

<u>APPLICATION NO:</u>	24/00130/FUL	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Knowsley Parish Council
<u>LOCATION:</u>	St John Fisher Catholic Primary School , Tithebarn Road, Knowsley		
<u>PROPOSAL:</u>	REMOVAL AND EXCAVATION OF EXISTING RAISED PLATFORM, TIMBER RETAINING WALLS AND TIMBER FENCING AND THE FORMATION OF A NEW SECTION OF RETAINING WALL ADJACENT TO THE SCHOOL BOUNDARY FENCE LINE IN ORDER TO CREATE AN ADDITIONAL LEVEL TARMACADAM EXTERNAL PLAY AREA		

Site Description

The application site is located at St John Fisher Catholic Primary School, Tithebarn Road and is designated Urban Greenspace and Education Land within a Primarily Residential Area in the Development Plan.

The site is located adjacent Tithebarn Road and fronts the highway, with a building line of residential properties beyond this. The building is East / North-East facing toward the highway. To the North / North-West is a large group of trees and green spaces to the Sout-West and South-East. There is a car park on site, accessed by Tithebarn Road.

The boundary treatment adjacent to the public footpath and highway of Tithebarn Road consists of 2.4 m high, green, metal railings.

The application site is adjacent to the Knowsley Village Conservation Area boundary, which lies to the North and West.

The proposed site area is adjacent the highway and to the edge of the curtilage of the plot boundary. This is a raised platform. This is currently surfaced with astroturf and secured by timber fencing.

Two trees were previously contained within the proposed site area for development. These have been recently removed.

Proposal

The application seeks permission for the removal and excavation of existing raised platform, timber retaining walls and timber fencing, together with the formation of a new section of retaining wall adjacent to the school boundary fence line. This will be for the intention of proving an additional, level tarmacadam external play area.

The proposed retaining wall would be to a height of 0.46m at its lowest and 0.87m at its highest. The proposed wall would not project above the ground levels of the public footpath.

The existing access to the school would remain unaffected by the proposal. The proposed site area would be repurposed for recreational playground use and add to the existing external playground space.

During the period of works being completed, sections of existing school fencing are proposed to be temporarily removed to provide access to the site. These sections of fencing will be restored once the work is completed.

Consultations

Knowsley Parish Council - No Comments Received.

Arboricultural Officer - No Comments Received.

Environmental Health – No Objections, subject to suggested Condition.

Highway Authority – No Objections, subject to suggested Condition.

Representations

This application has been publicised by letters sent to 14 neighbours.

There have been 1 letter of objection, 0 letters of support and 0 letters of comment,. The representations are summarised as follows:-

55 Tithebarn Road – Objected on the basis of:

>Highway Safety

>Visual Amenity

- Loss of existing grass boundary verge.
- Proposed developed area would mean pupils play on this area and increase noise and disruption.
- Large, paved play area directly opposite would be an undesirable alteration.
- Increased noise as a result and reduced privacy. The introduction of tarmac would only exacerbate these issues.
- Reduced privacy as the close proximity of the play area through direct overlooking and visibility.
- Loss of natural buffer would diminish the natural landscaping that offered a sense of seclusion.
- The proposed play area is only 8 meters away from the boundary of our property. Raises issues around school safeguarding for pupils.
- Household mental health is a concern as one a member of the household is a neonatal nurse and needs rest in the day, noise pollution disrupts this.
- Highway concerns as the growth of the school has resulted in challenging highways issues which make access to the property difficult. Parents are abusive when asking them to not park / block access.
- In addition, on occasion, infants have urinated through the boundary fence of the school, creating an unsanitary situation. Due to this, the play area should be moved to the rear.
- Requested for reconsideration as the proposal is unacceptable, the creation of tarmac play area directly across from our home would be a devastating blow to the peaceful character of our neighbourhood.

