

Agenda



Knowsley Council

1 December 2021

To: The Chairperson and
Members of the
Planning Committee

This meeting will be webcast at:-
<https://knowsley.public-i.tv/core/portal/home>

Dear Councillor

A Meeting of the **PLANNING COMMITTEE** will be held on **Thursday, 9th December, 2021**, in the Council Chamber, Municipal Buildings, Huyton at **6.00 pm**.

If you have any queries regarding this meeting, please contact Andrew Bilsborrow on telephone number 0151 443-3500.

Yours faithfully

Chief Executive

Please Note:-

1. *There are a limited number of seats allocated in the public gallery within the Council Chamber for members of the public to attend and observe the proceedings of this Planning Committee meeting. Members of the public who wish to attend are advised to contact Andrew Bilsborrow on 0151 443 3500 or by email andrew.bilsborrow@knowsley.gov.uk to seek further advice on the arrangements for the meeting.*
2. *If you have submitted a representation in respect of any of the planning applications that are included on the agenda for determination at this meeting, and wish to speak at the meeting, there is a procedure to be followed which can be accessed via the link below:-*

<https://www.knowsley.gov.uk/residents/building-and-planning/make-a-planning-application/speaking-at-planning-committee>

Membership of the Planning Committee

Councillors

D Lonergan MRICS (Chairperson)

Ms J E Aston	Mrs M A Harvey
Ms C Bannon	Ms J Lilly
D J Baum	K W McGlashan
H Bell	Mrs K Moorhead
T Brennan	G J Morgan
Ms G Flatley	Mrs S Powell
A J Flute	K Taylor
R Gaffney	K F Walsh
Ms L Harbour	Mrs F Wynn
Ms J Harvey	

*(Note: The Agenda and Reports are circulated to all other
Members of the Council for information only.)*

A G E N D A

APOLOGIES

1. DECLARATIONS OF INTEREST

2. MINUTES

To receive as a correct record the minutes of the meeting of the Committee held on 11th November 2021.

(Pages 1 - 4)

3. APPLICATIONS FOR PLANNING PERMISSION

To consider the reports of the Executive Director (Regeneration and Economic Development) in respect of the following applications for planning permission.

(Please note that:-

- (i) Background Papers to the planning applications referred to in this agenda comprise the following: -
 - 1. The planning application as submitted or subsequently revised including all forms and plans, etc.
 - 2. The application case sheet, inspection report, photographs, etc.
 - 3. An Ordnance Survey sheet extract showing the application site and the surrounding area.
 - 4. Standard planning conditions as adopted by the Council.
 - 5. Relevant policies from the Unitary Development Plan as appropriate.
 - 6. Copies of all statutory and non-statutory consultations and related correspondence except where they are strictly confidential.
 - 7. The relevant planning history of the application site.

Specific documents, which have been used as a background paper for a particular planning application, and which are not included in the above, are detailed as appropriate at the end of the individual report concerned. Please contact the planning services team (0151 443 2381 or via email at Dcsubmissions@knowsley.gov.uk) to arrange inspection of these files and documents; and

- (ii) Details of the contact officer is contained in the individual report and additional information/some background papers can be found on the [Public Access](#) site via the link shown beneath each planning application below).

- (a) **21/00563/FUL - CONSTRUCTION OF A NEW RAILWAY STATION INCLUDING STATION BUILDING (AND ASSOCIATED PLATFORM WORKS), CAR PARK, BUS STOPS, CYCLE PARKING, SUB STATION COMPOUND AND ASSOCIATED LINE SIDE WORKS INCLUDING THE SECTION OF RAIL LINE BETWEEN KIRKBY STATION AND HEADBOLT LANE UPGRADED TO BE TWIN TRACK, BRIDGE WORKS (TO BRIDGES OVER COUNTY ROAD AND SIMONSWOOD BROOK) NEW SIGNALLING, ERECTION OF FENCING TO PLATFORMS AND CAR PARKS, REMOVAL OF REDUNDANT PLATFORM AT KIRKBY STATION, PEDESTRIAN AND ROAD BRIDGE OVER KIRKBY BROOK, RE-GRADING WORKS AND NEW ROAD JUNCTION AT HEADBOLT LANE/ FALLOWFIELD - LAND BOUNDED BY HEADBOLT LANE AND AMENITY OPEN SPACE INCLUDING THE EXISTING RAIL LINE RUNNING BETWEEN KIRKBY (ADJACENT LINGTREE ROAD) AND HEADBOLT LANE (ADJACENT LIMETREE ROAD) AND ASSOCIATED LAND TO THE NORTH AND SOUTH OF THE RAIL LINE**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 21/00563/FUL in the search box.

