

<u>APPLICATION NO:</u>	23/02765/LBC	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Prescot Town Council
<u>LOCATION:</u>	The Clock Face, 54 Derby Street, Prescot		
<u>PROPOSAL:</u>	ALTERATIONS TO GROUND FLOOR WINDOW OPENING TO SOUTH EAST ELEVATION INVOLVING RETENTION OF EXTRACT AIR INTAKE VENTS AND REPAIRS		

KNOWSLEY LOCAL PLAN ALLOCATION –

Primarily Residential Area
Prescot Conservation Area
Sustainable Urban Extension

Site Description

The application relates to an existing Public House Located on Derby Street, Prescot. The Clock Face PH, Nos. 52 - 54) is a Grade II Listed Building and located within the Prescot Conservation Area.

The list description reads:

House and public house. Early C19 with facing c.1830. Brick with stone dressings and facing, slate roof. Main facade of No. 54 at right angle to street; 2 storeys, 5 irregular bays. 1st floor sill band and top cornice and parapet with wreaths, and panel with flanking acroteria to entrance bay. Panelled pilasters to ends. Ground floor has canted bay window to 1st bay, other 2 bays have segmental-headed windows with tripartite sashes. 1st floor windows have architraves, that to entrance bay has frieze and consoled cornice. All windows are sashed with glazing bars. Entrance to 2nd bay has glazed doorcase with complete overlight and 4-fielded-panel door. Distyle-in-antis Ionic porch. 4 stacks. Stone-coped brick wall to right has gate and stone gatepiers with incised lines and pediments. Right return to street of 5 bays, the 1st 2 are to No. 54 and are higher, with cornice and parapet. 1st floor sill band. Windows have, wedge lintels and are sashed. Elliptical-headed entrances have inset Doric doorcases with fluted friezes, complete fanlights and 6-panel doors. No. 52 has casements to ground floor and two 1st floor windows are boarded (1985). No. 54 was built as Dower house to Knowsley estate and was known as West End House.

The host property also forms a part of the setting to a number of other Listed Buildings. The building forms parts of a larger terrace row with the adjoining cottages at 44 – 50 Derby Street also Grade II listed (NHLE: 1283501). An associated outbuilding range located to the northeast of the Clock Face PH is separately listed at Grade II also (NHLE: 1199248).

The application site is also allocated as a Primarily Residential Area with part of the site also within 'Land Bounded by the A58 (Prescot)' Sustainable Urban Extension (SUE) on the Knowsley Local Plan policies map.

To the north and west of the site is the former Whittaker's Nursery site, currently being built out for residential development. Other residential properties are located to the south beyond the dual carriageway.

Proposal

The proposed works relate to the right side, ground floor window opening on the southeast (Derby Street) elevation. Two air intake vents and two extract vents have been installed without consent and the application seeks consent for works which comprise the following:

- Replacement of 2 no. glass panes to the right-hand side of the bottom sash and retention of 2 no. steel intake vents installed in place.
- Installation and retention of 2 no. vent grilles to the top left and top central panes of the top sash.
- Paint the steel intake and extract vents and grilles in RAL 7000 grey.
- Removal of existing flush fitting steel cover to the top right pane of the top sash window and replacement with safety glass panes to match existing.
- Localised repair of the timber windowsills, bottom rails and glazing bars where required.

The applicant has advised that the vents have been installed following completion of a recently consented scheme of works for partial change use of the first floor to hotel use including internal alterations to the first and ground floor levels (Ref: 18/00730/FUL and 18/00731/LBC) and are necessary to ensure the operation of the kitchen is compliant with the necessary regulations.

Consultations

Prescot Town Council - No Comments Received

Conservation & Design Officer - No formal comments received, however they have confirmed they have no objections subject to the inclusion of conditions that are listed as conditions 3 and 4 at the end of this report.

Highway Authority - No objections

Representations

This application has been publicised by letters sent to 7 neighbours. It has also been advertised by Site Notice and a Press Notice. No representations have been received.

