

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 23/02070/FUL

CASE OFFICER: Andrew Hunt

WARD: Prescott North

PARISH: Prescott
Town Council

LOCATION: M Rays Bakery Ltd, 39 - 45 High Street, Prescott, Knowsley, L34 6HF

PROPOSAL: CHANGE OF USE OF FIRST FLOOR TO 2 NO FLATS WITH
ASSOCIATED EXTERNAL CHANGES, REPAIR OF EXISTING BRICK
BOUNDARY WALL AND ERECTION OF REAR BOUNDARY FENCE

Site Description

The application site is a bakery situated at 39 – 45 High Street within Prescott Town Centre. There is a car park to the east and other shops to the west and south and residential units to the north. The site is to the north of the busy main road of Prescott Town centre (High Street) and has a bus stop directly outside it.

Proposal

The proposal is for the change of use of the first floor to 2 flats with associated external changes, repair of existing brick boundary wall and erection of rear boundary fence.

Consultations

Environmental Health – No Objection subject to conditions in relation to noise measures, fixed plant noise, a construction management plan and Construction hours. However, due to the scale of development apart from the noise measures these conditions are considered unnecessary and disproportionate to the scale of development.

Highways - No objection subject to an informative in relation to car parking.

Representations

This application has been publicised by letters sent to 21 neighbours and site and press notices. No comments have been received on the application.

Planning History

Recent applications have been approved at the site for a demolition of a single-storey extension (22/00301/FUL – approved 26/10/2022) and installation of new shop front.

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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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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
CS6 - Town Centres and Retail Strategy
CS14 - Principal Regeneration Area – Prescott Town Centre
CS19 - Design Quality and Accessibility in New Development
CS20 - Managing the Borough's Historic Environment

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

DQ5 - Development in Conservation Areas

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.

ISSUES AND ASSESSMENT:

PRINCIPLE OF DEVELOPMENT

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The application site is situated within a Prescott Town Centre.

Core Strategy Policy CS14 states that the future viability and vitality of Prescott Town Centre will be supported by encouraging a wider mix of town centre uses, services and facilities in areas surrounding Ecclestone Street, including residential.

The use of the upper floors of the building would be compatible with the existing bakery use at ground floor level, it would also make use of surplus space and add to the uses within Prescott Town Centre. Therefore, the proposed use is consistent with Core Strategy Policy CS14 and acceptable in principle.

IMPACT ON THE ORCHARD CONSERVATION AREA

Core Strategy Policy CS20 states that development proposals in Knowsley should preserve or enhance the borough's historic and architectural assets, including Conservation Areas.

NPPF Para 197 states that in determining 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 vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

NPPF Para 202 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.

Prescot Town Centre Conservation Area Appraisal (2013)

The Prescot Town Centre Conservation Area Appraisal in para 4.3 lists the most important focal buildings of the Conservation Area. Number 39-45 High Street is not listed as one of the important focal buildings.

Number 37 High Street (Next Door) is a Grade II listed Building with the following entry:

"No. 37 High Street

This building dates to c1815 and is a small, two window wide house with a central front door with a complete fanlight. The elevations are faced in brick with stone dressings, and the windows are sashed".

Assessment

In relation to the change of use to flats, this is primarily internal with only minor changes to the elevations. The main changes to the elevations of the building would be the following:

- Replacing existing UPVC windows with timber conservation style windows.
- Replacing Infilled existing brickwork to match the original brickwork.
- Creating an openable window (to allow means of escape for building regulations).
- Filling in a side window with bricks to match existing.

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The changes are overall considered to represent a minor improvement to the appearance of the building (in particular the replacement of UPVC with timber on the main front elevation and replacement of infill brick with original brick) is considered to be an improvement. Overall, there would not be any harm to the Conservation Area or the adjacent listed building of 37 High Street.

In relation to the wall repairs and erection of rear boundary fence. It is considered that these elements are or can be made acceptable through the choice of appropriate materials. Therefore, the precise details of these elements can be addressed via a planning condition to require details to be submitted. This will ensure any additions are appropriate to the Conservation area and the setting of a listed building.

Overall, the proposal would preserve and enhance the appearance of the Conservation Area and would not harm the adjacent listed building (37). Overall, the application complies with Core Strategy Policy CS20, Unitary Development Plan Policy DQ5 and NPPF para 197.

RESIDENTIAL AMENITY

Policy CS19 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.