(Pages 5 - 44)

- (b) **21/00656/FUL - EXTENSION TO EXISTING OUTDOOR SEATING AREA, FIXED SEATING AND LAYING OF NEW SURFACE; ERECTION OF EXTERNAL BAR, PERGOLAS AND COVERED WALKWAY; NEW FENCING TO OUTDOOR SEATING AREA AND SERVICE YARD; ERECTION OF 3.45M HIGH TIMBER POSTS TO ACCOMMODATE EXTERNAL LIGHTING; AND LAYING OF NEW SURFACE TO OVERSPILL CAR PARK PLUS ERECTION OF 1NO. ASSOCIATED FLOODLIGHT - EAGLE AND CHILD PH, CHURCH ROAD, HALEWOOD L26 6LB.**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 21/00656/FUL in the search box.

(Pages 45 - 62)

4. DELEGATED PLANNING DECISIONS

To consider the report of the Head of Planning.

(Pages 63 - 70)

5. TOWN AND COUNTRY PLANNING ACT 1990 - APPEAL DECISIONS

The Head of Planning to report on the following appeal decisions taken by the Planning Inspectorate :-

(a) **43 SUNDALE AVENUE, PRESCOT L35 7JZ**

(Pages 71 - 74)

(b) **35 DERBY ROAD, HUYTON L36 9UQ**

(Pages 75 - 78)

6. ANY OTHER ITEM(S) WHICH THE CHAIRPERSON DEEMS TO BE OF AN URGENT NATURE

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PLANNING COMMITTEE

At a meeting of the Planning Committee held in the Council Chamber, Municipal Buildings, Huyton on Thursday, 11th November, 2021 the following Members were

P r e s e n t:

Councillors

D Lonergan MRICS
Chairperson of the Committee
(in the Chair)

Ms J E Aston, D J Baum, H Bell, T Brennan, R Gaffney, Ms L Harbour, Ms J Harvey, Mrs M A Harvey, K W McGlashan, Mrs K Moorhead, G J Morgan, K Taylor, K F Walsh and Mrs F Wynn.

APOLOGIES

Apologies for absence were received on behalf of Councillors Ms C Bannon, Ms G Flatley, A J Flute, Ms J Lilly and Mrs S Powell.

18. CHAIRPERSON'S WELCOME

The Chairperson reported that since the last meeting of the Committee there had been a change in its membership with Councillor Kai Taylor replacing Councillor Cath Golding. In this respect, he welcomed Councillor Taylor to the meeting.

19. DECLARATIONS OF INTEREST

The representative of the Assistant Executive Director (Governance and Assets) reported that the following declarations of interest had been submitted by Members:-

Disclosable Pecuniary Interest

Councillor	Item No.	Nature of Interest
D J Baum	3(b) 20/00204/FUL	Wife is employed by the applicant – Beesley and Fildes Ltd

Personal Interest

Councillor	Item No.	Nature of Interest
K W McGlashan	3(a) 20/00115/FUL	Council appointed representative on North Huyton Communities Futures and Revive Partnership Board

20. MINUTES

The minutes of the meeting of the Committee held on 14th October 2021 were received as a correct record and signed by the Chairperson.

21. APPLICATIONS FOR PLANNING PERMISSION

(a) 20/00115/FUL - Residential development comprising of the erection of 178 no. dwellings together with associated infrastructure works - Land Adjacent to Hillside Avenue, Huyton, Knowsley

The Committee considered:-

- (1) the report of the Executive Director (Regeneration and Economic Development) on the above application for planning permission; and
- (2) the verbal representations of the applicant's representative in support the application that were made during the 3 minute period allocated as part of the decision making process.

