

Regeneration and Economic Development Department

APPLICATION NO: 22/00398/FUL

APPLICANT: G&W Stamper Ltd

WARD AFFECTED: Prescott North

DEVELOPMENT: VARIATION OF CONDITION NO. 3 OF PLANNING PERMISSION 20/00443/FUL TO ALLOW FOR CHANGES TO OPERATIONAL HOURS SO THAT CUSTOMERS SHALL NOT BE SERVED OR ACCOMMODATED IN THE PREMISES EXCEPT BETWEEN THE HOURS OF 8:00 & 00:00 ON MONDAY TO SUNDAY (INCLUSIVE) & BANK & PUBLIC HOLIDAYS, & CUSTOMERS SHALL NOT BE SERVED OR ACCOMMODATED IN THE BEER GARDEN EXCEPT BETWEEN THE HOURS OF 08:00 & 22:00 ON ANY DAY

LOCATION OF SITE: 21 Market Place, Prescott, Knowsley, L34 5SB,

KNOWSLEY LOCAL PLAN ALLOCATION –

Town and District Centres - Town And District Centres - Prescott Town Centre

RELEVANT POLICIES

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS7 - Transport Networks
CS14 - Principal Regeneration Area - Prescott TC
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)

ENV2 - Noise and Vibration

National Planning Policy Framework

TECHNICAL CONSULTATIONS:

Prescot Town Council - No Comments Received
Environmental Health - No objections to amended hours of operation

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 26 neighbours. It has also been advertised by Site Notice and a Press Notice. No representations have been received.

ARTICLE 35

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.

PLANNING HISTORY

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PS/DC/OP04/05	003	23/9/02

17/00189/FUL - CHANGE OF USE OF FORMER PUBLIC HOUSE (A4 USE) TO FORM RESTAURANT / CAFE (A3 USE) AND 3NO APARTMENTS (USE CLASS C3) – Granted June 2017

18/00765/FUL - CONVERSION OF FIRST, SECOND, AND PART OF GROUND FLOOR OF FORMER PUBLIC HOUSE TO FORM 3NO RESIDENTIAL DWELLINGS TOGETHER WITH ERECTION OF ENTRANCE PORCH, RETENTION OF FUME EXTRACTION SYSTEM TO REAR ELEVATION AND REPLACEMENT OF WINDOW TO FRONT ELEVATION. Granted – August 2019

19/00608/FUL - DEMOLITION OF EXISTING DETACHED GARAGES AND ERECTION OF TWO STOREY BUILDING TO FORM 2 NO. 1 BED APARTMENTS, TOGETHER WITH LANDSCAPED COURTYARD AND ASSOCIATED WORKS. Granted May 2020.

20/00443/FUL - CHANGE OF USE OF GROUND FLOOR FROM USE CLASS A3 (RESTAURANT/CAFE) TO A MIXED USE FALLING WITHIN USE CLASSES A1 (SHOPS), A3 (RESTAURANT/CAFE) AND A4 (DRINKING ESTABLISHMENTS). EXTERNAL ALTERATIONS COMPRISING SIDE ACCESS GATES, PROPOSED ORIEL WINDOW, PROPOSED YORKSHIRE SASH WINDOW, INCREASE IN HEIGHT OF TWO CHIMNEY STACKS, REPLACEMENT OF ROOFING MATERIAL TO REAR ELEVATIONS, NEW CONSERVATION ROOFLIGHTS AND ASSOCIATED WORKS. GRANTED NOVEMBER 2020.

ISSUES AND ASSESSMENT:

PROPOSAL

This application seeks to vary condition 3 attached to planning permission 20/00443/FUL.

This condition states :-

Customers shall not be served or accommodated in the premises except between the hours of 08:00 and 23:00 on Sunday to Thursday (inclusive) and Bank and Public Holidays, 08:00 and 00:00 on Friday or Saturday and customers shall not be served or accommodated in the beer garden except between the hours of 08:00 and 21:00 on any day.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies S2, H5 and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

The applicant is seeking to vary the hours that customers of the premises can be served to the following :-

8:00 & 00:00 ON MONDAY TO SUNDAY (INCLUSIVE) & BANK & PUBLIC HOLIDAYS, & CUSTOMERS SHALL NOT BE SERVED OR ACCOMMODATED IN THE BEER GARDEN EXCEPT BETWEEN THE HOURS OF 08:00 & 22:00 ON ANY DAY.

