

<u>APPLICATION NO:</u>	26/00091/COU	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Prescot Town Council
<u>LOCATION:</u>	12 Leyland Street, Prescot, Knowsley		
<u>PROPOSAL:</u>	CHANGE OF USE FROM RESIDENTIAL DWELLING (USE CLASS C3) TO A COMMERCIAL PREMISES (USE CLASS E)		

Knowsley Local Plan Policies Map Allocation

Town and District Centres – Prescot Town Centre
Prescot Town Centre Conservation Area

Site Description

The application relates to a mid-terraced two-storey property located on the eastern side of Leyland Street in Prescot Town Centre. The property has a rear yard which can be accessed off a rear alleyway via Leyland Street between the side of 16 Leyland Street and 32-34 High Street. The property is flanked by No. 10 Layland Street, a commercial premises to the right (home and gifts shop) and a licensed premises at No. 14 to the left. There are a number of other commercial premises along Leyland Street.

The site is located within the Prescot Town Centre Conservation Area.

Proposal

It is proposed to change the use of the premises from residential to a commercial premises falling under use Class E. The application does not propose any external alterations to the premises.

The submitted proposed floor plans indicate a shop floor and store room at ground floor level with two offices and a bathroom at first floor. However, Use Class E – Commercial, Business and Service allows the use, or part use, for all or any of the following purposes –

- (a) For the display or retail sale of goods, other than hot food, principally to visiting members of the public;
- (b) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises;
- (c) For the provision of the following kinds of services principally to visiting members of the public –
 - i) Financial services

- ii) professional services
- iii) any other services which is appropriate to provide in a commercial business or service locality;
- d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner;
- (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The application as submitted is described as the material change of use of the building from residential dwelling (Use Class C3) to commercial premises falling under Use Class E. The application does not specify and specific uses a) to g) of Use Class E.

Background

Planning permission was granted in 2021 for the change of use from residential dwelling (Use Class C3) to Health Support Centre (Use Class E) (Ref: 20/00540/COU). The Local Planning Authority has no substantiating information that that permission was implemented.

Consultations

Prescot Town Council - No comments received.

Conservation & Design Officer - Raise no objections from a heritage perspective.

Highway Authority - No observations received.

Environmental Health - No objection.

Representations

This application has been publicised by letters sent to 9 neighbours. It has also been advertised by Site Notice and a Press Notice.

There have been 2 letters of objection from the same person and 1 letter of comment. A number of the objections raised within the objection letter and the letter of comment are not relevant material planning considerations that can be taken into consideration in determining this planning application and relate to private legal matters.

Other representations are summarised as follows:-

- Inaccuracies with plans submitted which do not reflect a window to the rear and original skylight to landing.
- Given the Heritage conservation aspect of this property that detail would be important.
- Issues with the calibre of people abusing the character of the area due to aggressive behaviour after and during the local bar hours.
- People do not have respect for the area let alone the people who live and work there to make it a better environment.
- Alleyway between Leyland Street and Atherton Street does not reflect a Heritage or Conservation designated area due to accumulation of materials and bins.

Planning History

APP. NO: 06/00461/COU
PROPOSAL: CHANGE OF USE FROM RESIDENTIAL TO OFFICE USE
DECISION: Granted
DECISION DATE: 25 August 2006

APP. NO: 20/00540/COU
PROPOSAL: CHANGE OF USE FROM RESIDENTIAL DWELLING (USE CLASS C3) TO HEALTH SUPPORT CENTRE (USE CLASS E)
DECISION: Granted
DECISION DATE: 22 January 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.

NATIONAL PLANNING POLICY FRAMEWORK

KNOWSLEY LOCAL PLAN: CORE STRATEGY

- CS2 - Development Principles
- CS6 - Town Centres and Retail Strategy
- CS7 - Transport Networks
- CS14 - Principal Regeneration Area - Prescott TC
- CS19 - Design Quality and Accessibility in New Development
- CS20 - Managing the Borough's Historic Environment
- CS26 - Waste Management

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

- S2 - Diversification of Uses within Existing Centres
- S7 - Local Centres and Parades
- T10 - Access for the Less Mobile
- DQ2 - Security in the Built Environment
- DQ5 - Development in Conservation Areas
- ENV2 - Noise and Vibration

THE JOINT MERSEYSIDE AND HALTON WASTE LOCAL PLAN 2013

- WM9 - Sustainable Waste Management Design and Layout of New 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

Principle of Development

Policy CS6 (Town Centres and Retail Strategy) of the Core Strategy criterion 1 a) relates to Knowsley's Hierarchy of Centres and states that *'In order to enhance the vitality and viability of Knowsley's centres and maintain appropriate local service provision, the following hierarchy shall apply: Huyton, Kirkby and Prescott Town Centres will enhance their equal role in providing comparison and convenience shopping. This will be supplemented by a complementary mix of leisure, health, residential, education, cultural, employment, service uses and complementary evening and night time uses.'*

CS14 (Principal Regeneration Area – Prescott Town Centre) seeks to address existing deficiencies in the retail performance of the centre and promote diversification of uses, services and facilities. Policy CS14 states *that the future viability of Prescott Town Centre will be supported by (in no order of priority)...* criterion 1 a) *"Encouraging a wider mix of town centre uses, services and facilities in areas surrounding Eccleston Street, including key services, residential,*

employment uses, cultural and leisure facilities to create a distinctive identity and a complementary evening economy...”