Planning History

APP. NO: 23/01731/CLD
PROPOSAL: CERTIFICATE OF LAWFUL DEVELOPMENT FOR EXTERNAL WORKS COMPRISING OF EXCAVATION OF RAISED PLANTER AREA INCLUDING THE REMOVAL OF 2NO. TREES AND THE ERECTION OF A RETAINING WALL ADJACENT TO PUBLIC FOOTPATH
DECISION: REFUSED
DECISION DATE: 8 November 2023

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) 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.

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.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

The site is identified as a site allocated for Urban Greenspace and Education Land in the adopted Development Plan. As such, minor excavation and redevelopment of land associated with the existing school premises is considered acceptable in principle, subject to compliance with local planning policy and guidance.

Regarding the adopted Development Plan policies, the proposed application has regard to policies CS2 and CS19 of the adopted Local Plan Core Strategy (2016) and saved policy OS7 of the Unitary Development Plan (2006).

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS19 - Design Quality and Accessibility in New Development
CS21 - Greenspaces and Trees

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

OS7 - Educational Uses and Sites
DQ4 - Trees and Development

Article 35 Statement

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

Assessment

Saved Policy OS7 in the Replacement Unitary Development Plan states that development for Educational Uses and Sites will be permitted provided that:

1. Proposals for the development of new schools, colleges or other training facilities, or for alterations or extensions to existing educational or training facilities will be granted planning permission provided that they are located and designed in a way which is convenient and accessible to pupils, students and other members of the community which they are intended to serve.
2. The extended and community use of educational buildings and land for wider community purposes and activities (either within existing or new educational facilities) will be encouraged where this is practicable and would not conflict with educational needs, the security of the students or residential amenity.

Policy CS19 requires that to maintain a good standard of amenity for all existing and future occupants, development proposals will be required to avoid unacceptable impacts on existing residents, business occupiers, and future occupiers.

Design

The existing external raised platform area is currently surfaced with astroturf and secured by timber fencing which are subject to weathering and high maintenance.

The proposed development would see the area excavated and re-surfaced with tarmac. The proposed retaining wall that would be erected would be designed to have matching facing brick to the existing school and capped with a concrete coping stone. This would also be appropriately stepped to reflect the topography and gradient of the site. The surrounding existing external play area will also be resurfaced in conjunction with the proposed additional play area, in order to provide a matching tarmac surface finish.

The existing raised platform and ramp will be removed, and levels excavated and disposed off-site.

The design would be considered acceptable and the change from astroturf to tarmac would not be considered to result in significant adverse harm. The brick wall would practically be less upkeep and maintenance but also an improvement from weathered timber and would also be in keeping with the brickwork of the school. It would also not be readily visible from the street scene as it would sit flush to the adjacent public footpath.

The proposal would be of an acceptable scale and would be an appropriate surface type.

Access would not be affected on a permanent basis as a result of the proposal.

Overall, the proposed development would be considered acceptable and would be in accord with Saved Policy OS7 and Core Strategy Policies CS2, CS19 and CS21

Residential Amenity

The accompanying guidance of Saved Policy OS7 states that, an important factor of any proposal is the relationship with the adjacent area, particularly in terms of visual amenity and impact on neighbours. The proposal by its nature, would not be considered to contravene with this guidance.

The adjacent building line of dwellings are situated approximately 10.8m away from the application site, which is separated by the highway.

The proposed development is considered to have an acceptable scale and would be a relatively minor alteration to a section of the existing school premises. The proposal would not be considered to result in significant issues in relation to residential amenity, given that the site is a school, which has seen countless and considerable planning applications for much larger works. The proposal overall, would not have lasting adverse ramifications on privacy or residential amenities.

55 Tithebarn Road

55 Tithebarn Road is situated adjacent the curtilage of the dwelling and lies directly opposite the proposed area of development.

As outlined, No.55 submitted an extensive objection to a wide array of issues. Although they are acknowledged, many of these are not considered material planning considerations, relevant to the determination of this application.

It is important to appreciate that the proposed site of development is for an area associated with the school and is incidental to the use and function of the facility. Many issues raised are in relation to the nature and purpose of a school and again would not be material planning considerations.

