

APPLICATION NO: 22/00240/FUL **CASE OFFICER:** Lee Osborne

WARD: Stockbridge **PARISH:** Knowsley Parish Council

LOCATION: Jackson Gardens, The Withens, Stockbridge Village

PROPOSAL: APPLICATION TO VARY CONDITION 2 AND REMOVE CONDITION NO. 6 APPLIED TO PLANNING PERMISSION 19/00647/FUL (APPLICATION TO VARY CONDITION NO.2 ATTACHED TO PLANNING PERMISSION 15/00786/FUL (ERECTION OF THREE STOREY AFFORDABLE EXTRA CARE SCHEME COMPRISING 64 NO. APARTMENTS INCLUDING 15 NO. DEMENTIA CARE APARTMENTS WITH COMMUNAL / ASSOCIATED FACILITIES AND THE ERECTION OF 26 NO. AFFORDABLE BUNGALOWS TOGETHER WITH ASSOCIATED PEDESTRIAN AND VEHICULAR ACCESS, CAR PARKING AND LANDSCAPING) AMENDMENT SOUGHT FOR CHANGES TO LAYOUT OF BIN STORE AND CYCLE STORE INCLUDING REMOVAL OF SUBSTATION) - TO AMEND THE SITE LAYOUT TO REMOVE A FOOTPATH FROM THE LAYOUT AND REMOVE THE CONDITION RELATING TO THE FOOTPATH GATE TO ALLOW FOR THE REDUCTION OF ASB ISSUES

Site Description

The proposal relates to a site on the eastern side of The Withens which has been developed out as an extra care facility also providing dementia care. The facility provides 64 apartments together with communal facilities, a car park with vehicular access from the northern end of The Withens and associated works such as gardens and landscaping, pedestrian accesses, bin store, substation and bicycle storage. The development also includes bungalows fronting The Withens.

The proposal also relates to an adjacent site on Spruce Grove that formerly housed Roughsedge House apartment blocks and ancillary building that was demolished and 7 extra care bungalows erected on the site by the same applicant as which built out the site on The Withens.

There is a footpath between the two sites leading from Whitethorn Drive which originally was to provide a link from the established residential areas to the east of The Withens site through to the shopping centre and the community buildings on The Withens (police station, library etc.). The footpath is in the red line area of the apartments site (19/00647/FUL and the applications previous to this). The footpath between the two sites is under-used and has become the focus of crime and ASB, due to the "hidden" nature of the footpath between and lack of surveillance.

Proposal

Following discussions between the site operator and the Police Architectural Liaison Officer due to the crime and ASB occurrences it is proposed to design out the footpath and incorporate the footpath at the rear of three of the new Spruce Grove

bungalows into the rear gardens of those bungalows with the footpath to the south of this being incorporated into The Withens apartments site. North of the rear boundary of the bungalows the footpath would remain as existing. The incorporation of the footpath into the rear gardens of bungalows and the apartments wider site would eliminate the footpath area the focal point of the crime and ASB. It is worth noting that the gates of the footpath have been padlocked as identified in the planning application submission.

Consultations

Highway Authority - No objections.

Knowsley Parish Council - No Comments Received

Merseyside Fire And Rescue Authority - No objections in principle.

Representations

This application has been publicised by letters sent to 79 neighbours. It has also been advertised by Site Notice and a Press Notice.

One set of comments have been received, summarised as follows:-

- Don't build again as my life completely and utterly by building a 3 storey building on a hill, at the least it could have been flattened. It was a park and the railings from the old flats were taken down and put here under the guise that a BMX track was getting built; so you ring the police they turn up a few times and the kids are gone.. Do not build here again.

The objector is under a misapprehension that the proposal is for additional building works rather than changes to reduce the crime and ASB issues which have been occurring.

Planning History

The Withens

19/00647/NMA - NON MATERIAL AMNEDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 19/00647/FUL (APPLICATION TO VARY CONDITION NO.2 ATTACHED TO PLANNING PERMISSION 15/00786/FUL (ERECTION OF THREE STOREY AFFORDABLE EXTRA CARE SCHEME COMPRISING 64 NO. APARTMENTS INCLUDING 15 NO. DEMENTIA CARE APARTMENTS WITH COMMUNAL / ASSOCIATED FACILITIES AND THE ERECTION OF 26 NO. AFFORDABLE BUNGALOWS TOGETHER WITH ASSOCIATED PEDESTRIAN AND VEHICULAR ACCESS, CAR PARKING AND LANDSCAPING) TO ALLOW FOR CHANGES TO LAYOUT OF BIN STORE AND CYCLE STORE INCLUDING REMOVAL OF SUBSTATION) - AMENDMENT SOUGHT FOR REVISION TO BIN STORE MATERIALS. Granted: 25.11.2020

