

Agenda



Knowsley Council

26 October 2022

To: The Chairperson and
Members of the
Planning Committee

Dear Councillor

A Meeting of the **PLANNING COMMITTEE** will be held on **Thursday, 3rd November, 2022**, in the Council Chamber, Municipal Buildings, Huyton at **6.00 pm**.

If you have any queries regarding this meeting, please contact Andrew Bilsborrow on telephone number 0151 443-3500.

Yours faithfully

Chief Executive

Please Note:-

- 1. Access to the Council Chamber is limited. Meetings will be live streamed but, if members of the public or press wish to attend in person, please contact Andrew Bilsborrow on (0151)-443 3500 in the first instance to discuss. The live stream can be accessed from the following link - <https://knowsley.public-i.tv/core/portal/home>.)*
- 2. If you have submitted a representation in respect of any of the planning applications that are included on the agenda for determination at this meeting, and wish to speak at the meeting, there is a procedure to be followed which can be accessed via the link below:-*

<https://www.knowsley.gov.uk/residents/building-and-planning/make-a-planning-application/speaking-at-planning-committee>

Membership of the Planning Committee

Councillors

D Lonergan FRICS (Chairperson)

Ms D Allen	Ms J Harvey
Ms J E Aston	Ms J Lilly
Ms C Bannon	K W McGlashan
D J Baum	G J Morgan
H Bell	Mrs S Powell
T Brennan	I Smith
C Cashman	K Taylor
J Donnelly	K F Walsh
A J Flute	Ms A Wright
R Gaffney	

*(Note: The Agenda and Reports are circulated to all other
Members of the Council for information only.)*

A G E N D A

APOLOGIES

1. DECLARATIONS OF INTEREST

2. MINUTES

To receive as a correct record the minutes of the meeting of the Committee held on 8th September 2022.

(Pages 1 - 4)

3. APPLICATIONS FOR PLANNING PERMISSION

To consider the reports of the Executive Director (Regeneration and Economic Development) in respect of the following applications for planning permission.

(Please note that:-

- (i) Background Papers to the planning applications referred to in this agenda comprise the following: -
 - 1. The planning application as submitted or subsequently revised including all forms and plans, etc.
 - 2. The application case sheet, inspection report, photographs, etc.
 - 3. An Ordnance Survey sheet extract showing the application site and the surrounding area.
 - 4. Standard planning conditions as adopted by the Council.
 - 5. Relevant policies from the Unitary Development Plan as appropriate.
 - 6. Copies of all statutory and non-statutory consultations and related correspondence except where they are strictly confidential.
 - 7. The relevant planning history of the application site.

Specific documents, which have been used as a background paper for a particular planning application, and which are not included in the above, are detailed as appropriate at the end of the individual report concerned. Please contact the planning services team (0151 443 2381 or via email at Dcsubmissions@knowsley.gov.uk) to arrange inspection of these files and documents; and

- (ii) Details of the contact officer is contained in the individual report and additional information/some background papers can be found on the [Public Access](#) site via the link shown beneath each planning application below).

- (a) **22/00263/FUL - ERECTION OF A PART TWO STOREY/PART THREE STOREY APARTMENT BLOCK FOR OVER 55'S COMPRISING OF 40 NO. APARTMENTS WITH JULIETTE BALCONIES AND COMMUNAL AREAS TOGETHER WITH VEHICULAR ACCESS, CAR PARKING AND OTHER ASSOCIATED WORKS - LAND ADJACENT GREENHILL, THE ORCHARD, HUYTON, KNOWSLEY, L36 5UZ**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 22/00263/FUL in the search box.

(Pages 5 - 30)

- (b) **22/00326/COU - CHANGE OF USE OF RESIDENTIAL DWELLING (USE CLASS C3) TO CHILDRENS CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 3 NO. CHILDREN - 10 WHISTON LANE, HUYTON, KNOWSLEY, L36 1TY**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 22/00326/COU in the search box.

