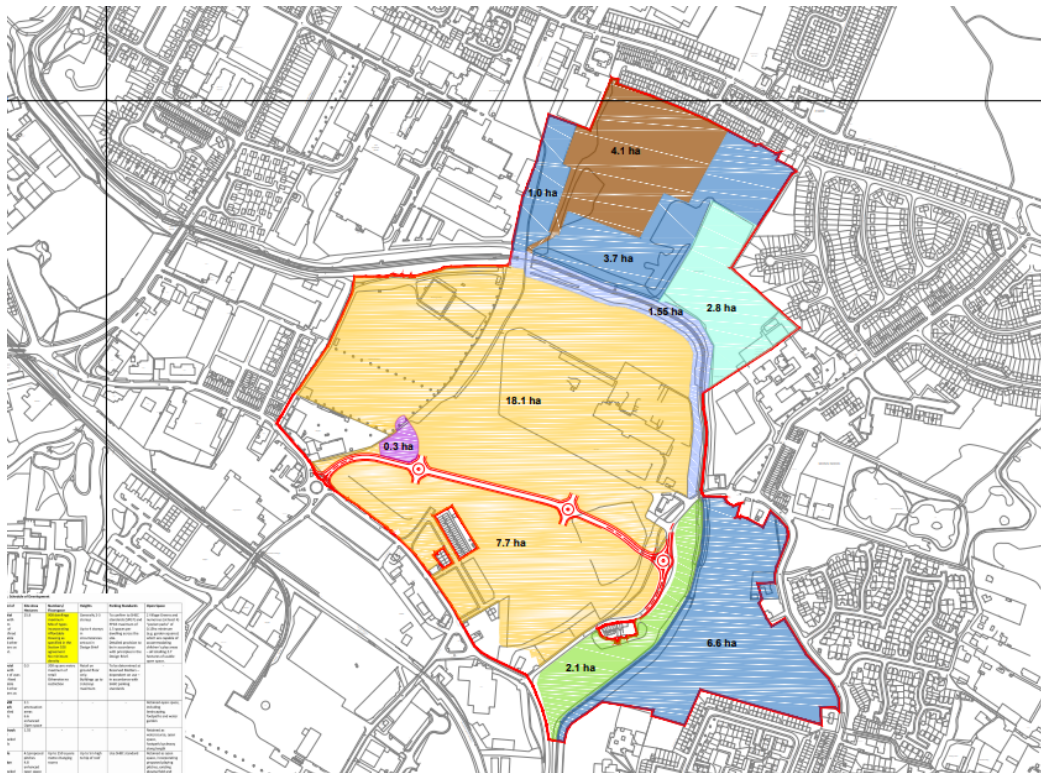
- 7.53 In landscape terms, the Countryside Development and Woodlands Officer has concerns in respect of the car parking provision, specifically the proposed parking arrangement to the north of the layout within the landscape buffer; however, as explained earlier there are technical site constraints that have reasonably dictated this element of the proposals and are considered in the planning balance.
- 7.54 Generally, for each zone set out above, the applicant is proposing a range of tree, hedge, and shrub planting, with a wide variety of species, and no objections are raised to the proposals in this regard. Whilst there are some concerns, specifically in relation to the parking configuration to the north of the site, the proposals have been improved through revised layout submissions and on balance this is acceptable in this instance. Overall, the landscaping scheme would significantly soften the appearance of the built development.
- 7.55 Subject to planning conditions that will require the submission of specifications and details of the footpaths that would connect Phase 3 with Phase 5 (open space) to the north, and the submission of a Landscape Management Plan, it is considered that on balance the landscape proposals are acceptable and subject to condition would comply with Local Plan Policy LPD02.

vi) Other Matters

Parameters

- 7.56 In terms of the development's overall parameters, the Parameters Plan (reference HJB/PA511/226a) shown in Figure 2 below was approved as part of the hybrid planning permission designates up to 26.1 hectares of land on the site for residential development and specifies that a maximum of 900 dwellings can be delivered. As set out above, this reserved matters application covers Phase 3 of the overall development only. Phase 1 has already come forward for residential development for 258 dwellings and is under construction. Phase 4 of the development is yet to come forward. Combined together, Phases 1 & 3 would deliver a combined total of 553 dwellings, which sits comfortably within the 900-dwelling limitation; therefore, it is considered that the development proposed for Phase 3 sits comfortably within the scale of residential development envisaged for the overall site.

Figure 2: Parameters Plan



Affordable Housing

7.57 Development Plan Policy LPC01 states that ‘new market and affordable housing should be well designed to address local housing need and include a range of types, tenures and sizes of homes as informed by up-to-date, relevant evidence including the Borough’s latest Strategic Housing Market Assessment (SHMA)’. The estimated size of homes needed for the period 2014-2037 is as follows (Table 6.1: of St Helens Local Plan 2037):

	1-bed	2-bed	3-bed	4+ bed
Market	0-5%	25-30%	50-55%	15-20%
Low-cost home ownership	10-15%	35-40%	40-45%	5-10%
Affordable housing (rented)	30-35%	30-35%	25-30%	5-10%

7.58 In terms of affordable housing for Phase 3, 185 of the 295 dwellings proposed are for affordable housing, which would be delivered and managed by Torus who are an experienced provider of affordable housing across the Borough.

7.59 Condition 42 of the hybrid planning permission relates to affordable housing and sets out a requirement that if a Reserved Matters application is approved later than 3 years after the hybrid permission was issued or would include the construction of the 300th or 600th dwelling, then if it is viable 10% affordable housing provision should be delivered. The Condition also states that if it is found that more than 10% provision is viable then the proportion of affordable housing should be increased (within that phase) by up to a

maximum of 30%. This scheme is making provision for over 60% affordable housing, which is substantially more than the Condition requirement.

7.60 The affordable housing would be split between affordable rent, social rent, and shared ownership as set out above. These would be delivered via 2, 3 and 4 bed properties. As reported above, the Council's Strategic Housing Team do not object to the scheme in principle, but did suggest some changes to the affordable housing mix, which included the following:

- The scheme should look to introduce one-bedroom apartments, given that there is a high need for this tenure type in the Borough.
- All the two bed affordable properties are proposed for affordable rent; however, it is considered that some of these should be offered for social rent and shared ownership as well.
- Four-bedroom houses for rent are also required in the Borough and the provision of a number of these in a social rent format would be welcomed.
- Bungalows are also required in the Borough and some provision for these house types would be beneficial.

7.61 However, there is no adopted policy in the Development Plan that sets out a specific housing mix requirement for applicants to follow and nor is there a requirement for bungalow provision; therefore, from a planning perspective the LPA would not be in a position to enforce the changes that have been requested above. Furthermore, whilst the comments from the Strategic Housing Team are acknowledged as being based on the most up to date evidence available to the Council, the LPA notes that Torus who are a reputable and experienced provider of affordable housing are going to deliver and manage the affordable housing proposed in this phase of development. Given the experience Torus has in delivering affordable housing across the Borough, they will also have an in depth understanding of what the housing mix needs are for specific areas of the Borough; therefore the involvement of Torus as a partner within the scheme does give the LPA sufficient comfort that the housing mix and type of properties proposed will help to address the affordable housing needs that Torus themselves will be aware of.