RESOLVED – That the Committee be minded to grant planning permission and the Head of Planning be authorised to grant planning permission subject to:-

- (i) the conditions set out in the schedule contained in the report, or such conditions that the Head of Planning in conjunction with the Chairperson of the Planning Committee, consider appropriate; and
- (ii) the applicant entering into a Section 106 legal agreement to secure the following:-
 - Off site public open space contributions;
 - Social Value Strategy, Implementation and Monitoring Fee;
 - Off site tree/woodland mitigation; and
 - Off site mitigation for loss of semi-natural grassland.

(Note: In accordance with the provisions of Section 28(2) of the Localism Act 2011, and the Council's Code of Conduct for Elected and Co-opted Members, Councillor K McGlashan declared a Personal Interest in the above application 20/00115/FUL but remained in the meeting and voted thereon).

(b) 20/00204/FUL - Erection of a Garden Centre together with the construction of vehicular access to Manchester Road and Sinclair Way, car parking and associated works - vacant land west of Manchester Road adjacent to Prescot Business Park, Prescot, Knowsley

The Committee considered:-

- (1) the report of the Executive Director (Regeneration and Economic Development) on the above application for planning permission; and
- (2) an Additional information Report which:-
 - (a) set out amended wording to paragraphs 9.23 of the above report; and
 - (b) proposed an additional condition that would require details of the site access gate to the rear servicing area and overspill car park to be submitted and approved prior to installation.

RESOLVED – That the Committee be minded to grant planning permission and the Head of Planning be authorised to grant planning permission subject to:-

- (i) the conditions set out in the schedule contained in the report subject to the addition of the following condition no. 33:-

33.	Details of the site access gate to the rear servicing and overspill car park to be submitted and approved.	Prior to installation
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and such conditions that the Head of Planning in conjunction with the Chairperson of the Planning Committee, consider appropriate; and

- (ii) the applicant entering into a Section 106 legal agreement to secure £3000 to monitor the implementation of a Social Value Strategy.

(Note: In accordance with the provisions of Section 28(2) of the Localism Act 2011, and the Council's Code of Conduct for Elected and Co-opted Members Councillor D J Baum declared a Disclosable Pecuniary Interest in the above application 20/00204/FUL and left the meeting during its consideration).

22. DELEGATED PLANNING DECISIONS

The Committee considered the report of the Head of Planning that set out those applications for planning permission that had been determined under delegated powers since the last meeting of the Committee.

RESOLVED – That the report be noted.

Minutes 18 to 22 received as a correct record the 9th day of December 2021

Chairperson of the Committee

(The meeting closed at 6.46 pm)

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APPLICATION NO: 21/00563/FUL

APPLICANT: Network Rail

WARD AFFECTED: Shevington

DEVELOPMENT:

CONSTRUCTION OF A NEW RAILWAY STATION INCLUDING STATION BUILDING (AND ASSOCIATED PLATFORM WORKS), CAR PARK, BUS STOPS, CYCLE PARKING, SUB STATION COMPOUND AND ASSOCIATED LINE SIDE WORKS INCLUDING THE SECTION OF RAIL LINE BETWEEN KIRKBY STATION AND HEADBOLT LANE UPGRADED TO TWIN TRACK, BRIDGE WORKS (TO BRIDGES OVER COUNTY ROAD AND SIMONSWOOD BROOK) NEW SIGNALLING, ERECTION OF FENCING TO PLATFORMS AND CAR PARK , REMOVAL OF REDUNDANT PLATFORM AT KIRKBY STATION, PEDESTRIAN AND ROAD BRIDGE OVER KIRKBY BROOK, RE-GRADING WORKS AND NEW ROAD JUNCTION AT HEADBOLT LANE/ FALLOWFIELD.