(Pages 31 - 44)

- (c) **20/00576/HYB - HYBRID APPLICATION COMPRISING; FULL PLANNING PERMISSION FOR A NEW FOODSTORE (USE CLASS E (A)), EMPLOYMENT DEVELOPMENT (USE CLASSES E(G), B2 AND B8), ACCESS, LANDSCAPING, AND THE PROVISION OF ASSOCIATED INFRASTRUCTURE, INCLUDING CAR AND CYCLE PARKING FACILITIES, VEHICLE CHARGING SPACES, PEDESTRIAN ACCESS ROUTES AND SERVICING; AND OUTLINE PLANNING PERMISSION FOR A MIXED-USE DEVELOPMENT COMPRISING A DRIVE THRU RESTAURANT, DRIVE THRU COFFEE SHOP AND PUBLIC HOUSE TOGETHER WITH ASSOCIATED PARKING AND LANDSCAPING (ACCESS TO BE CONSIDERED ALL OTHER MATTERS RESERVED FOR FUTURE APPROVAL) - LAND NORTH OF CABLES WAY, ADJACENT TO CARR LANE AND CABLES WAY, PRESCOT**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 20/00576/HYB in the search box.

(Pages 45 - 116)

- (d) **21/00775/FUL RETENTION OF TIMBER WINDOWS WITH ANTI-TAMPER MESH TOGETHER WITH RETENTION OF EXTERNAL AIR CONDITIONING CONDENSER UNIT AND PROPOSED INSTALLATION OF 2.4M HIGH PALADIN FENCING WITHIN THE CURTILAGE OF THE PROPERTY - VICTORIA GARDENS, VICTORIA ROAD, HUYTON L36 5SA.**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 21/00775/FUL in the search box

(Pages 117 - 132)

4. DELEGATED PLANNING DECISIONS

To consider the report of the Head of Planning.

(Pages 133 - 154)

5. TOWN AND COUNTRY PLANNING ACT 1990 - APPEAL DECISIONS

The Head of Planning to report on the following appeal decisions taken by the Planning Inspectorate :-

- (a) **52 ECCLESTON STREET, PRESCOT**

(Pages 155 - 158)

- (b) **35 DERBY ROAD, HUYTON L36 9UQ**

(Pages 159 - 162)

- (c) **8 SEDUM GROVE, TOWER HILL KIRKBY L33 1SX**

(Pages 163 - 166)

- (d) **CLUB 3000 BINGO, POPLAR BANK HUYTON L36 9US**

(Pages 167 - 172)

- (e) **8 MOORFILED, TOWER HILL KIRKBY L33 1XD**

(Pages 173 - 178)

- (f) **SUNNYSIDE COTTAGE, GREENSBRIDGE LANE L35 1QD**

(Pages 179 - 182)

6. ANY OTHER ITEM(S) WHICH THE CHAIRPERSON DEEMS TO BE OF AN URGENT NATURE

APPLICATION NO: 21/00775/FUL **APPLICANT:** Elysium Healthcare

WARD AFFECTED: St Gabriel's

DEVELOPMENT:

RETENTION OF TIMBER WINDOWS WITH ANTI-TAMPER MESH TOGETHER WITH RETENTION OF EXTERNAL AIR CONDITIONING CONDENSER UNIT AND PROPOSED INSTALLATION OF 2.4M HIGH PALADIN FENCING WITHIN THE CURTILAGE OF THE PROPERTY.

LOCATION OF SITE:

Victoria Gardens, Victoria Road, Huyton L36 5SA

DEVELOPMENT PLAN ALLOCATION:

Primary Residential Development

REPRESENTATIONS:

Objections have been received from seven persons.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out in the attached schedule.

CASE OFFICER

Lee Osborne: (0151)-443 2395

SUMMARY

The application relates to Victoria Gardens, which is a healthcare facility primarily providing treatment for people with mental health issues. Planning permission is sought to:

- retain timber framed windows on an annex to the rear of the main building with anti-tamper mesh;
- retain an externally sited air conditioning unit on an annex to the side of the building, and;
- install 2.4m high paladin fencing on the eastern side of the building. The site is within Huyton Hey Road/ Victoria Road Conservation Area.