Concerns often exist around proposals that relate to schools concerning any increase in the number of cars for pick-up and drop-off and a consequential exacerbation of parking problems arising from inconsiderate drivers i.e. parking on drives, blocking access and movement. However, the proposed development would not result in any permeant adverse impact on highways and would not increase pupils or staff, or intensity of the highway, given what the proposal is for. This would be an issue for local residents to discuss with school staff and would not form a material planning consideration.

The concern that the proposed site area would be utilised more and increase in noise and disruption would not be a material consideration, as existing, there is a ramp that provides access to this area, therefore, this nothing that currently prohibits pupils from using this section, it is also within the school curtilage.

The design and materials would not be significantly different, as the site area would be excavated and lowered and appear less prominent in the street scene. It would not be considered to cause adverse harm to residential amenities.

Issues in relation to noise for this application would also not constitute a material consideration on this occasion. The site is a school for primary school children, it

would not be considered to result in unacceptable impacts to residential amenity as noise from pupils would not be incongruous or out of character. It would not be considered that the proposal would cause any unacceptable impact on noise, or a material change from the existing use of the area.

The proposal would not be considered to result in reduced privacy. As outlined the existing raised area contained a ramp and access to this, which is no greater view than the adjacent highway between the site and residential dwellings. Moreover, given the excavation involved, this would reduce any potential for overlooking as the land levels would be excavated to sit level with the existing playground, which would be lower than the adjacent highway and existing levels.

The proposed play area would be expanded from the existing play area to the curtilage of the boundary, which the raised area is sited as existing. Safeguarding issues would be considered by the school staff and would not form a material planning consideration. This includes issues relating to potential concerns from anti-social behaviour and these issues summarised here should be addressed and discussed with the school.

The objection was acknowledged and considered, however, given the scale of the development and the nature that it is a primary school within a primarily residential area, most issues are not considered incongruous or out of character to the site and surroundings. i.e. parking issues, noise etc. Subsequently, as the proposal does not result in any increase in the number of pupils or materially change the use, the proposal would not be deemed to result in any unacceptable impact on the residential amenities or privacy and the proposal would be considered acceptable.

During the construction period, disturbance may be caused to local residents and adjacent occupiers. Given the scale of development, this would be short-term whilst these minor works are completed. However, consultation responses have requested a 'light-touch' construction management plan / statement to encourage the developer to consider the impact during construction and to mitigate any disturbance. This has been requested to be secured by planning Condition.

Overall, the proposed development would not pose any significant harm to the residential amenity to the occupiers of the nearby residential properties and would be in accord with Saved Policy OS7 and Core Strategy Policies CS2, CS19 and CS21.

Highways

The proposed development would be minor alteration works to the existing premises. It would not affect the number of pupils or staff at the school or increase parking requirements. Therefore, the proposed development would not be considered to result in any significant change to parking and highway safety. This view is supported by the Local Highway Authority, who were consulted on the proposal and raised no objections, subject to the suggested Conditions.

The requested Condition was for a construction management statement. The request was for a 'light-touch' one and was similar to the request from Environmental Health and therefore has been combined. This was requested to control the impacts of the construction on the highway.

Following further discussions with Highways, it was agreed that not everything suggested in the provided consultation response for a construction method statement had to be included, but a non-negotiable was the inclusion of a prohibition of

construction related traffic at school drop off/pick up times during term times.

An Informative was also requested to be included on the Decision Notice which advised that for any works affecting the public right of way or Adopted Highway will require consent from the Streetworks Team.

Overall, the proposed development would not cause any detrimental impact on highway safety and would be in accord with Saved Policy OS7 and Core Strategy Policies CS2 and CS19.

Other Issues

Environmental Health

Environmental Health raised no objections to the scheme but did suggest two Conditions, the first being a construction management plan. This was outlined that this could be 'light-touch' given the scale of the proposal, but clarity on the mitigation of noise and dust. Accompanying guidance was provided to distribute to the applicant for further information.