Saved Policy S2 (Diversification of Uses with Existing Centres) of the Replacement UDP indicates that proposals for the change of use or alteration of existing building to provide town centre uses (as defined at Appendix 7) within existing town and district centres will be permitted provided that they meet specific criteria. Proposals need to be compatible with the scale and role of the centre without having a detrimental impact on retail function; it would not result in grouping that would have a negative impact on the character of the centre; there would be detrimental impacts on neighbours from smells, noise, visual impact etc.

The proposed use (Class E) falls within the definition of a ‘Main Town Centre Use’ as defined by Appendix 7 of the Replacement UDP and Annex 2: Glossary of the NPPF. The principle of the proposed use does not conflict with national and local planning policies subject to the proposal meeting other policy requirements as discussed below.

Heritage Assets

The proposed development lies in a Conservation Area and is adjacent to Listed Building, the application must therefore be considered in the context of requirements imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66(1) of the Act states that:

“In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

Further, Section 72 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.”

Policy CS2 Principle 4 b) seeks to ensure the protection and enhancement of the historic environment. 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.

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.

In addition, paragraph 210 of 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.

The NPPF also states at para. 212 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.”*

Furthermore, para. 213 of the NPPF states 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:*

- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional.*
- b) *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.”*

Paragraph 214 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:*

- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) *the harm or loss is outweighed by the benefit of bringing the site back into use. “*

Paragraph 215 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.”*

The application building is within a terrace of properties that were built as part of a residential terrace soon after Leyland Street was laid out. A datestone on the terrace indicates it was built 1908. As noted above, many of the buildings have since been converted to commercial uses though the street has retained a semi-residential character.

17 Atherton Street is a listed building which is set to the east of the application site. The proposal would involve the conversion of a residential dwelling into a commercial use (Use Class E). The application as submitted indicates that no external alterations or works are proposed.

The Council's Heritage Consultant has advised that the application building makes a positive contribution to the character and appearance of the Prescott Town Centre Conservation Area, particularly the Leyland Street façade. However, as no changes are proposed to the external appearance of the building, and as such the development would have no impact the character or appearance of the conservation area.

With regard to heritage impacts on the Grade II listed building 17 Atherton Street, which is located to the rear of the site; given that no external alterations are proposed, it is not considered that the development would result in any harm to the setting or significance of the listed building.

The proposed development has been considered against the relevant statutory duty(s) under the Planning (Listed Building and Conservation Areas) Act 1990, the national policy contained in Chapter 16 of the NPPF and the Local Plan policy(s) and it is considered that the proposed development would cause no harm or loss of significance to the heritage assets identified above. As such the proposal complies with the objectives contained in Chapter 16 of the NPPF, Policy CS20 of the Local Plan and saved policy

The proposals would be in accordance with Local Plan policies CS19 and CS20, saved policy DQ5 of the UDP.

Amenity Considerations

Principle 4 e) of Core Strategy CS4 seeks to promote quality of space by mitigating potential negative impacts, including from noise. Saved Policy ENV2 indicates that development that will either cause an unacceptable increase in noise or vibration levels or itself be subject to unacceptable noise or vibration from an existing source will not be permitted; condition can be attached to planning permission to ensure effective noise mitigation.

The property is located within a town centre surrounded by other commercial properties, including bars and restaurants. No. 14 Leyland Street has permission for use as a café / restaurant/ takeaway with operation hours of 8am-12 midnight (Ref: 20/00692/FUL). Number 10 is a gift/homeware shop. As such there would be a higher level of ambient in the vicinity.

The submitted details indicate that the proposed opening hours would be 07:00 – 23:00 hours every day and Environmental Health have not raised any objection to the proposal. However it is considered that it would be prudent to control the hours of use to that indicated in the application submission and that can be controlled by way of a condition if planning permission is granted.

As such it is not considered that the development would cause harm from noise to the detriment of the amenity of surrounding occupiers or the area in general. An objection has been raised which identifies that there are issues of anti-social behaviour in the area related to existing bar uses. The application site is within an existing town centre and Local Plan policies CS6 and CS14 seek to enhance the viability and vitality of the Prescott Town Centre by encouraging a mix of uses including complementary evening economy.

The proposed use is a main town centre use and appropriate within the town centre setting. It is not considered that the proposed development would be likely to result in unacceptable levels of disturbance within the locality.

The proposal does not conflict with the NPPF, Policy CS2 of the Core Strategy or Saved Policy ENV2 of the UDP.

Highway Considerations

Principal 3 a) of Core Strategy Policy CS2 requires development to reduce the need to travel and increase accessibility by selecting locations that reduce the need to travel especially by car...Policy CS7 requires new development to be located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling and public transport...