LOCATION OF SITE:

Land bounded by Headbolt Lane and amenity open space including the existing rail line running between Kirkby (adjacent Lingtree Road) and Headbolt Lane (adjacent Limetree Road) and associated land to the north and south of the rail line.

DEVELOPMENT PLAN ALLOCATION:

Part – Land reserved for new railway station and Part – Urban Greenspace and Educational land.

REPRESENTATIONS:

13 representations have been received (6 in support and making comments, 7 objecting).

RECOMMENDATION:

It is recommended that Members delegate authority to the Head of Planning to grant planning permission, subject to:

- (i) the conditions set out in the attached schedule, and;
- (ii) the applicant entering into a Section 106 legal agreement to secure planning obligations for a social value strategy and associated contributions and an off-site contribution for mitigation tree planting.

CASE OFFICER:

Mark Quinn (0151)-443 2223

SUMMARY:

The application relates to land to the south of Headbolt Lane, Kirkby and the existing rail line running between Kirkby (adjacent to Lingtree Road) and Headbolt Lane (adjacent to Limetree Road).

The application proposes:

- a new station building;
- a 270-space main car park to serve the new station, with 30 additional staff parking and disabled parking bays adjacent to the station building, platform works at Kirkby and Headbolt Lane
- bus stops and cycle parking;
- a sub-station compound and associated line side works, including the installation of an additional track between Kirkby Station and Headbolt Lane;
- bridge works (to bridges over County Road and Simonswood Brook);
- new signalling, bus stops and cycle parking;
- the erection of 1.5m high fencing around the proposed car park and adjacent to the platform
- the erection of crib retaining walls up to 4m high, located to the north and south of Kirkby Brook adjacent to the main site access road;
- platform works at Kirkby station and Headbolt Lane;
- the removal of a redundant platform at Kirkby Station;
- the construction of a pedestrian and a road bridge over Kirkby Brook;
- re-grading works to the south of Headbolt Lane and the west of the site access where the site compound and main car park are proposed and to the south of Kirkby Brook where the staff/disabled car park is proposed, and;
- the creation of a new road junction, which will function as the site access at Headbolt Lane/ Fallowfield).

The application is accompanied by a detailed “Environmental Impact Assessment” (EIA).

The relevant key issues are:

- The principle of development including whether the loss of Urban Greenspace is acceptable
- Benefits of the Development
- Noise Impacts and Mitigation measures
- Design and Layout
- Highway Safety
- Landscaping and Trees
- Landscape and Visual impacts
- Ecology
- Flood Risk/Drainage
- Cumulative Impacts and
- Planning Balance

1. SITE AND SURROUNDINGS

- 1.1 The application site covers an area of approximately 10.5 hectares and includes two linked but distinct areas. The first area comprises land to the east of the A506 County Road, which is bounded by Headbolt Lane to the north, the second area comprises the operational railway to the west of County Road up to Kirkby Station.
- 1.2 The area to the east of County Road is undulating amenity grassland with various trees incorporating surfaced footpaths. It is split into two by Kirkby Brook which runs east to west across the site and an existing railway line which is used by “Northern” services runs along the southern edge of the site. At its highest point there is a 7m level difference between Headbolt Lane and Kirkby Brook. The land then rises from the brook by approximately 7m up to the rail line.
- 1.3 There are residential properties to the north, on the opposite side of Headbolt Lane and south of the site – on the opposite side of the railway line, approximately 40m distant from it.
- 1.4 The site, to the west of County Road, follows the operational railway line and includes Kirkby Station. It comprises approximately 1.3km of track and associated land, including trees and shrubs. On the approach to Kirkby Station, from the west, the existing rail alignment is in a cutting, transitioning to an embankment to the east of Kirkby Station.
- 1.5 Residential properties and areas of open space lie to the north and south of the railway line in this area, with the rear gardens of residential properties directly adjoining the rail line boundary for much of its length.