7.62 Given that the Council's Strategic Housing Team do not object to the scheme, coupled with a credible Registered Provider in Torus being attached to the scheme and they are satisfied with the housing mix, and there is no policy in the Development Plan that specifies a housing mix, the LPA have not requested amendments to the scheme in this regard.

7.63 Overall, the scheme will deliver a substantial level of affordable housing on Phase 3, delivering more than the 30% requirement set out in Condition 42 of the hybrid planning permission. Therefore, the level of affordable housing provision proposed in this phase of development is a benefit in the planning balance, and the development more than complies with the requirements of Local Plan Policy LPC01.

Open Space

7.64 Development Plan Policy LPD03 requires new residential development of 40 dwellings

or more to provide new open space, or the expansion or enhancement of existing open space where there are deficiencies in the quantity, accessibility, or quality of open spaces in the area. The policy also states that it is appropriate to provide certain typologies of open space as part of the design to provide accessible children's play areas and create a visually attractive development.

7.65 Development Plan Policy LPC05, aims to ensure that the Borough's network of open spaces is protected, managed, enhanced and where appropriate expanded.

7.66 Condition 6 of the hybrid planning permission sets out the level of Public Open Space ("POS") provision expected for the overall development at Moss Nook and states:

6. The residential development shall incorporate not less than 2.7 hectares of public open space laid out in areas of not less than 0.15 hectares.

7.67 Condition 12 of the hybrid planning permission also relates to the provision of POS and sets out the following requirement:

12. Applications for reserved matters for each phase of housing development shall include details of proposed provision of public open space in accordance with Condition 6.

7.68 There are existing areas of POS, including a Locally Equipped Area of Play ("LEAP"), which have already been created within Phase 1 of the development, which amounts to approximately 1 hectare, and this is available now for public use. The reserved matters for Phase 1 also included a 740m² Local Area of Play ("LAP"), which is positioned centrally within that Phase and needs to be constructed in full prior to the full occupation of Phase 1. There is also a large usable area of open space situated on the eastern boundary with Watery Lane, which is adjacent to the Phase 1 development.

7.69 It should also be noted that Phase 2 of the development will deliver new sports pitches within 1.28 hectares of existing public open space. A full application for this was submitted in 2023 (reference: P/2023/0218/FUL) and the application has been given a resolution to grant planning permission subject to a signed Section 106 Agreement. The applicant is aiming to commence this in early 2026, as discussed in more detail below.

7.70 There has been extensive discussion between the LPA and the applicant in relation to POS and its trigger for delivery across the scheme. Discussions have been undertaken in relation to Phase 5 to the north, specifically on when this will be delivered, as this will introduce a significant level of POS (3.1 hectares) to the overall development. The LPA need to be satisfied that appropriate levels of the agreed POS come forward in a manner that serves the residential phases of the development as they come forward.

7.71 The approved Phasing Plan (drawing ref.19019-02 Rev) for the development is determined by the site wide remediation and earthworks strategy. Due to the way in which the remediation and earthworks are being phased across the site means that the delivery of Phase 5 is dependent on the material arisings from the earthworks within Phases 2, 3 and 4 (which have not commenced). These arisings are required to enable

the successful completion of the Phase 5 remediation and earthworks strategy.

7.72 In addition, the phasing is also influenced by the Section 106 Agreement for the overall site, which requires the delivery (in full) of the replacement sports pitches (Phase 2) prior to any development taking place on Phase 4, which again could further delay the delivery of Phase 5 because of the time it could take for work to commence on Phase 4, and for materials from that Phase to be moved on to Phase 5. The way the site is being remediated coupled with the requirements of the Section 106 Agreement do add a level of complexity in terms of being able to say with certainty when large areas of POS such as that agreed for Phase 5 will come forward.

7.73 Condition 8 of the Hybrid Planning Permission relates to development phasing and states the following:

8. Notwithstanding the agreed phasing plan, no development shall take place until further details of the phasing of the development have been submitted to and approved in writing by the Council as Local Planning Authority. Such details shall include: a plan indicating the division of the development of the site into phases; a schedule indicating when construction on each phase is expected to start and finish. The development shall not be carried out other than in accordance with the approved phasing plan, unless otherwise approved in writing by the Council as the Local Planning Authority.

7.74 Condition 8 has already been discharged in full; however, to address the LPA's concerns in relation to POS delivery, the applicant is proposing to 're-discharge' Condition 8 with a revised programme / phasing for the delivery of the development, which will include details of the delivery of the POS and sports facilities. The following is a summary of what the applicant is proposing in terms of phasing:

1. Delivery of the sports pitches to commence in January 2026, with construction of the pitches and changing facilities to be completed in full by September 2027.
2. (Subject to planning), the construction of Phase 3 (residential) to commence in April 2024, with first occupation expected by Spring 2025, and full occupation of the development expected by Spring 2028.
3. Detailed site remediation work across Phases 4 (residential) & 5 (open space) will commence in April 2028 and will be completed in October 2028. It is envisaged in the case of Phase 4 that this will be ready for disposal to a housebuilder in February 2029, who will then submit a reserved matters application.
4. A reserved matters application for Phase 5 (open space) is expected to be submitted in January 2028. The landscaping works required to formulate the POS in this area will be undertaken in parallel to the site remediation works, which is due to be completed by December 2028.

7.75 Whilst the LPA would have a preference to see the delivery of Phase 5 undertaken at an earlier stage in the development process, the applicant has submitted a clear

rationale and justification for the manner in which development delivery is being phased on site. In this case, the LPA must give due weight to the onsite commercial complexities of delivering such a large scheme. The POS delivered in Phase 1 does provide the earlier occupants of Phase 3 with usable POS facilities. In addition, according to the applicants revised phasing proposals, Phase 2 (sports pitches) will be delivered before the completion of Phase 3 and the commencement of Phase 4. Finally, it is proposed that Phase 5 will be completed 6 months after the completion of Phase 3 and before the completion of Phase 4.

- 7.76 In addition, as part of the overall development, there will be linkages between Phases 2 (sports pitches) and 3. Phase 3 proposes a 3m wide shared pedestrian / cycle link along the western boundary, which would extend northwards from Providence Avenue through the site and out northwards and would link through to Sutton Brook Bridge. This proposal would provide a direct connection between Phases 2 & 3, which is supported.
- 7.77 The LPA have agreed to the principle of the phasing now proposed and the applicant will be applying to re-discharge condition 8. As this application has not been received at the time of writing this report, the recommendation to Planning Committee is delegated authority to issue the decision once the phasing condition has been re-discharged. This would give the LPA sufficient comfort that this matter would be dealt with prior to the issue of the decision.
- 7.78 Once this condition is re-discharged, this will give the LPA sufficient comfort in relation to the POS. In terms of management, any POS and formal play areas will need be managed by the developer until a management company is established in accordance with Condition 41 of the hybrid planning permission.

Ecology

- 7.79 Development Plan Policy LPC06 states that the Council is committed to ensuring the protection and enhancement of St Helens biodiversity and geological assets and interests. In order to do this, the Council will have regard to the following hierarchy of nature conservation sites when making planning decisions.
- 7.80 NPPF paragraph 180 states 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 7.81 Merseyside Environmental Advisory Service ("MEAS") have been consulted on the application and do not object to the development. The application is supported by an Ecological Addendum Report undertaken by RSK (reference: 2482742 Revision O dated 20th April 2023), and this document recommends several mitigation measures including:
- Survey of the site for invasive plant species (this should be undertaken by a suitably qualified person), and production of an invasive species method statement should any be found to be present within the site.