19/00647/FUL - APPLICATION TO VARY CONDITION NO.2 ATTACHED TO PLANNING PERMISSION 15/00786/FUL (ERECTION OF THREE STOREY AFFORDABLE EXTRA CARE SCHEME COMPRISING 64 NO. APARTMENTS INCLUDING 15 NO. DEMENTIA CARE APARTMENTS WITH COMMUNAL / ASSOCIATED FACILITIES AND THE ERECTION OF 26 NO. AFFORDABLE BUNGALOWS TOGETHER WITH ASSOCIATED PEDESTRIAN AND VEHICULAR ACCESS, CAR PARKING AND LANDSCAPING) TO ALLOW FOR CHANGES TO LAYOUT OF BIN STORE AND CYCLE STORE INCLUDING REMOVAL OF SUBSTATION. Granted: 14.05.2020.

17/00359/FUL - APPLICATION TO VARY CONDITION NO.2 ATTACHED TO PLANNING PERMISSION 15/00786/FUL (ERECTION OF THREE STOREY AFFORDABLE EXTRA CARE SCHEME COMPRISING 64 NO. APARTMENTS INCLUDING 15 NO. DEMENTIA CARE APARTMENTS WITH COMMUNAL / ASSOCIATED FACILITIES AND THE ERECTION OF 26 NO. AFFORDABLE BUNGALOWS TOGETHER WITH ASSOCIATED PEDESTRIAN AND VEHICULAR ACCESS, CAR PARKING AND LANDSCAPING) TO ALLOW FOR CHANGES TO THE APPROVED BRICKS TO THE REAR ELEVATION, WINDOW COLOURS, SIZE OF ROOF LIGHTS, BIN STORE, BICYCLE STORE AND SUBSTATION AND A REDECTION IN FOOTPATH LENGTHS AND NUMBER. Granted: 17.08.2017.

15/00786/FUL - ERECTION OF THREE STOREY EXTRA CARE SCHEME COMPRISING OF 64 NO. APARTMENTS, INCLUDING 15 NO. DEMENTIA APARTMENTS, WITH COMMUNAL/ASSOCIATED FACILITIES AND THE ERECTION OF 26 NO. BUNGALOWS TOGETHER WITH ASSOCIATED PEDESTRIAN AND VEHICULAR ACCESS, CAR PARKING AND LANDSCAPING. Granted: 09.05.2016.

Spruce Grove

20/00943/FUL - REMOVAL OF CONDITION 10 (REQUIREMENT TO PROVIDE ELECTRIC VEHICLE CHARGING POINTS) FROM PLANNING PERMISSION 20/00511/FUL (DEMOLITION OF ROUGHSEGE HOUSE APARTMENT BLOCKS 1-10 AND ADJOINING BUILDING AND THE ERECTION OF 7 NO. EXTRA CARE BUNGALOWS). Granted: 11.02.2022.

20/00511/FUL - DEMOLITION OF ROUGHSEGE HOUSE APARTMENT BLOCKS 1-10 AND ADJOINING ANCILLIARY BUILDING AND THE ERECTION OF 7 NO. EXTRA CARE FACILITY BUNGALOWS. Granted: 10.02.2021.

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.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

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

H5 - Development within Primarily Residential Areas

DQ2 - Security in the Built Environment

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

The incorporation of the footpath into the rear gardens of approved bungalows and The Withens apartments site would not materially impact on the appearance of the sites or the area in general from the approved schemes. The rear garden boundaries of the Spruce Grove bungalows running along the party boundary with the Jackson Gardens site, and between plots, would be 2.1m timber post and timber panel fencing whilst running down the side of the northernmost boundary adjacent the remaining footpath would be 2.1m high brick wall and piers with timber panels. The proposed boundary treatment to be used within the area incorporated into the gardens would be acceptable visually and would not be detrimental to the visual amenity of the locality. As such the proposal would comply with Policies CS2 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

The proposal would significantly improve the residential amenities of residents, including future residents of the bungalows, by removing the “hidden” part of the footpath (the top part which was existing previously would remain) and therefore the focal point of the crime and ASB incidents. This has the backing of the Police as it is a remedy to the current situation and the proposal has been worked up with the co-operation of the Police Architectural Officer to remove / mitigate the current issues experienced in this location. The proposed bungalow boundary adjoining the remaining footpath would be 2.1m high and sufficient to deter crime to the bungalow, particularly considering the proposal has been designed up after liaison with the Police Architectural Design Officer. As such the proposal would comply with Policies CS2 and CS19 of the Core Strategy and saved Policies H5 and DQ2, saved Policy DQ2 specifically referencing security in the built environment.