The Amended New Residential Development Supplementary Planning Document (SPD) 2018, gives guidance on the separation distances that should be maintained between residential properties to ensure that harm is not caused to amenity by overshadowing, loss of privacy or through undue dominance. The SPD sets out that:

- 22m should be provided between existing rear principal elevations and proposed principal elevations for two storey properties
- 20m should be provided between the principle elevations of two storey properties
- 12m should be provided between the principal elevation of one property and the gable elevation of another, and
- properties should have a garden depth of at least 10m.

Existing Residents

In relation to the change of use, this would be internal only and would not affect the light, outlook or privacy of any surrounding dwellings.

The external works would also be minor in scale and would not impact on neighbour's amenity. This is supported by the council's Environmental Health department who have no objection subject to conditions.

However, due to the small scale of construction (less than a typical house extension) a construction management plan, a fixed plan Noise condition and restricting the hours in which work can take place is disproportionate and unnecessary.

Overall, the development will not harm the amenity of neighbouring properties. The development complies with Core Strategy Policy CS19.

Future Occupiers

Noise and Odour

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The application has been supported by noise and odour assessments. These demonstrate that the residential use is compatible with the existing ground floor bakery use. This information has been reviewed and found acceptable by the councils Environmental Health Team who have no objection subject to conditions.

Space Standards and Amenity Space

The flats would comply with the national minimum space standard of 50sqm for a 1 bed 2 person flat with spaces of 52.9 and 56sqm respectively. Both flats also have outdoor amenity areas which exceed 20sqm in size. Therefore, there would be sufficient amenity space within each flat.

Light and Outlook and privacy

All habitable room windows would have at least one window and would be served by adequate light and outlook. The application also complies with interface distances between dwellings.

Overall, it is considered that the development will provide a good standard of amenity for future residents. The development complies with Policy CS19 of the core strategy.

HIGHWAYS

NPPF para 109 states that a development should only be refused on highways grounds if *“there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

The application would be for 2 flats without parking provision. Due to the site’s sustainable town centre location and bus stop directly outside the site, it is considered that individual parking spaces are not required to be provided as part of the development.

This is supported by the council’s highways team who have no objection to the development subject to an informative in relation to parking permits.

A condition will be attached to secure cycle parking in accordance with the details provided.

Overall, there would not be significant harm to highway safety. Overall, the application complies with Core Strategy Policy CS7.

CONCLUSION

The development is acceptable in principle and would not cause harm in relation to Conservation, highway safety or amenity. The proposed development complies with policies included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (saved policies 2009) and National Planning Policy Framework (2019).

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.

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

2) Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:-

- a. Proposed Ground Floor Plan (PL200 – REV P04) (received 28/07/2023)
- b. Proposed First Floor Plan (PL201 – REV P04) (received 28/07/2023)
- c. Site Location Plan (PL001 – REV P01) (received 28/07/2023)
- d. Proposed Site Plan (PL100 – REV P04) (received 28/07/2023)
- e. Proposed Elevations South and East (PL300 – REV P04) (received 28/07/2023)
- f. Proposed Elevations North and West (PL301 – REV P04) (received 28/07/2023)

Reason: For the avoidance of doubt.

3) Noise Measures

Prior to the occupation of the flats the recommendations as per the noise report, included with the application, (Noise Assessment, Miller Goodall, Report 103072, Dated 05/10/23) shall be implemented.

All works which form part of the scheme shall be implemented in full in accordance with the scheme as agreed and retained hereafter.

Reason: In order to avoid harmful noise impacts on future occupiers.

4) Wall/ Fence details

Notwithstanding the submitted plans, no more than 1 dwelling shall be occupied until details of repairs to the wall and details of any proposed fences/gates and bike storage have been submitted to and been approved by, the local planning authority.

Reason: To ensure the development reflects the character of the conservation Area.

5) Conservation

- a. Prior to the installation of any replacement windows, details of the replacement windows to original building, shall have been submitted to the LPA and approved.
- b. No more than 1 dwelling shall be occupied until the existing infill brickwork and side window have been replaced with brickwork that matches the original brickwork of the building.

All works shall be implemented in accordance with the approved details and retained hereafter.

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Reason: To ensure the development reflects the character of the Conservation Area.

Signed Case Officer¹: Andrew Hunt

Signed Authorising Officer²: K Foster

Date: 1 February 2024

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

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

INFORMATIVES

1) Coal Authority

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling

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activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024

2) Car Parking

The applicant should be aware that future residents are not entitled to any car parking provision within local Council Owned facilities as part of the development and that the Council will not support any application for a parking permit for residents of the property.

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