The key issues to consider are:

- Conservation and Heritage.
 - Residential Amenity.
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1. SITE AND SURROUNDINGS

- 1.1 The application site comprises of two Victorian Villas which have been significantly extended to the side and rear and linked together. The front of the site is defined by a low wall and mature/semi-mature trees behind which there is a tarmacked area providing car parking and separate access and egress points.
- 1.2 The site is within Huyton Hey Road / Victoria Road Conservation Area, which largely retains its character of late Victorian / early 20th century suburban development. Residential properties are to either side of the site, and to the rear are properties fronting Huyton Church Road. Opposite are residential properties and the United Reform Church site.
- 1.3 The site is in use as a rehabilitation facility for those in need of mental health care. The facility supports residents who are suffering with mental health issues such as anxiety, depression, emotional distress, and personality disorders.

2. PROPOSAL

- 2.1 The application seeks retrospective planning permission to retain 43 windows, installed without planning permission on the front, side and rear elevations of the building (all windows are in the modern extensions). The windows serve bedrooms and en-suite bathrooms and are similar in appearance to the windows replaced. Anti-tamper mesh are fixed to the opening part of the windows behind the glazing, which would allow windows to be opened for ventilation but would prevent access/egress.
- 2.2 The application also proposes the erection of a 2.4m high paladin fence within an inset area on the north-eastern side of the building (next to the extended part of the building) together with the retention of an air condition unit sited on the front elevation of the extended part of the building

3.0 RELEVANT HISTORY

3.1 K/APP/11425 – Change of use of existing buildings with alterations to form nursing home – Approved April 1989

K/APP/15163- Ground floor laundry room to side. - Approved September 1993

APP/95/00331 – Erection of lower ground floor extensions –Approved August 1995

APP/95/00684 – Retention of single storey extension –Approved February 1996

04/00025/CON – Demolition of extensions to existing buildings to rear and sides. - Approved June 2004

04/00028/FUL – Alterations to and erection of extension to form 64 bed nursing home and 10 close care flats. - Approved May 2004

07/00195/CON – Demolition of existing extensions to rear/side. - Approved May 2007.

07/00194/FUL - Demolition of existing extensions, erection of two storey extensions to front, sides and rear and 2 no. lift blocks to roof level, together with provision of car parking to provide a healthcare establishment for residential accommodation with personal care and rehabilitation for persons with physical and/or mental health needs. Appeal decision: allowed December 2008.

07/00195/CON – Demolition of extensions to the sides and rear. Approved May 2007.

09/00602/CON – Demolition of extensions to existing buildings to rear and sides. Approved February 2010.

16/00175/FUL – Partial demolition of existing residential care home (two storey extension and associated development granted under application 07/00194/FUL). Approved July 2016.

20/00135/FUL – Retention of patio area together with the erection of storage shed to rear and extension of existing patio area. Approved June 2020.

4. ARTICLE 35 STATEMENT

- 4.1 Officers have worked with the applicant in a positive and proactive manner to seek solutions to the issues relevant to the proposed development, consistent with the requirement in the National Planning Policy Framework 2021 (NPPF), paragraph 38.

5 EQUALITIES ACT 2010

- 5.1 In determining this application the Council has considered the requirements under S149 of the Equalities Act 2010. It is considered that the application may have a positive effect on members of the public who benefit from mental health care at the premises.

6. REPRESENTATIONS

- 6.1 The application was advertised by letters sent to 16 local properties when the application was received, and again following receipt of amended plans. It has also been advertised by a press and site notice. One letter of objection was received when the application was originally advertised. The second round of neighbour notifications resulted in further objections from seven persons, including an additional objection letter from the original objector.
- 6.2 The objections received raise the following matters:
- Further retrospective application while trying to change the category level of patients who should be in a more secure facility.
 - Patients go outside the site at present to smoke, wander around and can cause anti-social behaviour issues. Smoking should be allowed on site without patients having to leave the site to smoke.
 - What is the nature of patients such that 2.4m high fencing is required?
 - Is there a change in patient category?
 - Current use of property impacts on the objector and their foster children with service users wandering the streets nearby making it like a prison with high fencing, high security windows and external AC units adding to the loss of right to live in a safe street.
 - Would the fencing be visible?
 - The proposals would not suit the conservation area and road.
 - The proposal and retentions would be detrimental to visual amenity viewed from the road and the objector's property.
 - Will the fence enclose the whole curtilage as this would not be appropriate for the conservation area?
 - Noise pollution from the air conditioning unit.

- What steps are taken to minimize noise and emissions from the air conditioning unit?
- Why weren't more people notified of the application?