- An inspection of the site for breeding birds within 48 hours of any vegetation clearance.
- A pre-construction badger survey immediately prior to any works on the site (this should be undertaken by a suitably qualified ecologist).
- Implementation of the habitat creation and enhancement measures described document; Moss Nook – Habitat Creation and Enhancement Management Plan - 2021 Update.

7.82 In terms of placing a planning condition(s) on a reserved matters application, this must relate to the matters being applied for in the application, which in this case is appearance, scale, layout, and landscaping. In relation to a survey for invasive species, this is covered by Condition 26 of the hybrid planning permission, which requires the submission of a scheme to eradicate Japanese Knotweed. The requirement to implement the Habitat Creation and Management Plan, is already a requirement of Condition 23 of the hybrid planning permission.

7.83 In terms of the need to undertake preconstruction badger survey, these are a protected species, and it would be reasonable to apply a planning condition to ensure that the layout can be implemented without any adverse impacts to a protected species.

7.84 Overall, subject to planning conditions, there are no fundamental concerns in relation to ecology. The site has been subject to extensive remediation works under the hybrid permission and so is of little ecological value currently.

Drainage

7.85 Development Plan Policy LPC12 states that ‘the impact of development proposals on flood risk and water management assets will be considered in accordance with case law, legislation, and the National Planning Policy Framework.’ The policy goes on to state that ‘Measures to manage or mitigate flood risk associated with or caused by new development must (as appropriate having regard to its scale and nature).

7.86 The site is within Flood Zone 1 and is not considered to be at a high risk of flooding. Condition 21 of the hybrid planning permission relates to drainage and states that following:

21. No development shall take place on any phase of the development, except for site preparation (including site clearance, remediation, spine roads and associated drainage infrastructure) until a scheme for the disposal of surface water and foul water drainage for each phase has been submitted to and approved in writing by the Council as the Local Planning Authority. Thereafter, the approved scheme shall be constructed in accordance with the approved scheme unless otherwise approved in writing by the Council as Local Planning Authority

7.87 The Applicant has submitted a drainage strategy with the reserved matters application,

which this has been reviewed by the Lead Local Flood Authority and has been confirmed as acceptable in relation to Phase 3. In summary, the drainage strategy proposes (for the northern section of the development) to discharge into Sutton Brook. The Environment Agency have been consulted and do not object to the principle of this proposal. The southern section of the development will discharge into the drainage infrastructure constructed within Phase I of the overall development.

- 7.88 It is not a requirement for the applicant to submit specific drainage matters as part of this reserved matters application. However, it should be noted that the applicant has applied to discharge condition 21 (above) of the hybrid planning permission (application reference: C/2023/0058/CON), and the acceptability of the drainage strategy will be confirmed through that application.
- 7.89 United Utilities (“UU”) have stated as part of their response that there is a water main that crosses the site. The water main also passes through Phase 1 of the development, which is now being built out. According to UU records, the water main which crosses through the site in a north south direction has now been abandoned and is no longer a live water main. New water mains have now been installed along the new spine road (Providence Avenue) to the south of Phase 3. Therefore, given that the water main that crosses the site is no longer a live UU asset, the requirement for UU maintenance is negligible. The applicant will need to discuss a potential ‘build over agreement’ with UU separately, and this should be achievable given that this has been agreed for Phase 1 of the development.

Planning Conditions

- 7.90 In addition to the planning conditions that are discussed above, there are several planning conditions which are attached to the hybrid planning permission. These relate to both pre commencement and preoccupation conditions. Many of these conditions relate to the technical matters connected to the overall site (including Phase 3) and will (if not already need to be addressed by the Applicant through separate discharge of condition applications). The vast majority of the planning conditions attached to the hybrid planning permission do in not any way prevent this reserved matters from being determined.
- 7.91 However, there are two conditions, which are attached to the hybrid planning permission that require information to be submitted on submission of each reserved matters application, which are as follows:

Condition 27 - Diversion or closure of any existing public highways – details of visibility splays

- 7.92 Condition 27 relates primarily to the existing streets to the south of the site, which relate mostly to Phase 1 of the development i.e., Helsby Street, Oak Street, and Moss Street. The development at Phase 3 would not involve the closure of any public highway. In terms of the access arrangements, as set out above, direct access into the site would be taken from Providence Avenue (the new spine road). The access specifications and stub locations have been agreed as part of agreeing the spine road details as part of

discharging conditions 37 & 38 of the hybrid planning permission under application C/2020/0084/CON.

Condition 36 – Details of pedestrian and cycle routes

- 7.93 Phase 3 proposes a 3m wide shared footway/cycleway along the western side of the main north-south access road. This would provide connections northwards from Providence Avenue to Phase 5 (Public Open Space). This proposal would also provide a connection to the Sutton Brook Bridge, which in turn will provide a connection to Phase 2 of the development (sports pitches). This route is consistent with the indicative cycle route identified on the approved parameters plan (reference: HJB/PA119).
- 7.94 The shared footway/cycleway proposed in the scheme will also connect directly into the existing 3m wide shared footway/cycleway, which runs along the northern edge of Providence Avenue. The existing shared footway/cycleway then connects to the east into the shared footway/cycleway provided by Harworth along Watery Lane. It is considered that cycle and pedestrian route proposed within Phase 3 will provide adequate connections both to the north and south of the development, which is acceptable.
- 7.95 Based on the above, it is considered that the applicant has satisfied the requirements of Conditions 27 and 36 of the hybrid planning permission.

8. CONCLUSION

- 8.1 The principle of residential development on the site and the access arrangements for the development were agreed as part of the hybrid planning permission. These matters are not to be considered as part of determining this reserved matters application.
- 8.2 The details submitted for the reserved matters application in relation to scale, appearance, layout, and landscaping are acceptable and will ensure the development is delivered in an appropriate way in line with the hybrid planning permission.
- 8.3 The development will deliver a significant level of affordable housing (185 dwellings), which represents over 60% of the overall layout. This should be considered as a benefit in the planning balance.
- 8.4 The housing mix, layout and appearance of the house types proposed are acceptable. There is not considered to be any unacceptable impacts to residential amenity in the layout.
- 8.5 Most of the technical issues are covered by planning conditions attached to the hybrid planning permission and there is nothing within those planning conditions to prevent the determination of this reserved matters application.
- 8.6 The applicant has worked proactively with the LPA and the relevant consultees to produce a well-designed scheme that will contribute positively to housing delivery in the Borough. This positive activity continues at the time of writing this report in order to

address and final detailed matters.

- 8.7 In conclusion, there are no sustained and founding objections to the details submitted as part of this reserved matters application, subject to the consideration of revised design submissions that are being assessed at the time of writing this report. Overall, it is considered that the development complies with Development Plan Policies LPD01, LPD02, LPD03, LPC01 LPC05, LPC06 and LPC12 and NPPF sections 2, 9, 11, 12, 14 and 15

9. RECOMMENDATION

- 9.1 That the decision to GRANT reserved matters subject to the planning conditions listed below. With authority delegated to the Head of Planning to re-discharge condition 8 of planning permission P/2011/0058 and amend / change plans and conditions as deemed necessary.