2. PROPOSAL

- 2.1 The application principally proposes the creation of a new railway station on land to the east of County Road/south of Headbolt Lane. The proposed station would act as a terminus for Merseyrail and Northern trains, effectively replicating the existing arrangement at Kirkby Station, which would become a Merseyrail station with no Northern service.
- 2.2 The new station would lie to the south of Kirkby Brook and would have 4 platforms, 2 for Merseyrail services and 2 for ‘Northern’ services. To accommodate Merseyrail services an additional track is planned. A new single storey station building, which would include a ticket office, booking hall and toilets is proposed to the north of the railway along with cycle storage and a large substation.

- 2.3 A 30 space car park, which includes ‘drop off spaces’ along with 2 bus stops and a bus turn around area is proposed next to the station building. A road bridge is proposed over Kirkby Brook, which would lead to a 270-space car park that would be enclosed by a 1.5m high paladin fence and the junction of Headbolt Lane and Fallowfield would be upgraded to provide an access into the site.
- 2.4 Because of the existing level differences across the site, cut and fill earthworks are proposed to accommodate the development. This includes an area of land to the west of the proposed 270 space car park, which would be used as a construction compound during site works – the levels in this area would be re-instated following completion of the development.
- 2.5 Along the railway corridor the works principally comprise of:
- upgrading the railway line to a twin track between Kirkby Station and the proposed Merseyrail terminus at the new station, and;
 - the removal of a platform used by Northern services at Kirkby Station.
- 2.6 As part of the rail corridor works, it is also necessary to upgrade two bridges:
- “Underbridge 55” - crossing County Road, and;
 - “Underbridge 56” - crossing Simonswood Brook and a public footpath.
- 2.7 The proposed modifications to Underbridge 55 are to remove the existing bridge pier (supporting structure) and foundations and replace with a portal frame pier and new steel decks across County Road. The works to Underbridge 56 propose that a concrete trough is installed to house the new track alignment and to strengthen the bridge. This will require extending the bridge by 1m on either side, due to the concrete trough, and the addition of steel walkways for safety and maintenance.

3. RELEVANT SITE HISTORY

None

4. EQUALITIES ACT 2010

- 4.1 In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010.

5. REPRESENTATIONS

5.1 Letters were sent to over 550 households close to the site to publicise the planning application. Public notices were also displayed close to the site and a notice was placed in the local press. Letters were again sent to 584 households and a further advertisement was placed in the local press upon receipt of further information from Network Rail. As a result, 13 representations have been received. (6 in support and making a comment and 7 raising objections). The representations can be summarised as follows:

5.2 Support/ Comments

- Support the proposal for a new station but have some reservations regarding its Environmental Impacts such as increase in traffic during construction with increases in noise and air pollution, impact of physical and mental well-being of residents.
- Would suggest traffic calming along Headbolt Lane and informing companies in William Brothers Industrial Park of weight limit on Headbolt Lane.
- Proposal blends into the area well, promotes connectivity to wider Liverpool city area and encourages public transport use and would comply with the Council's policy on sustainable transport.
- Support, but would suggest removing the existing pedestrian bridge across the railway linking Woodhouse Road and Headbolt Lane and replace with a new bridge near to the railway station which could be monitored by CCTV and closed between the last train and first train.
- Hope this gets built and is not blocked. This is urgently needed. Kirkby is on the up.

5.3 Objections.

- This station would rule out a full integration of Rainford, Skelmersdale & Wigan into Merseyrail. It would preclude the establishment of direct services from Liverpool to Manchester via Wigan and Salford, a service that would provide north Liverpool with a better connection to Manchester than Northern Power Rail ever could.
- Visibility is poor from the two entrances on Chatham Terrace, concern this will be made worse by increased traffic. Suggest traffic calming adjacent to Chatham Terrace and Eastcroft Primary School. A speed camera would also be beneficial.
- This submission will cause a lot of noise pollution & disturbance, increased rail traffic, loss of privacy, safety issues and effect the future selling of homes on Rowan Drive. The number of trains using this section of line alongside Rowan Grove, frequency of trains and hours of operation would increase considerably causing inconvenience and a huge noise disruption to the community. Do not consider there is need for another station in Kirkby.

