

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

## **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

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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