1. The development shall be carried out in accordance with the following application drawings:
 - Proposed Site Layout (Reference: WJ.MN.SL.01 Revision P11 dated 30.11.2022)
 - Proposed Storey Heights Plan (Reference: WJ.MN.SHP.01 Revision P6 dated 30.11.2022)
 - Proposed Materials Plan (Reference: WJ.MN.MP.01 Revision P7 dated 30.11.2022)
 - Proposed Hardstanding Plan (Reference: WJ.MN.HSP.01 Revision P8 dated 30.11.2022)
 - Proposed Waste Management Plan (Reference: WJ.MN.WMP.01 Revision P6 dated 30.11.2022)
 - Proposed EV Charging Point Layout (Reference: WJ.MN.EV.01 Revision P6 dated 30.11.2022)
 - Adoptable Highways Plan (Reference: WJ.MN.AHP.01 Revision P7 dated 30.11.2022)
 - Vehicle Tracking 7.7 Fire Tender (Reference 5691-04)
 - Vehicle Tracking 11m Refuse Vehicle (Reference 5691-03)
 - Landscape Details (Reference: 302 Revision A)
2. Prior to the commencement of the construction of any buildings hereby approved, details of a finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The proposed level(s) shall be defined relative to a datum or datum points, the location of which has previously been agreed in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.
3. Prior to the commencement of development (aside from site clearance and preparation) the following details shall be submitted to and approved in writing by the Local Planning Authority:
 - Materials to be used in the construction of the external surfaces of the buildings,

- including roof details;
- Road and property footpath surfacing details;
- Details of the footpath linkages into Phase 5; and
- Boundary treatments

The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

4. Prior to commencement of development, a survey for badgers should be undertaken to ensure that no setts are present, and the findings of the survey and any mitigation measures proposed shall be submitted to and approved in writing by the Local Planning Authority.
5. Prior to the commencement of development, a build phase remedial strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall restate and respecify the cover layer construction and verification requirements as detailed within the Remedial Action Plan (325237-R26 (00), December 2021). The strategy shall include a detailed design report and an associated C735 compliant verification plan for the necessary gas protection measures. The build phase remedial strategy shall be completed by a competent person in accordance with government and Environment Agency guidance, namely "Land Contamination: Risk Management" (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).
6. Prior to the first occupation the agreed build phase remedial strategy shall have been implemented, and a site validation/ completion report relating to the buildings within that phase shall be submitted to and approved in writing by the Local Planning Authority. The site validation/ completion report(s) shall be completed by a competent person in accordance with government and Environment Agency guidance, namely "Land Contamination: Risk Management" (<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>).
7. Prior to the first occupation of the development hereby approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out fully in accordance with the approved details.
8. The development shall be carried out in accordance with the mitigation measures set out in the submitted Ecological Addendum Letter (reference RSK Biocensus dated 20th April 2023 – 2482742 Revision 0) unless otherwise agreed in writing with the local planning authority.
9. The development shall be carried out in accordance with the measures set out in the Construction & Environment Management Plan (reference Watkin Jones Homes, Moss Nook, Sutton Road reference: P/2003/1574 Revision 1 October 2023) unless otherwise agreed in writing with the local planning authority.
10. The proposed development shall be carried out in accordance with the Electric Vehicle

Charging Plan drawing reference: Proposed EV Charging Point Layout (Reference: WJ.MN.EV.01 Revision P6 dated 30.11.2022). The charging points shall be installed prior to occupation of the dwelling to be served by this point and the electrical car charging points shall retain in situ for the life of the development until an alternative upgrade is provided.

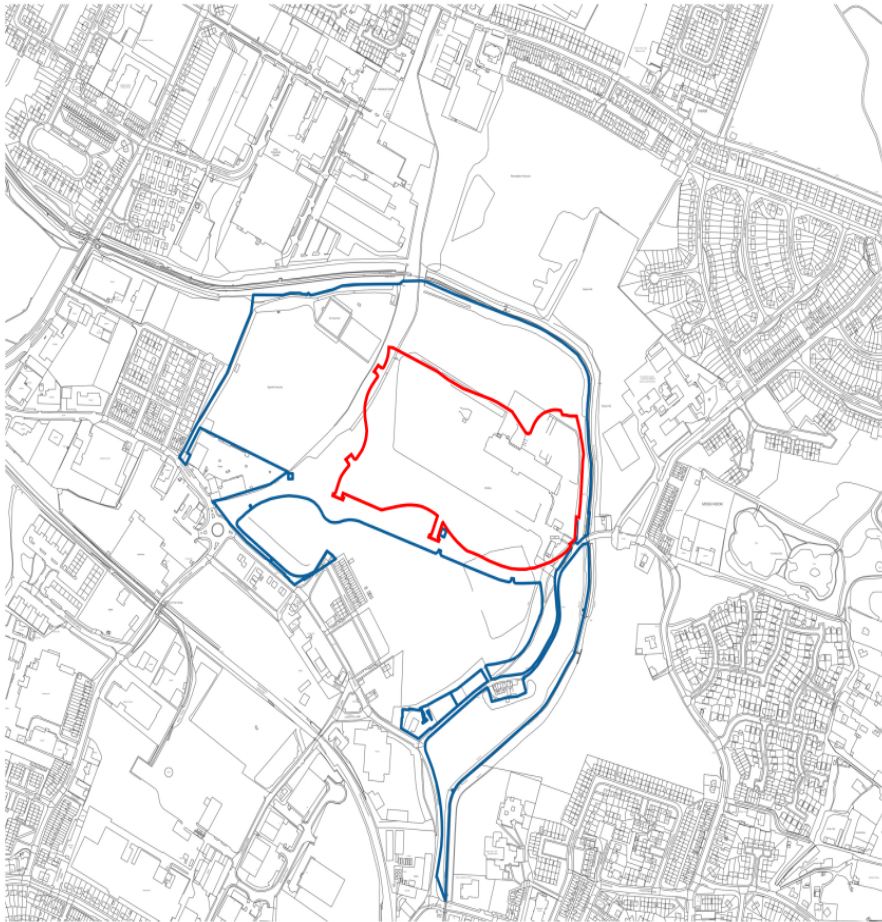
11. All landscaping and tree planting detailed must be in accordance with plans submitted with this application (landscaping within plots must be completed prior to occupation of any plot). Any trees or plants, or grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size, species and quality unless the Local Planning Authority gives written consent to the variation.
12. The areas indicated on the submitted plans to be set aside for parking and servicing shall be surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number Proposed Site Layout (Reference: WJ.MN.SL.01 Revision P11 dated 30.11.2022; prior to the first use of the dwellings; The parking and servicing areas shall be retained as such thereafter and shall not be used in a manner that prevents the parking of vehicles.
13. Prior to any above groundworks, cycle stores and bin storages associated with the apartments shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be carried out in full prior to first occupation.