7. CONSULTATIONS

Head of Environmental Health and Consumer Protection (Knowsley Council) – No objections in principle subject to a condition to control the noise generated by the air conditioning unit.

Principal Conservation and Design Officer (Knowsley Council) - Objects on grounds of impact on the conservation area.

8. POLICY CONTEXT

- 8.1 Paragraph 12 of the National Planning Policy Framework (NPPF) states that, *“Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”*
- 8.2 In this regard the Knowsley Local Plan: Core Strategy was adopted in January 2016 although certain saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of paragraph 219 of the NPPF.
- 8.3 The site is allocated as part of a primarily residential area on the Local Plan Policies Map, adopted in January 2016. The relevant adopted policies for the assessment of the application are listed below:

Knowsley Local Plan: Core Strategy Policies (2016)

CS1 – Spatial Strategy for Knowsley
 CS2 – Development Principles
 CS19 – Design Quality and Accessibility in New Development
 CS20 – Managing the Borough's Historic Environment

Knowsley Replacement Unitary Development Plan: Saved Policies (2009)

H5 – Development within Primarily Residential Areas
 DQ5 – Development in Conservation Areas
 ENV2 - Noise and Vibration

9. ISSUES AND ASSESSMENT

Effects on Heritage Assets

- 9.1 As the site lies in Huyton Hey Road / Victoria Road Conservation Area, the application must be considered in the context of requirements imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.2 Section 72 of the Act states that:
“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”
- 9.3 Policy CS2 (Development Principles) in the Core Strategy states that new development will be expected to enhance local character and promote quality of place.
- 9.4 Policy CS19 (Design Quality and Accessibility in New Development) in the Core Strategy sets out several criteria that developments will be expected to conform to so that they enhance local distinctiveness and the identity and accessibility of new places. The NPPF identifies that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.
- 9.5 Policy CS20 (Managing the Borough’s Historic Environment) in the Core Strategy also states that development proposals in Knowsley should preserve or enhance the borough’s historic and architectural assets including Listed Buildings and Conservation Areas. The Policy goes on to state that the Council will require preservation of the local distinctiveness and character of historic assets through the sensitive design of new developments including appropriate integration with their setting and immediate landscape.
- 9.6 Saved Policy DQ5 (Development in Conservation Areas) in the Replacement Unitary Development Plan, states that new developments within a Conservation Area must preserve or enhance the character and appearance of the area.
- 9.7 In addition, the NPPF states that when determining planning applications, local planning authorities should take account of
- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability and

(c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 9.8 The NPPF also states (para 194) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.9 Furthermore, the NPPF states (para. 195) that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
 - assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 9.10 Paragraph 196 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site.
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
 - conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 9.11 Paragraph 197 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.12 Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the

significance of the heritage asset.

- 9.13 Paragraph 207 of the NPPF states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
- 9.14 The applicant has not submitted a Heritage Statement which considers the significance of the heritage asset as required by the NPPF. Nevertheless, the Principal Conservation & Design Officer has assessed the significance of the heritage asset.
- 9.15 The Officer identifies that “(the conservation area) largely retains its character as a late Victorian/Early twentieth century suburban development. Huyton Park, as the area was known, was laid out from the 1860s on former enclosed agricultural fields, the boundaries of which helped define the pattern of streets and plots. Huyton Park was slow to develop, some plots not being developed for several decades. The mature trees and regular development pattern of the Victorian estate remains clearly apparent. Development which came later is less in tune with the original Victorian ambition for the area, with properties being more diminutively proportioned, and of lesser status.”
- 9.16 The application site is a non-designated heritage asset in the Conservation Area and comprises two large Victoria Villas which have been significantly extended. The extensions are modern additions from early this century, and they diminish the significance of the Villas and the contribution that they make to the Conservation Area (which is still positive). The changes proposed by this application affect the extensions and each change will be considered in turn.

Retention of the windows

- 9.17 When planning permission was granted for the extensions there was a requirement that they were constructed with timber sash windows. In a number of places on the building, the applicant has removed the sash windows and has replaced them with casement windows that have bulkier frames and an anti-tamper mesh attached (on the inside) at the opening parts.
- 9.18 The Principal Conservation & Design Officer objects to the windows because they are not as attractive as the sash windows they have replaced. As such, the Principal Conservation Officer considers that the windows are

not suitable for the conservation area and detracts from it.