Planning History

APP. NO:	02/00824/LBC
PROPOSAL:	INSTALLATION OF NEW INTERNAL STAIRCASE BETWEEN GROUND AND FIRST FLOOR AND REMOVAL OF EXISTING STAIRCASE.
DECISION:	Granted

DECISION DATE: 22 November 2002

APP. NO: 03/00785/LBC
PROPOSAL: REPLACEMENT OF FRONT DOOR
DECISION: Granted
DECISION DATE: 26 September 2003

APP. NO: 18/00730/FUL
PROPOSAL: CHANGE OF USE OF PART OF FIRST FLOOR FROM DWELLINGHOUSE (USE CLASS C3) TO FORM 3 BED HOTEL (USE CLASS C1), TOGETHER WITH ERECTION OF 2.3M CAST IRON GATES TO COURTYARD AND CONSTRUCTION OF RAMP TO FRONT OF BUILDING.
DECISION: Granted
DECISION DATE: 9 April 2019

APP. NO: 18/00731/LBC
PROPOSAL: PARTIAL CHANGE OF USE OF FIRST FLOOR TO HOTEL (USE CLASS C1), TOGETHER WITH INTERNAL ALTERATIONS TO GROUND AND FIRST FLOOR, AND ERECTION OF BOUNDARY TREATMENTS TO SIDE AND REAR, CONSTRUCTION OF RAMP AND RE-SURFACING OF CAR PARK
DECISION: Granted
DECISION DATE: 9 April 2019

APP. NO: 23/02773/LBC
PROPOSAL: EXTERNAL REPAIRS / MAINTENANCE; RE-INSTATEMENT OF PARTIALLY DISMANTLED BRICK CHIMNEY STACK; RETENTION OF SATELLITE DISH AND CCTV AND DE-CLUTTERING OF SUNDRIES AROUND STABLE BLOCK. RETENTION OF COOLING UNITS AND REMOVAL OF CANOPY FROM PUBLIC HOUSE AND REMOVAL OF PERGOLA AND DECKING
DECISION: Pending
DECISION DATE:

APP. NO: 23/02795/ADV
PROPOSAL: RETENTION OF 1 NO. EXTERNALLY ILLUMINATED HANGING SIGN; 2 NO. NON-ILLUMINATED AMENITY BOARDS; AND 1 NO. BUILDING MOUNTED SIGN
DECISION: Pending
DECISION DATE:

APP. NO: 23/02796/LBC
PROPOSAL: RETENTION OF 1 NO. EXTERNALLY ILLUMINATED HANGING SIGN; 2 NO. NON-ILLUMINATED AMENITY BOARDS; AND 1 NO. BUILDING MOUNTED SIGN
DECISION: Pending
DECISION DATE:

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.

Saved Policy DQ5 requires that new development within or close to a Conservation Area must preserve or enhance the character of the Area. DQ3 of the Knowsley UDP also seeks to enhance the visual appearance of strategic routes linking Knowsley's town centres.

Policy CS2 requires that new development enhances local character and promotes quality of place.

Policy CS19 complements the design principles of Policy CS2 that include "understanding and respecting the character and distinctiveness of places" and "promoting good quality design". The Knowsley UDP includes specific saved policies on advertisements (Saved Policy S10).

Policy CS20 sets out the Local Planning Authority's approach to managing the Borough's historic environment and requires development proposals to preserve or enhance the Borough's historic and architectural assets including buildings and structures of historic importance. Policy CS20 requires preservation of local distinctiveness and character of the Borough's historic assets through sensitive design of new development, including appropriate integration with their setting and immediate landscape.

The NPPF at paragraph 203 states that in determining planning application, 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.

At paragraph 205 the NPPF states 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.

Paragraph 206 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) A grade II listed building, 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 207 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.
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
- 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 208 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

These policies and guidance require that new development demonstrates a high standard of design, which does not adversely affect the character of the property or street scene; maintains a good standard of amenity for all existing and future occupants; avoiding overlooking and overshadowing, as well as an unacceptable overbearing impact.

NATIONAL PLANNING POLICY FRAMEWORK

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

DQ3 - Gateway Sites and Corridors

DQ5 - Development in Conservation Areas

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

CS20 - Managing the Borough's Historic Environment

SUPPLEMENTARY PLANNING DOCUMENTS

Design Quality in New Development SPD (2016)

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

The property is Grade II listed and located within Prescot Conservation area in a highly visible location on Derby Street a gateway into Prescot Town Centre.

As this is a Listed Building Consent application, the only issue is the impact of the proposal on the architectural and historic interest of the listed building. The impact on the heritage assets must be considered in the context of the requirements set out by the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16 (1) of the Act states that:

“In considering whether to grant planning permission 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.”

Heritage Significance

The submitted Heritage Statement gives a suitable account of the historic and architectural significance of the heritage assets. Of key importance to the consideration of this application is the identification that the window subject to these proposals is not a historic feature. Instead, it is a later insertion albeit one which is beneficially designed to copy architectural detailing of the building.