10. IMAGES

Aerial Site Image



Location Plan - Phase 3 (in red)

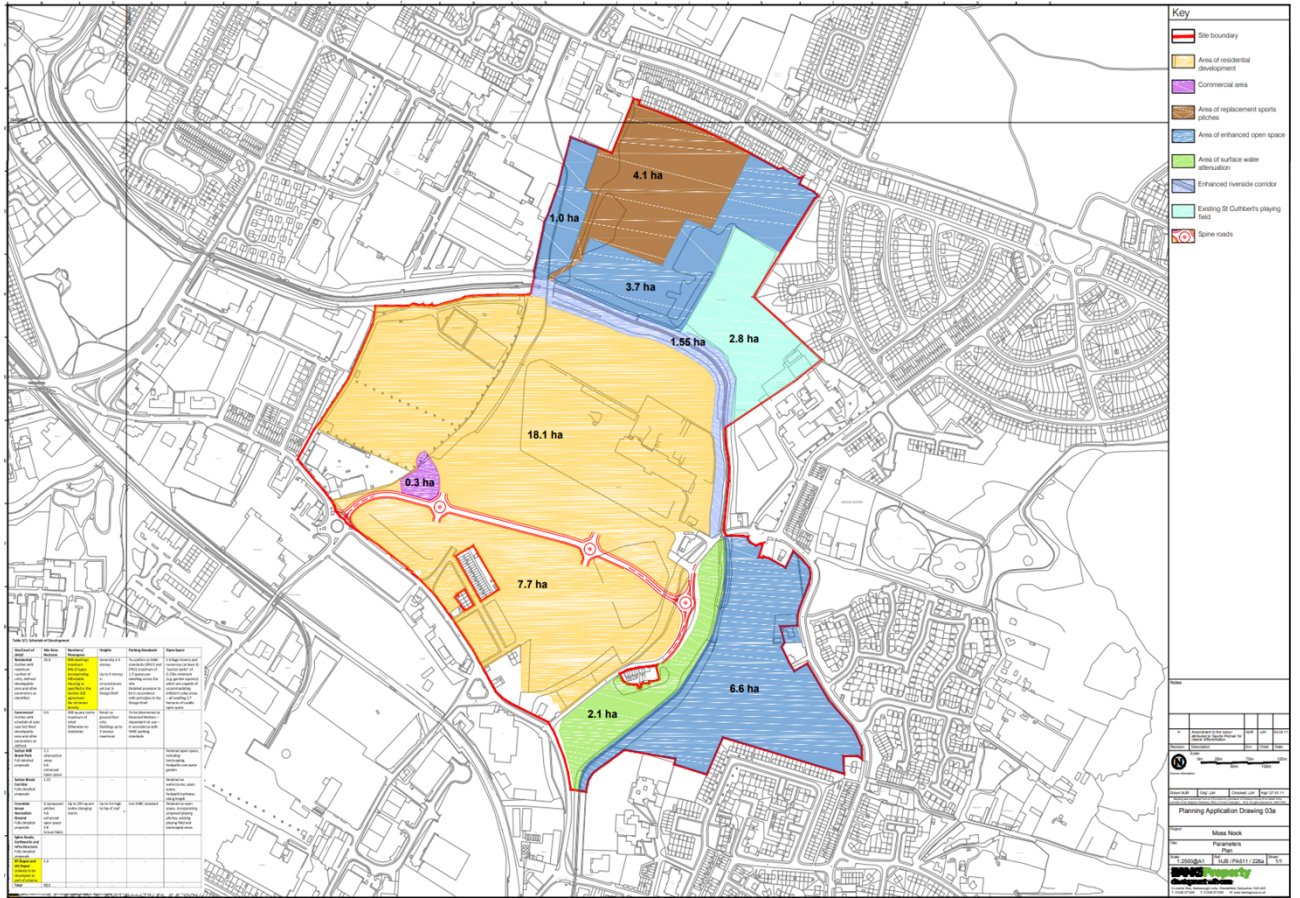


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Project Title: Residential Development
Address: Villa Road, St Helens
Drawing Title: Location Plan
Drawing No: WJ/JMS/SLP/01
Scale: 1:5000
Date: 24/03/2023
Page: 01 of 02

Approved Parameters Plan for Moss Nook Development



Proposed Site Plan



Proposed Hardstanding Plan



A 2.5 Storey 3 Bed House Type Proposed

IMPORTANT NOTE:
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Front Elevation Traditional Side Elevation Rear Elevation Front Elevation Modern

Ground Floor Plan First Floor Plan Second Floor Plan

HouseType#	3B/1078	Variant	Option
Bedrooms	3	Porches	5
Sq. Ft.	1078	Sq. Ft.	100

IMPORTANT NOTE:
ALL FURNITURE AND FITTINGS/LAYOUTS ON THIS DRAWING ARE APPROXIMATIONS ONLY. PLEASE REFER TO SUPPLIER MANUFACTURERS DRAWINGS FOR ACTUAL LAYOUT & SIZE.

scale 1:100

Client	WATKIN JONES HOMES
Project Title	Residential Development
Address	Moss Nook, St Helens
Drawing Title	House Type 3B/1078 Floor Plans & Elevations
Drawing No.	WJMN/HT/1078/01
Date	07/11/2023
Scale	1:100
Sheet No.	A3

A 2 storey 4 Bed House Type Proposed

IMPORTANT NOTE:
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Front Elevation Traditional Side Elevation Traditional

Side Elevation Rear Elevation

Front Elevation Modern Side Elevation Modern

Ground Floor Plan

First Floor Plan

HouseType#	4B/1202	Variant	Option
Bedrooms	4	Porches	6
Sq. Ft.	1202	Sq. Ft.	111.7

IMPORTANT NOTE:
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scale 1:100

Client	WATKIN JONES HOMES
Project Title	Residential Development
Address	Moss Nook, St Helens
Drawing Title	House Type 4B/1202 Floor Plans & Elevations
Drawing No.	WJMN/HT/1202/01
Date	07/11/2023
Scale	1:100
Sheet No.	A3

A 2 storey 2 Bed House Type Proposed

IMPORTANT NOTE:
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Front Elevation Traditional Side Elevation Rear Elevation Front Elevation Modern

Ground Floor Plan First Floor Plan

Product type	2B/755	Variation	Option
Bedrooms	2	Porches	4
Sq. ft	755	Sq.m	70.23

IMPORTANT NOTE:
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scale 1:100

Revision	By	Date

Client:
WATKIN JONES HOMES

Project Title:
Residential Development

Address:
Moss Nook,
St Helens

Drawing Title:
House Type 2B/755
Floor Plans & Elevations

Drawing No:
WJMNHT/755/01

Scale: MB GB Date: 07/11/2023

Scale: 1:100 Paper Size: A3

2 bed Apartments Proposed

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Ground Floor Plan Front Elevation Modern

First Floor Plan

scale 1:100

Revision	By	Date

Client:
WATKIN JONES HOMES

Project Title:
Residential Development

Address:
Moss Nook,
St Helens

Drawing Title:
House Type 2BAPTS
Floor Plans & Elevations

Drawing No:
WJMNHT/APT/01

Scale: MB GB Date: 07/11/2023

Scale: 1:100 Paper Size: A3

Ground Floor				First Floor			
Apartments	Sq. ft	Sq. ft		Apartments	Sq. ft	Sq. ft	
Apt 1	57.41	618		Apt 3	61.7	664	
Apt 2	57.41	618		Apt 4	61.7	664	

IMPORTANT NOTE:
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PLANNING COMMITTEE 16th April 2024
CURRENT PLANNING APPEALS/CALL IN INQUIRIES