POLICY CONSIDERATIONS

The proposal to vary the hours that customers can be served on the premises is considered to be in compliance with the Local Plan and UDP policies listed above.

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RESIDENTIAL AMENITY

This site is located in Prescot Town Centre, however there are residential premises on the first floor and two small residential units are being constructed to the side of the premises.

To protect the amenity of local residents in the locality there has to be some control on the hours that customers can be accommodated on the premises.

The premises are already permitted to open until 00:00 on Friday and Saturday evening so extending the opening by one hour for the remainder of the week in a town centre location is deemed to be within acceptable limits and no objections have been raised by environmental health colleagues.

Extending the opening hours of the beer garden by one hour on any day is also considered to be acceptable and would not cause significant detriment to local residents.

The proposal is considered to be in accordance with Local Plan policy CS19 and saved UDP policy ENV2.

Planning Conditions

The majority of the planning conditions attached to the original planning permission 20/00443/FUL are no longer required as either the conditions have been discharged or the works have been completed to an acceptable standard.

Works relating to the bike store and the rooflights are still outstanding and therefore it is considered reasonable to transfer these conditions over to the new planning permission.

CONCLUSIONS AND REASON FOR DECISION

The proposed change to the hours customers can be accommodated on the premises are considered to be acceptable, would not be detrimental to residential amenity and would be in compliance with the relevant Local Plan and saved UDP policies listed above.

RECOMMENDATION:

That Planning Permission be granted subject to the following conditions:-

- 1) 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.

- 2) Customers shall not be served or accommodated in the premises except between the hours of 08:00 and 00:00 on any day including Bank and Public Holidays and customers shall not be served or accommodated in the beer garden except between the hours of 08:00 and 22:00 on any day.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies S2, H5 and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 3) Prior to the installation of the cycle storage area permitted under planning permission ref 20/00443/FUL details of the structure including elevations, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be construction in accordance with the approved details prior to the first occupation of the development hereby permitted.

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Reason : In the interests of visual amenity , to ensure adequate provision is made for parking cycles and to preserve the character and appearance of Prescott Town Centre, Conservation Area in accordance with Policies CS19, CS7, CS20 in the Knowsley Local Plan, Core Strategy adopted January 2016.

- 4) Prior to the installation of the conservation roof lights permitted under planning permission ref 20/00443/FUL full details of the replacement roof lights shall be submitted to and approved in writing by the Local Planning Authority. The conservation roof lights shall be installed in accordance with the approved details and shall be retained at all times thereafter.

Reason : To preserve the character and appearance of the Prescott Town Centre Conservation Area in accordance with policies CS19 & CS20 in the Knowsley Local Plan Core Strategy and saved policy DQ5 in the Knowsley Replacement Unitary Development Plan.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
10/09/2020	19.043	-	LOCATION PLAN
04/08/2020	006	-	PROPOSED CHIMNEY
04/08/2020	007	-	PROPOSED CHIMNEY ELEVATION
04/08/2020	008	-	PROPOSED CHIMNEY
03/11/2020	001	B	SITE LAYOUT
03/11/2020	004	A	PROPOSED ELEVATIONS
03/11/2020	005	A	PRPOSED ELEVATIONS
03/11/2020	009	A	PROPOSED EXTERNAL DOOR WORKS
03/11/2020	010	A	YORKSHIRE SLIDING SASH DETAIL
03/11/2020	011	A	PROPOSED WINDOW TYPE A
03/11/2020	012	A	PROPOSED WINDOW TYPE B
03/11/2020	013	-	PROPOSED W026 DETAIL
03/11/2020	014	-	PROPOSED GATE DETAIL
03/11/2020	015	-	PROPOSED WINDOW WORKS
03/11/2020	016	-	NOTES

Informatives

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

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

It is recommended that information outlining how the former mining activities affect the

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proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

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

<https://www.gov.uk/government/publications/building-on-or-within-the-influencingdistance-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, digging of foundations, piling 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.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

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

2. 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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Mark Quinn
30 August 2022

Alan Kilroe
12 September 2022

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