Design and Impact of the proposals

While prominently located, the works subject to this application are confined to a single ground floor window on the southeast corner of the Clockface PH. Given the minor scale and nature of the proposals, the works are not considered to affect the settings of any other identified Listed Buildings.

The application states that the two air intake vents and two air extract vents have been installed without consent and are therefore seeking to obtain the necessary consents to retain vents in place alongside consent for minor alterations to include replacing an existing steel cover with a glass pane to match the existing glass, minor repair of the sash window and painting of the existing air intake and extract vents inserted within the window. The vents and grilles have been in-situ since at least November 2022. Prior to that, for a number of years, there were other grilles located within the top left and right window panes.



2023

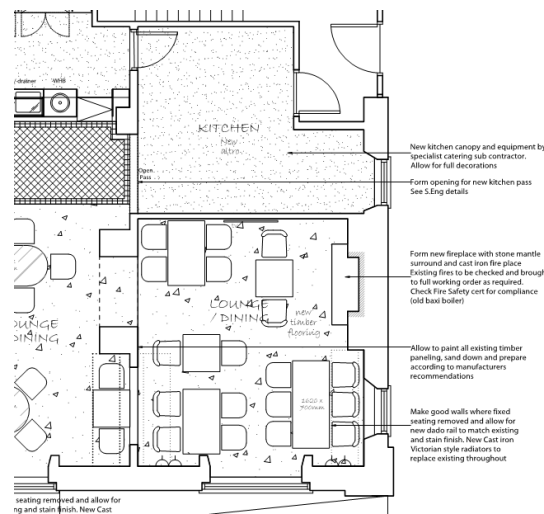


Google Street View August 2009



Google Street View October 2020

The vents have been installed following completion of a recently consented scheme of works for partial change use of the first floor to hotel use including internal alterations to the first and ground floor levels (Ref: 18/00730/FUL and 18/00731/LBC) and are necessary to ensure the operation of the kitchen is compliant with the necessary regulations.



Partial Approved Floor Layout – 18/00730/FUL

The supporting information demonstrates that the works will not affect an original window with photography evidencing the opening subject to this application was created in the latter part of the 20th century. As such the applicant does consider that the alterations would not result in the loss of historic fabric or affect a historic feature. However, it is acknowledged that the works would minimally alter a prominent elevation of the building and whilst not original, the opening has been detailed to replicate original window openings present on the elevation.

The supporting information advises that opportunities to insert the kitchen intake and extract equipment in an alternative location are not available. The equipment is necessary to ensure the commercial kitchen area is compliant with the necessary standards so that it can continue to function and support the food offer of the business.

The NPPF expects that conflicts between the conservation of heritage assets and any aspect of the proposals be avoided or minimised; that any harm should require clear and convincing justification and that in assessing proposals which result in 'less than substantial harm' public benefits should outweigh the harm.

Here, the metal projecting insertions and grilles are out of keeping with the Georgian domestic character of the building and therefore result in a degree of harm to the special architectural and historic interest of the building, in order to minimise adverse visual effects to the elevation, the existing intake and extract vents are fitted within the area of single panes, maintaining the overall format of the multi-paned window and will receive a matte grey colour finish. This is intended to assist in assimilating the insertions. The redundant steel cover would be replaced with a glass pane and the window would be repaired where required, so the scheme also involves some repair and restoration of this window. This element of the works would, as the applicant points out, offer some small benefit to the building.

The level of harm overall is therefore limited and falls within the NPPF test for 'less than substantial harm' whereby the harm should be weighed against the public benefits of the proposals including, where appropriate, securing its optimum viable use. In this case the current use is considered 'the optimum viable use' and the proposed vents and grilles will help to allow the kitchen to continue to function which will in turn ensure that the business is successful and continues to trade and continue to attract customers.

Allowing the retention of the vents and grilles to maintain the function of the kitchen associated with the existing public house use is therefore considered to be of public benefit in that it would outweigh the harm identified by supporting the local economy and also ensuring the listed building continues to be occupied and maintained. As such, the NPPF tests are considered to be met (as set out in paras 205 and 209).

Therefore, in summary, having regard to the NPPF and in particular paragraphs 205-206 and 208-209, it is considered that the proposal results in less than substantial harm to the listed building. The provision of the repair and restoration works to the window on the southeast elevation of this listed building, and supporting the 'optimum viable use' of the building are aspects of the proposals which are considered to offer public benefits that outweigh the harm to the heritage asset. It is considered that a clear and convincing justification has been provided to outweigh the less than substantial harm to the listed building. As such the proposal is considered to comply with policies CS2, CS19 and CS20 of the Local Plan Core Strategy, Saved policies DQ3 and DQ5 of the Knowsley UDP, the listed building legislation, and the NPPF. It is therefore recommended that Advertisement Consent be granted.