Ref:	Appellant/ Applicant	Site	Proposal	Notice	Type	Procedure	Current Position	Costs Awarded
APP/2023/0022	Mr P King	383 - 385 West End Road Haydock	Retention of hand carwash facility on an existing car sales forecourt and boundary fencing.	N/A	Appeal Against Refusal	Written Reps	Appeal Dismissed	No
APP/2024/0001	Mr Z Khurshid	Ace Of Hearts Garage Warrington Road Bold Heath	Retrospective change of use to sui generis hand car wash facility to include the retention of structures.	N/A	Minor Commercial Refuse	Written Reps	Awaiting Decision	
APP/2024/0003	The Sovini Group	Land South Of Former Pilkington Group Head Office Alexandra Park Prescot Road	Proposed erection of 64 residential units (36 dwellinghouses and 28 apartments) with associated development and landscaping.	N/A	Appeal Against Refusal	Hearing	Awaiting Decision	

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Ref:	Appellant/ Applicant	Site	Proposal	Notice	Type	Procedure	Current Position	Costs Awarded
APP/2024/0005	Mr Stuart Ellis	29 – 31 Shaw Street, WA10 1DG	Change of use of first floor from office to doctors surgery along with installation of security roller shutters, cctv cameras and external air conditioning condenser units.	N/A	Appeal Against Refusal	Written Reps	Awaiting Decision	
APP/2024/0006	Mr Stuart Ellis	29 – 31 Shaw Street, WA10 1DG	Consent to display 1no non illuminated fascia signs and 1 no non illuminated projecting sign.	N/A	Advert Fast Track Appeal	Written Reps	Awaiting Decision	
APP/2024/0007	Mr Elliot Jones	96 Ashton Avenue Rainhill St Helens L35 0QR	Retention of timber fencing to the rear boundary, safety railing to the southern boundary, rendered masonry walls and pillars with infill railings and automatic gate to the front boundary.	N/A	Householder Fast Track Appeal	Fast Track	Awaiting Decision	

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Ref:	Appellant/ Applicant	Site	Proposal	Notice	Type	Procedure	Current Position	Costs Awarded
APP/2024/0008	Ms Samantha Richardson	5 Victoria Terrace Rainhill	Retention of external wall insulation	N/A	Householder Fast Track	Fast Track	Awaiting Decision	
APP/2024/0009	Mr Paul Nicholson	Beecham Building St Helens College Water Street St Helens	Listed building consent to display 1no illuminated fascia sign.	N/A	Appeal against Refusal	Written Reps	Awaiting Decision	

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Planning Committee – 16th April 2024

Planning Applications Determined Under Delegated Powers - 27th February 2024 – 29th March 2024

Billinge and Seneley Green Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2023/0598/FUL	The Meadow Garswood Old Road St Helens WA11 7LZ	Change of use from greenfield to outdoor recreational activities with 3no containers on land to provide changing and toilet facilities for young people accessing outdoor activity-based provisions.	19-Oct-23	14-Mar-24	Granted
P/2024/0013/FUL	Lancashire Power Boat Club Garswood Old Road St Helens WA11 7LZ	Retrospective change of use to convert on-site residential flat to be included within commercial property.	29-Dec-23	07-Mar-24	Granted
P/2024/0033/HHFP	23 Girvan Crescent Ashton In Makerfield St Helens WN4 0SS	Part two storey, part single storey side extension	18-Jan-24	25-Mar-24	Granted

Blackbrook Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2024/0041/A2DPA	Stanley House Farm Off Stanley Bank Way Blackbrook St Helens WA11 0AE	Prior approval for conversion of agricultural building to single dwellinghouse.	23-Jan-24	12-Mar-24	Refused
P/2024/0096/FUL	383 - 385 West End Road	Retrospective change of use from car sales	26-Feb-24	28-Mar-24	Refused

	Haydock St Helens WA11 0AX	forecourt (Sui Generis) to hand car wash (Sui Generis) with boundary treatment. New canopy to replace existing, perspex screen, and carport. Change of use from ancillary garage storage to a tyre shop (Class E(a)).			
P/2024/0066/HHFP	19 Park Avenue Haydock St Helens WA11 0BJ	Single storey rear extension	01-Feb-24	27-Mar-24	Granted

Bold and Lea Green Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2023/0603/FUL	Nursery Farm _ Nursery Barn Warrington Road Bold Heath St Helens WA8 3UX	Erection of 1no dwellinghouse with outbuilding, following the removal of the existing dwellinghouses and outbuildings.	20-Oct-23	27-Mar-24	Granted
P/2023/0707/FUL	Unit 9 Bold Industrial Park Neills Road Bold St Helens WA9 4TU	Erection of building to provide office/ancillary accommodation, workshops and canteen.	20-Dec-23	19-Mar-24	Granted
P/2024/0016/HHFP	10 Cranshaw Avenue Clock Face St Helens WA9 4UR	Two storey side extension, single storey rear extension, with canopy to front and installation of velux windows to rear	04-Jan-24	28-Feb-24	Granted

Eccleston Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2023/0248/FUL	Land Adjacent To 140 St Helens Road Eccleston Park St Helens L34 2QG	Erection of 1no detached dwelling.	17-Apr-23	14-Mar-24	Granted
P/2024/0034/CLP	22 Plumtree Close Eccleston Park St Helens L35 7JT	Certificate of lawfulness for a proposed rear dormer loft conversion.	22-Jan-24	14-Mar-24	Granted
P/2024/0035/HHFP	5 Chapel Lane Eccleston St Helens WA10 5DA	Demolition of existing conservatory, erection of a single storey rear extension, part garage conversion, part first floor side extension with change in roof design from gable to hip, single storey front porch and increased width of the access to the driveway.	18-Jan-24	14-Mar-24	Granted
P/2024/0055/TPO	9 Church Lane Eccleston St Helens WA10 5AB	Works to 1no willow tree covered by a Tree Preservation Order.	30-Jan-24	21-Mar-24	Granted
P/2024/0058/TPO	6 Chantry Gate Eccleston St Helens WA10 5FR	Works to 1no ash tree (T12) covered by Tree Preservation Order to remove overhanging branches.	30-Jan-24	19-Mar-24	Granted
P/2024/0067/HHFP	70 Gorsey Croft Eccleston Park St Helens L34 2RT	Single storey side extension.	05-Feb-24	28-Mar-24	Granted

Haydock Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2023/0601/FUL	Margaret House 342 Haydock Lane Haydock St Helens WA11 9UY	Erection of 1no portal frame units comprising of 5 units inside (Use Class B8) along with associated car parking (Amended Proposal).	17-Oct-23	21-Mar-24	Granted
P/2023/0655/FUL	Small Wonders Day Nursery Church Road Haydock St Helens WA11 0JU	Demolition of existing single storey rear extension, erection of two/single storey rear extension with open play area to first floor, replacement boundary wall/fence and external alterations	22-Nov-23	07-Mar-24	Granted
P/2024/0036/FUL	Holiday Inn Haydock Lodge Lane Haydock St Helens WA12 0JG	Installation of 6no electric vehicle charging stations and associated works (re-submission of application P/2023/0279/FUL)	19-Jan-24	20-Mar-24	Granted

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Moss Bank Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2024/0053/FUL	19 - 21 Yewdale Avenue Moss Bank St Helens WA11 7EY	Demolition of existing conservatory at no. 21 Yewdale Avenue and erection of a single storey rear extension for each property.	29-Jan-24	25-Mar-24	Granted
P/2024/0073/DEMPA	Cowley Hill Works City Road St Helens WA10 2RZ	Prior approval for demolition of retaining wall to Pilkington boundary and other redundant structures adjacent to City Road.	09-Feb-24	08-Mar-24	Approval Not Required