Residents of the established residential areas to the east would have a slightly longer foot journey to reach the shops and community / municipal buildings. However, it is considered that on balance the reduction in crime and ASB at the site as existing far exceeds the additional foot journey that would need to be undertaken by residents to the shops and community buildings.

No highways issues are raised by the proposal.

Conclusion

The footpath the subject of the application is experiencing significant crime and ASB incidents confirmed by the Police. As a result, the site operator / developer has in consultation with the Police Architectural Liaison Officer determined that the removal of the footpath would have significant improvements in crime and ASB reduction in the locality. The proposal would benefit the quality of life of the residents of the area, including future residents, by significantly reducing crime and ASB, and by reducing the fear of such. The proposal would have little impact visually but a large impact in terms of safety, security and quality of life. The application complies with national and local planning policies and therefore is recommended for approval.

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 plans and documents approved for planning permission 19/00657/FUL, except for the site plan drawings which are superseded by the current site plan drawings hereby approved, namely Proposed Site Plan A 100 Rev J received 21.10.2022 and Extended Site - Boundary Plan A SK 167 received 21.10.2022 together with the Proposed Boundary Plan A 605 Rev G received 27.10.2022.

Reason: For the avoidance of doubt.

- 3) The footpath shall be incorporated into the rear gardens of the bungalows as shown on Proposed Site Plan A 100 Rev J received 21.10.2022 and Extended Site - Boundary Plan A SK 167 received 21.10.2022 within 1 month of the date of this planning permission or in accordance with a timescale submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this planning permission. The rear gardens incorporating the footpath shall have the boundary treatments installed in accordance with the Proposed Boundary Treatment Plan A 605 Rev G prior to the first occupation of the three bungalows which will have the footpath incorporated into their rear gardens.

Reason: To reduce crime and anti-social behaviour issues and in the interests of visual amenity to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2022 and saved Policies H5 and DQ2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 4) No plant or machinery shall be installed in or on any building unless it has been soundproofed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to its installation. The soundproofing shall thereafter be retained in accordance with the approved details at all times that the plant or machinery is in use unless otherwise agreed in detail with the Local Planning Authority.

Reason: In the interests of the residential amenities of the future residents of the development hereby permitted and the existing residents of neighbouring dwellings and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 5) No gates or other obstruction shall be placed across the vehicular access road into the development site at all times that it is in use.

Reason: To permit vehicles to pull clear of the carriageway when entering the site, in the interests of highway and pedestrian safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 6) The ventilation and fume extraction system approved pursuant to Condition 7 of planning permission 17/00359/FUL shall be retained and operated to the approved specification at all times.

Reason: To safeguard the amenities of neighbouring occupiers in respect of odour and noise generation and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 7) The lighting scheme agreed pursuant to Condition 8 of planning permission 17/00359/FUL shall be operated and maintained thereafter in accordance with the agreed scheme at all times.

Reason: In the interests of the residential amenities of the occupiers of Jackson Gardens to ensure safe and adequate means of access to the apartment block and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policies H5 and ENV3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 8) The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 1A, 1B, 1E, 1F, and 2A, or any amendments made to that Order, shall not apply:

- (i) no extensions shall be carried out to the bungalows
- (ii) no buildings or other structures shall be erected within the curtilage of the bungalows
- (iii) no vehicle standing space shall be provided within the curtilage of the bungalows
- (iv) no gates, walls, fences or other means of enclosure shall be erected to the boundaries of the bungalows, or to any part of the overall site boundaries or within the overall site
- (v) no windows or dormer windows shall be added to the bungalows

other than previously approved or unless on application to the Local Planning Authority planning permission for such development has been granted.

Reason: To protect the residential and visual amenities of the area, safeguard the character of this residential development and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
09/08/2022	A 000	A	Location Plan
21/10/2022	A 100	J	Proposed Site Plan
21/10/2022	A SK 167	-	Extended Site - Boundary Plan
21/10/2022	Email	-	Email with amended description
27/10/2022	A 605	G	Proposed Boundary Treatment

Signed Case Officer: Lee Osborne

Signed Authorising Officer: Alan Kilroe

Date: 27/10/22

Informatives:

Merseyside Fire Service

Appendix 1 – Site Photographs