Following further discussions, it was reiterated by Environmental Health that this Condition should be included concerning machinery involved and mitigation strategies.

As outlined previously, this Condition request was similar to Highways and will be combined and attached as one Condition.

The second requested Condition was for Construction Hours to respect residential amenity.

Overall, the proposed development would not cause any significantly adverse impact and would be in accord with Saved Policy OS7 and Core Strategy Policies CS2 and CS19.

Trees

As outlined in the report, two trees were contained within the proposed site area and were included in the description of development for the recent Certificate of Lawfulness application. During the site visit it was observed these trees have already been removed to facilitate the development and was acknowledged within the objection received.

Policy CS21 requires that the Council will proposals for new development to incorporate (c) adequate replacement provision where tree loss is unavoidable, comprising two additional trees for every tree lost and taking account of species and size.

Saved Policy DQ4 states that (2) development proposals affecting existing trees, woodlands and other vegetation, which make a positive contribution to amenity, should make provision for their retention. (4) states that where the Council accepts that tree loss will be unavoidable the applicant will be required to make adequate provision for their replacement, normally including two new trees for each tree lost. Replacement planting will take into account the number; size and species of trees lost and should contribute to the extension of tree and woodland cover across the Borough.

No comments have been received from the Council's Arboricultural Officer, however, given the above policy requirements and that the recently removed trees, as seen from Google Maps photos, provided amenity value to the street scene, it has been agreed with the agent that these two removed trees will be replaced on a 2:1 basis. Further details to be agreed in writing and this will be secured by Condition.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways. The proposal also complies with the relevant Core Strategy, Replacement UDP policies and guidance in the NPPF and is therefore recommended for approval subject to conditions.

Recommendation

That Planning Permission be granted subject to the following Condition(s):-

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Reason: For the avoidance of doubt.

- 3) The two trees previously removed from the proposed area of development within the site in order to facilitate the excavation works hereby approved will be replaced on a 2:1 basis, these will include trees which are of the same species and girth of the removed trees. Any replacement tree planting shall be wholly implemented within the first available planting season following the substantial completion of development. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage.

Reason: In the interests of visual amenity and to ensure the development complies with Saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan adopted June 2006 and Policy CS21 of the Core Strategy, adopted January 2016.

- 4) Prior to commencement of development a Construction Management Statement shall be submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction effects. This shall include but not be limited to the following:

- a. Layout of the site compound(s) including identification of areas for the storage of plant and materials, loading/unloading and turning areas for delivery vehicles.
- b. Management of deliveries including prevention of waiting/layover of construction related traffic on the highway.

- c. No deliveries or works affecting the highway in any way shall take place between the hours of 08:15 to 09:00 and 14:45 to 15:30 during term time, wherever possible.
- d. Construction staff parking arrangements.
- e. Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.
- f. Methods for dust control and suppression.
- g. Proposed hours of construction (the following is usually acceptable: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and not at all on Sundays/Public Holidays).

All site works shall then be carried out in accordance with the approved Statement unless otherwise agreed in writing beforehand with the Local Planning Authority.

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with saved Policies H5, and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and Policy CS2 of the Core Strategy, adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
14/03/2024	7146-P05	-	PROPOSED ELEVATIONS AND SECTIONS
14/03/2024	7146-P04	-	PROPOSED SITE PLAN
14/03/2024	-	-	LOCATION PLAN
14/03/2024	7146-P03	-	DEMOLITION SITE PLAN

Signed Case Officer¹: Reece Black

Signed Authorising Officer²: K Foster

Date: 13 May 2024

Informatives

- 1 This permission does not entitle the developer to obstruct or carry out works within the Adopted Highway or across a Public Right of Way whatsoever. Any proposed temporary closure or works affecting either will require consent which must be obtained from the Streetworks team. Please email NRSWA.TeamDRES@knowsley.gov.uk for further information.

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

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