Newton-le-Willows East Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2023/0619/FUL	Land West Of Mill Lane Newton Le Willows St Helens	Resubmission of full planning application P/2022/0575/FUL for the residential development for 99 dwellings including access, associated works and landscaping	25-Oct-23	15-Mar-24	Refused
P/2024/0019/TELPA	Land To The Rear Of Southworth Road Service Station Southworth Road Newton Le Willows St Helens	Prior approval for 1no new 20.7m monopole mounted with 6 No. antennas, 1no new EFF1 cabinet, 2no new EFF2e cabinets, 1 No. generator and fuel tank located within a compound measuring 6 metres x 6 metres, 1 new No. EFF1 cabinet and associated ancillary works.	08-Jan-24	28-Feb-24	Withdrawn
P/2024/0072/HHFP	10 Warwick Avenue Newton Le Willows St Helens WA12 8PS	Single storey side and rear extension forming wraparound extension.	08-Feb-24	22-Mar-24	Granted
P/2024/0052/HHFP	53 Ashton Road Newton Le Willows St Helens WA12 0AG	Single storey rear extension, with garage conversion and other external alterations.	29-Jan-24	22-Mar-24	Granted

Newton-le-Willows West Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2024/0024/FUL	Sankey Valley Industrial Estate 2 Anglezark Road Newton-Le-Willows	Retrospective application for the retention of existing single storey side extension to form a new dock level ramp and enclosure.	12-Jan-24	06-Mar-24	Granted
P/2024/0028/HHFP	34 Barnett Avenue Newton Le Willows St Helens WA12 9JX	Single storey rear extension	12-Jan-24	06-Mar-24	Granted
P/2024/0049/HHFP	1 Brotherton Way	Single storey side and rear wraparound	26-Jan-24	20-Mar-24	Granted

	Newton Le Willows St Helens WA12 9WS	extension.			
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Peasley Cross and Fingerpost Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2023/0420/FUL	Number 7 Bottle Shop Former Ravenhead Glass Bottle Works Peasley Cross Lane St Helens	The restoration of Cannington Shaw Bottle Shop including the change of use of the building to a mixed-use community, education, and event space (Class F) with new pedestrian accesses, the siting of metal storage/learning containers, new terrace, new viewing tower, and associated works.	14-Jul-23	01-Mar-24	Granted

Rainford Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2023/0703/FUL	Land South Of 94 Sandwash Close Rainford St Helens WA11 8LY	Erection of industrial building B2 (general industry)/B8 (storage and distribution) with office/ancillary accommodation.	20-Dec-23	04-Mar-24	Granted
P/2024/0014/CLP	Langwood Croft Maggots Nook Road Rainford St Helens WA11 8PJ	Certificate of lawfulness for proposed outbuilding.	04-Jan-24	29-Feb-24	Refused
P/2024/0025/HHFP	1 Ash Grove Rainford St Helens WA11 8DU	First floor side extension.	11-Jan-24	07-Mar-24	Granted
P/2024/0050/HHFP	100 Church Road Rainford St Helens	Single storey side extension.	25-Jan-24	15-Mar-24	Granted

	WA11 8QQ				
P/2024/0048/HHFP	9 Beech Gardens Rainford St Helens WA11 8DJ	Change existing flat roof to hip pitched roof, including altered external openings.	26-Jan-24	20-Mar-24	Granted

Rainhill Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2024/0029/HHFP	30 Old Lane Rainhill St Helens L35 0NE	Single storey side and rear extension	17-Jan-24	12-Mar-24	Granted
P/2024/0044/HHFP	43 Mooreway Rainhill St Helens L35 6PD	Single storey rear extension.	26-Jan-24	21-Mar-24	Granted
P/2024/0038/LBC	Skew Bridge Warrington Road Rainhill St Helens	Consent to display 2no non illuminated signs.	22-Jan-24	14-Mar-24	Granted
P/2024/0062/HHFP	21 The Meadows Rainhill St Helens L35 0PQ	Single storey rear extension with external alterations including external render, new entrance canopy and new window openings (part-retrospective)	01-Feb-24	25-Mar-24	Granted
P/2023/0698/HHFP	8 Nottingham Close Rainhill St Helens L35 4QZ	Single storey side and rear extension	14-Dec-23	04-Mar-24	Granted
P/2024/0031/TPO	74 Rainhill Road Rainhill St Helens L35 4PF	Works to fell 1no beech tree covered by TPO.	17-Jan-24	12-Mar-24	Granted

Sutton North West Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2024/0037/FUL	26 Waterdale Crescent St Helens WA9 3PD	Change of use from vacant ancillary accommodation associated with the ground use premises to 1no self contained one bedroom flat (Class C3) to the first floor level, with external alterations.	18-Jan-24	12-Mar-24	Granted

Sutton South East Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2024/0047/HHFP	15 Radstock Grove Clock Face St Helens WA9 4PA	Single storey side and rear extension with porch to front.	26-Jan-24	20-Mar-24	Granted
P/2024/0071/TPO	Adamstan House Nursing Home Mill Lane Sutton Leach St Helens WA9 4HG	Works to various trees covered by a tree preservation order.	05-Feb-24	26-Mar-24	Granted

Thatto Heath Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2023/0458/FUL	Reeve Court Retirement Village Stratton Drive Rainhill St Helens WA9 5AG	Installation of water storage tank, fenced enclosure and piped water supply, along with new access roads.	03-Aug-23	27-Mar-24	Granted
P/2024/0064/HHFP	1 Buckthorn Gardens Rainhill St Helens WA9 5UG	Single storey rear and side extension forming wraparound and front porch extension.	02-Feb-24	27-Mar-24	Granted

Town Centre Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2023/0585/FUL	Former Bargain Buys Lowe Street St Helens WA10 2QS	Change of use of from vacant retail warehouse (Class E) to a vehicle showroom with ancillary valeting/MOT workshop (Sui Generis) with associated external alterations.	12-Oct-23	22-Mar-24	Granted
P/2023/0648/ADC	177A Duke Street St Helens Merseyside WA10 2JH	Consent to display 1no internally illuminated LED display sign.	16-Nov-23	29-Feb-24	Refused
P/2023/0694/FUL	8 Hardshaw Street St Helens Merseyside WA10 1RE	Retrospective alterations to shop frontage, including replacement of window for a door, repainting of elevation to grey and retention of existing roller shutters (re-submission of application P/2023/0431/FUL)	07-Dec-23	28-Mar-24	Refused

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Windle Ward

Application Number	Address	Proposal	Date Valid	Date of Decision	Decision
P/2024/0009/HHFP	145 Bleak Hill Road Windle St Helens WA10 6DW	First floor front extension.	05-Jan-24	29-Feb-24	Refused
P/2024/0043/CLP	7 Queens Drive Windle St Helens WA10 6HE	Demolition of existing single storey rear extension and erection of a new single storey rear extension.	25-Jan-24	15-Mar-24	Granted
P/2024/0061/HHFP	44 Queens Drive Windle St Helens WA10 6HF	Single storey rear extension, single storey side extension along with a new front porch.	05-Feb-24	27-Mar-24	Granted

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Wards Affected
All Wards

Planning Committee

16th April 2024

Enforcement Schedule

Overview of all Planning Enforcement Complaints Cases Received/Resolved

YEAR	CASES RECEIVED	CASES RESOLVED	CASES ONGOING
2024	16	3	13
2023	147	101	46
2022	161	154	7
2021	227	220	7
2020	234	233	1
Pre-2020	7106	7100	6
TOTALS	7891	7811	80

Cases Received/Resolved and Officer Caseload 28th January 2024 – 28th February 2024

OFFICER	CASES RECEIVED	CASES RESOLVED	ONGOING CASELOAD	CHANGE
Team Leader	2	3	31	-1
Senior Officer	6	16	49	-10
TEAM TOTALS	8	19	80	-11

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The number of cases received in this reporting period is lower (8) as the number of cases received in the same period last year (10).