- 9.19 It is accepted that the windows proposed for retention by this application would not be as attractive as the windows that they have replaced. However, the new windows are for the most part on the sides and rear of the extensions (and in the courtyard) with only four windows proposed on the front of the annex, which are visible from public areas; and these windows are set back from Victoria Road by around 35m.
- 9.20 Given that the windows are installed on the modern extensions and are not visually prominent from public vantage points, it is considered that they do not have an unacceptable impact on the visual amenities of the conservation area and, therefore, they do not affect the significance of the conservation area and comply with local and national policy.
- 9.21 The applicant has explained that it has been necessary to change the windows prior to receiving planning permission due to patient safety needs following an incident at another facility they operate.

Retention of the air conditioning unit

- 9.22 The air conditioning unit proposed for retention is on the front elevation of the extension to the side of one of the Victorian Villas, it is located between the ground and first floor and is set back around 20m from Victoria Road.
- 9.23 The Principal Conservation Officer notes that whilst the air conditioning unit is not a positive addition to the building and thus the conservation area, it is set back considerably from the road and is of a scale that does not affect the character or appearance of the conservation area from public viewpoints. As such, it could be said that it has a neutral effect on the conservation area public views. The retention of the air conditioning unit is therefore considered to be acceptable.

Erection of a fence

- 9.24 The applicant states that the proposed fence would enclose an area of approximately 16 sq.m of the site to allow patients with an escalated risk of harming themselves to access 'fresh air'. The applicant has further stated that a paladin style is proposed because it is robust.
- 9.25 The Principal Conservation & Design Officer considers that railings would be more appropriate. However, it should be noted that the fencing is proposed along the side of the building and would not be visible from public areas. It is acknowledged that a railing would be more aesthetically pleasing, however, the location of the fence means that it would not affect the significance of the Conservation Area and it is acceptable.

Residential Amenity

- 9.26 Policy CS19 (Design Quality and Accessibility in New Development) in the Core Strategy requires new developments to maintain a good standard of amenity for all existing and future occupants of land and buildings by avoiding unacceptable impacts on existing residents and future occupiers.
- 9.27 Concerns have been raised regarding noise and emissions from the air conditioning unit. Environmental Health have reviewed the application and they have advised that provided that the noise emitted from the unit is controlled, they have no objection. Should members be minded to grant planning permission a condition is recommended to limit the noise emissions from the air conditioning unit, and subject to that condition the proposed development would comply with Policy CS19.

Other Issues

- 9.28 Some residents raise concerns that the use of the facility falls outside of what is permitted. The site has a lawful use as a 'C2 Residential Institution' which a 2008 appeal decision specified can only be used for the provision of residential accommodation and care to people in need of care or as a hospital or nursing home.
- 9.29 The applicant has supplied a statement which confirms that the building is in use as a rehabilitation facility for those in need of mental healthcare, which accords with the site's lawful use. The applicant has clarified that the rehabilitation hospital is in partnership with the NHS, which offers an inpatient service and is not a secure hospital (a C2a use). The applicant has specified that the facility supports residents who are suffering with mental health issues such as anxiety, depression, emotional distress and personality disorders.
- 9.30 One of the representations received has questioned why more people were not notified about the application. However, the application was publicised by letters sent to the occupiers of 16 neighbouring properties and by a press and site notice, which fully accords with Council publicity requirements and exceeds national planning publicity requirements.

10. CONCLUSION

- 10.1 The development provides windows that will reduce the opportunities of patients to self-harm and will provide a secure area for patients to benefit from outdoor recreation. The proposed changes would have some minor negative impacts on the conservation area, but they would not harm its

significance and the proposed development is acceptable.

11. RECOMMENDATION

11.1 It is recommended that planning permission is granted subject to the conditions set out in the attached schedule:

	Condition	Trigger
1	Time period to implement the permission – 3 years	Advisory
2	List of approved plans and documents.	Advisory
3	Fencing to be coloured black.	Prior to installation and colour retained at all times.
4	Windows retained with white painted frames at all times.	Advisory
5	Air conditioning unit to be designed to specified noise level; noise assessment with any necessary mitigation measures specified to be submitted for approval if requested.	Advisory and upon request.

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