Conclusion

The proposal incorporates a design which preserves the special historic and architectural interest of the grade II listed building. Public benefits are considered to outweigh the less than substantial harm to the listed building whilst securing its optimum viable use.

In accordance with the above assessment, it is considered that the proposal is considered to comply with policies CS2, CS19 and CS20 of the Local Plan Core Strategy and Saved Policies DQ3 and DQ5 of the Knowsley UDP. Due regard has been given to the LPA's duty within s16 of the Planning (Listed Buildings and Conservation Areas) Act. The proposal is considered to preserve the listed building, its setting and its features of special architectural or historic interest. Therefore, the proposal is recommended for approval.

Recommendation

That listed building consent be granted subject to the following conditions:

- 1) The works must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) 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) Within 6 months of the date of this permission the intake vents and extract vent grilles hereby approved shall be finished in matte grey (RAL 7000) in accordance with the details of the application as approved.

The development shall be maintained as such at all times thereafter.

Reason: To preserve the special architectural and historic character of a Grade II Listed Building and to preserve the character and appearance of the Prescott Town Centre Conservation Area and to comply with the National Planning Policy Framework (2023), Saved Policy DQ5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

- 4) Within 6 months of the date of this permission the repairs and restoration of the window hereby approved shall be carried out in accordance with the details outlined in paragraphs 4.9 – 4.10 of the Heritage Statement (December 2023) received 13 December 2023.

Any new sections and repairs required to be painted shall be finished in white to match the existing building.

Reason: To preserve the special architectural and historic character of a Grade II Listed Building and to preserve the character and appearance of the Prescott Town Centre Conservation Area and to comply with the National Planning Policy Framework (2023), Saved Policy DQ5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
19/12/2023	1519.109	C	PROPOSED KITCHEN WINDOW DETAILS
19/12/2023	1459.107	D	PROPOSED PUB ELEVATIONS
19/12/2023	1519.103	D	PROPOSED SITE PLAN
13/12/2023	-	December 2023	HERITAGE STATEMENT
13/12/2023	LG/KN114/23	-	COVERING LETTER
03/11/2023	1519.100	-	SITE LOCATION PLAN
03/11/2023	-	-	DESIGN AND ACCESS STATEMENT

Signed Case Officer¹: M Wishart

Signed Authorising Officer²: K Foster

Date: 15 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

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 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

Appendix 1 – Site Photographs



Google Imagery





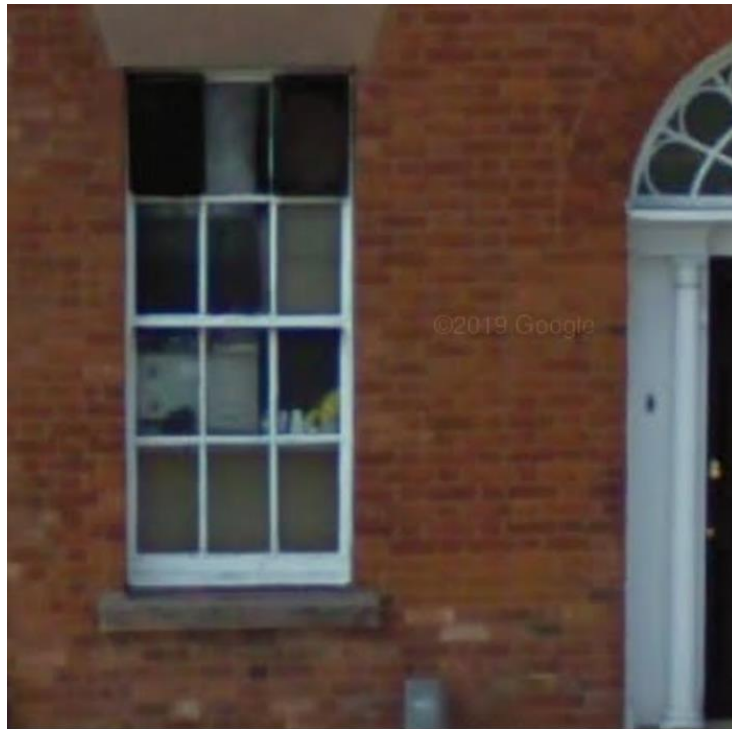


Image Capture Google June 2011



Image Capture Google Oct 2020