The number of cases resolved in this reporting period is higher (19) when compared to the number of cases resolved in the same period last year (12). There have been only 2 officers in the team since May 2022, which has led to most cases being resolved at source without being recorded due to time constraints and workloads.

The Enforcement Team continues to receive a high level of other complaints/general enquiries about alleged breaches in planning control, which are triaged at point of contact and are subsequently deemed not to be breaches in planning control or more relevant for action under other legislation by other departments of the Council, including Environmental Health, Highways, Estates, Grounds Maintenance, Environment Agency or other external partners. Complainants/other sections are appropriately advised by officers.

Planning Enforcement Internal Performance Indicators – Full month of February 2024

INDICATOR	TARGET	ACTUAL	Change on Previous Month	Comments
February 2024 Cases closed where initial site visit was carried out within 10 working days of receipt	85%	90%	N/A	Officers are currently maintaining cases well above target.
February 2024 Cases closed where Initial Actions were taken within 13 weeks of receipt	80%	90%	N/A	Officers are currently maintaining cases well above target.

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Other Work and Enquiries Received

22 requests from public/conveyancers/search companies for copies of S106 documents and confirmation of discharge of heads of terms (registered as Local Land Charges) were carried out and completed within 10 working days of receipt during this reporting period.

Progress on Current Extant Notices

Legal Ref	Enf. Ref	Case Officer	Location of Alleged Breach	Alleged Breach	Person Responsible for Alleged Breach	Action Taken to Date	Notice Served Date	Date Compliance Required	Current Position
PLAN/ENF/11431	UD13P2/2016/250	W. Holloway	86 Argyle Street, St Helens	Erection of wraparound part single storey, part two storey extension	Mr Charles Edwards and Mrs Irene Jackson	<p>Notice served requiring the full demolition of both structures. Appeal received. Appeal Dismissed and varied to extend timescale for compliance to 1 year.</p> <p>Non-compliance with notice 30.04.20, therefore prosecution proceedings commenced.</p> <p>Mr Edwards attended magistrate court and entered a "not guilty" plea. Court placed Mr Edwards on unconditional bail and deferred to 01.07.21 for a case management hearing to allow Mr Edwards to retain legal representation.</p> <p>Following deferments, out of the Council's control, case finally heard in Magistrate's Court 16.12.21. Mr Edwards found guilty. £3500 fine, £190 victim surcharge and £3410 in Council's costs.</p> <p>Mr Edwards appealed against the magistrate court decision.</p> <p>Appeal heard 6th May 2022. Council provided full evidence of case. Appeal dismissed and previous decision by Magistrate Court upheld. Further Council costs of £3,500 imposed.</p> <p>Payments to be made in £200 monthly instalments. Penalty for failure to pay imposed at 65 days imprisonment.</p>	13.03.18	30.10.18	<p>Legal have sent letter before action regarding injunction to Mr Edwards.</p> <p>Enforcement team leader now preparing a witness statement so that appointed Barrister can submit papers to be issued at Court.</p> <p>Statement now provided to legal for commencement of injunctive proceedings</p> <p>Awaiting Court Dates</p> <p>Court Hearing scheduled for 13th April 2023</p> <p>Case hearing carried out and date for final hearing set for 11th May 2023</p> <p>Hearing carried out on 11th May 2023 and Injunction granted.</p> <p>Statement completed and sent to Legal to</p>

154					<p>Injunctive relief granted on 11th May 2023 for compliance with the Enforcement Notice by 4pm on 11th November 2023</p> <p>Site visited 13th November 2023 and no attempt to comply with injunction carried out.</p>			<p>pursue owner as in contempt of court. Also completing request to carry out works in default</p> <p>S196 entry with Police attendance to be scheduled. The date has now been agreed and further reporting will be presented at next Committee</p> <p>Site visit completed and exempt briefing note added to 16th April 2024 Planning Committee</p>
PLAN/ENF/974504	TREP1/2023/042	W. Holloway	Land south west of Watery Lane	Erection of a 2m high fence, lamp posts, and laying of hard core	<p>Temporary Stop Notice served 27th April 2023 requiring all works to cease for 28 days</p> <p>Enforcement Notice and Stop Notice served on 1st June 2023.</p> <p>Planning application P/2023/0391/FUL for Change of use of land to form a 2-pitch family (2x static and 2x trailers) traveller site with access from Watery Lane via Keates Street, with day room, boundary treatments, landscaping and 4no lighting column refused. No appeal to date. Planning agent chased as to current status</p>	27.04.23 01.06.23	27.04.23 29.09.23 for EN and immediate compliance with SN	<p>Notice served on site.</p> <p>Further Notices EN and SN served on site</p> <p>Planning application submitted P/2023/0391/FUL and refused</p> <p>Prosecution to be commenced imminently as no further application submitted in reasonable time for consideration</p>

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	CU18P1/2023/047	W. Holloway	2 Roxboro House, West Park Road	Destruction of TPO tree	Mr Ryan Little	Prosecution submitted to legal following removal of tree without consent			<p>First Court appearance scheduled for 3rd August 2023</p> <p>Mr Little found guilty in absence and Court adjourned sentencing til 28th September 2023 so that the Council can provide evidence of financial benefit</p> <p>At Court the judge allowed Mr Little to plead not guilty and a trial to commence on 12th January 2024</p> <p>Court hearing 12/01/24. Due to procedural error Mr Little was able to opt for Crown Court. Dates to be set</p> <p>Papers for Crown Court trial submitted 15th March 2024</p>
PLAN/ENF/2014128	UNTP2/2023/108	W. Holloway	354 Leach Lane	Untidy Land	Barbara Gallimore	Section 215 Notice served to demolish building	14 th November 2023	14 th May 2023	Notice served on site with a compliance date for demolition of the building to be completed by 12 th June 2024
PLAN/ENF/2404140	BC10P2/2022/081	W.	Forge Fitness Centre, 456	Breach of Condition 3 P/2019/063		BCN drafted and forwarded to legal	23 rd November 2023		Notice drafted and awaiting service

		Holloway	Warrington Road, Prescott	5/FUL relating to roller shutter door open		BCN served		21 st December 2023		Date for compliance 21 st January 2024 A breach has been reported and warning letter sent
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RECOMMENDED that the report be noted.

The Contact Officer for this report is Will Holloway, Place Services, Town Hall, St. Helens. Telephone St. Helens 671714.

Background Documents open to inspection in accordance with Section 100D of the Local Government Act 1972

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