The application site does not have dedicated off-street parking. Parking is restricted immediately to the front of the premises and the immediate area (Loading only Mon – Sat 8am – 6pm). However, the site is located within a town centre and there are car parks within close range of the premises. The nearest car park, Mill Street Car Park, has an entrance which can be accessed off Leyland Street. Another car park, Moss Street Car Park is located close by to the northeast off High Street. On-street parking is also available on Leyland Street before 8am and after 6pm Mon - Sat.

The NPPF makes it clear at paragraph 116 that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

The Local Highway Authority have not commented on the proposed development; however, officers consider that the site is located within a town centre which is served by acceptable levels of car parking across the town centre and the site is located within easy access of bus routes, with Prescott Bus Station being located in close proximity of the site.

In accordance with the ensuring a choice of travel SPD provision would be required for cycle storage for staff. No details of such support the application however, details could be secured by condition if planning permission is granted.

The site is in a sustainable location with good transport links and as such it is considered that subject to the provision of cycle parking, the development would not result in detrimental impacts on the immediate highway network and does not conflict with the NPPF, Saved Policy S2 of the UDP and Core Strategy Policies CS2 and CS19.

Waste Management

Policy WM9 of the Merseyside and Halton Joint Waste Local Plan requires that adequate measures are provided in new development to facilitate the storage and collection of waste and recyclable material. Policy CS26 of the Core Strategy requires developments to ensure that waste management facilities are developed whilst minimising any negative impacts on the environment and communities of the borough.

Acceptable provision would be made for bin storage within the rear yard on the site which would provide acceptable facilities for waste arising from the development

It is noted that an objection is raised in relation to the way in which the alleyway

behind Leyland Street and Atherton Street is maintained. Whilst how the alley is maintained is a private matter it is considered that in terms of the application under consideration, that this does not raise significant concern in regard to the ability of the applicant to provide adequate provision for the collection of waste from the site.

The proposed development would be acceptable in relation to waste management matters and would comply with policies WM9 of the Waste Local Plan and policies CS2, CS19 and CS26 of the Local Plan.

Other Matters

An objection has been raised in relation to concern over inaccuracies with the submitted plans given the location of the site within the conservation area. Whilst it is noted that an existing bathroom window on the rear elevation is not annotated on the submitted plans, this application is solely for the change of use of the premises and does not propose any external alteration, which may require a further application. As such, it is not considered that this minor inconsistency affects the determination of the planning application under consideration.

Conclusion

The proposed use would not involve external alteration to the building which is sited within Prescott Town Centre Conservation Area and would therefore have no impact on visual amenity. It would have no adverse impact the character and appearance of the conservation area or the setting of the nearby listed building.

The use proposed is suitable for a town centre and will not impact adversely on the amenity of any nearby properties or impact on the local highway network.

The application complies with relevant national and local planning policies and is therefore recommended for approval.

Recommendation

That planning permission be granted subject to the following conditions:

- 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 use hereby permitted shall not accommodate or be open to customers or service users outside of the hours of:

07:00 – 23:00 hours every day.

Reason: To safeguard the amenity of the surrounding area and to comply with the National Planning Policy Framework (2024), Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 4) No deliveries or refuse collections shall take place outside the hours of 0700 to 20:00 hours on any day.

Reason: To safeguard neighbouring occupiers from noise and disturbance, and to comply with the National Planning Policy Framework (2024), Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 5) No part of the development hereby approved shall be brought into use until cycle parking provision has been provided on the site, in accordance with the Council's current standards.

For the avoidance of doubt, this shall include, but not be limited to, 2 no. cycle parking spaces which shall be covered and offering a means to secure the cycle(s) for staff.

The cycle parking shall be implemented and made available prior to the approved development being brought into use and retained thereafter.

Reason: To ensure that adequate provision is made for parking cycles on the site and to comply with the National Planning Policy Framework (2024), Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, Policies CS2, CS7 and CS19 of the Local Plan: Core Strategy, adopted January 2016 and the Ensuring a Choice of Travel SPD (2010).

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
26/04/2026	-	-	DESIGN AND ACCESS STATMENT
26/04/2026	-	-	HERITAGE IMPACT ASSESSMENT
04/03/2026	1	-	SITE LOCATION PLAN
26/04/2026	2	-	EXISTING AND PROPOSED PLANS
04/05/2026	3	-	SITE BLOCK PLAN

Signed Case Officer¹: M Wishart

Jo Sheridan

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

**Signed Authorising
Officer²:**

10/07/2026

Date:

Informatives

1 NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments;

2 ***Coal Mining***

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Standing Advice valid from 1st January 2025 until 31st December 2026

3 ***Advertisements***

Any advertisements on the premises may require a separate Express Consent to Display Advertisements. Please contact the Council's Development Control Section (Tel: 0151 443 2381) for further advice).

4 ***External Alterations / Plant***

A separate planning permission may be required for any associated external alterations and the installation of any plant and equipment associated with the approved use.

Any fixed plant and machinery should be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for Rating and Assessing Industrial and Commercial Sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property.

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