- Waste of taxpayers' money, should be spent elsewhere such as the library, football pitches etc.
- It is an ambition of the City Region and general wider aim for the line to continue to be a through service to Skelmersdale and maybe Wigan. The proposal here is not future proof and any future extensions to the train line would require large changes including closing the railway again and essentially a full station rebuild.
- The internal road layout doesn't need to have so many pedestrian crossings (there is no need for at least 2 of the zebra crossings).
- The turning loop for drop off and buses should be smaller.
- There isn't a need for the traffic signals unless you intend on all 300 cars parking on site want to leave at once. Headbolt Lane isn't that busy so the lights will just be there for the sake of it and hold up cars from one direction or another causing needless pollution.
- Opposed to the withdrawal of Northern services from Kirkby station, a single platform being used at Kirkby for trains travelling in both directions, the retention of the single line arrangement between Fazakerley Junction and Kirkby, a scheme which seems deliberately designed to stifle the long-term development of this route through a failure to tackle the main underlying constraint upon it (i.e., the single line).
- Objecting to a scheme incompatible with the medium-term goal of introducing through Liverpool - Skelmersdale trains and to a scheme which seems deliberately designed to make further expansion of this corridor more difficult and costly by installing more obstacles e.g. the 'at grade' cross-station walkway and the proposed Platform 3 at Headbolt Lane, both of which will prevent even experimental through running and complicate the task of opening this line up to direct Liverpool - Wigan/Skelmersdale services. This scheme should be scrapped forthwith and replaced with a single cohesive plan to develop the entire corridor through to Wigan Wallgate and Skelmersdale with full electrification and track doubling throughout.
- What contingency plans are in place if people park on Limetree Road and St Kevin's Drive and walk to the station given their proximity to the station.
- Too big for the local community, would lead to loss of wildlife, greater flooding risk, loss of greenspace would be detrimental to the health of residents and increased congestion.
- Kirkby does not need 2 railways stations so close together, should invest elsewhere.

5.4 Members may wish to note that in response to the comments about the extension of the Merseyrail network to Skelmersdale and or Wigan the applicant has said the following:

“We note your comments and concerns regarding the project but want to re-assure you that on behalf of the Network Rail and the Liverpool City Region that we see this project as the first stage in developing a service that would serve a new station at Skelmersdale.

We are pleased to confirm that the Liverpool City Region in addition to purchasing an additional train to support the Merseyrail service to our proposed new station at Headbolt Lane, has also now placed an order to modify 7 of the new Class 777 trains to include battery powered technology.

These trains will therefore have the capability of travelling all the way to Skelmersdale and Wigan without the need for electrification of the line. This will significantly reduce the costs of further development of the line.

However, we will still need to separate the Merseyrail and Northern Trains services as the signalling systems on the two lines are not compatible, hence the need for the Northern Trains to interchange with the Merseyrail services at our new Headbolt Lane station. This means we have had to introduce a walkway between the Merseyrail platforms. This walkway is capable of being de-constructed at a later date, to allow a twin track extension towards Skelmersdale and Wigan.

In respect of the section of single line track between Fazakerley and Kirkby we do not have the funding to double track this section and in particular the costs to replace the existing single track bridge over the M57. The scheme does however provide double track between Kirkby and the new station at Headbolt Lane in order to facilitate the 15 minute Merseyrail service.

In respect to the further development of services to Skelmersdale we are working with other industry stakeholder including Lancashire County Council and West Lancashire Borough Council and the Liverpool City region has contributed financially to this work. The extension to Skelmersdale would also include the requirement to double track the line between Fazakerley and Kirkby.

An Outline Business Case for the Skelmersdale has been developed and submitted to the Department for Transport (DfT), which includes a letter of support from the Metro Mayor and we are hopeful that the DfT will allocate funding to this project.”

This is for information only and not material to the planning decision.

6. CONSULTATIONS

Environmental Health & Consumer Protection (Knowsley Council) – No objections in principle. The impact on air quality will be negligible and a condition is recommended to ensure that contaminated land is dealt with in an appropriate manner. Significant concerns raised in respect of noise from some construction works, in particular during outside of normal working hours i.e., evening, weekends and night-time.

Noise from the operational phase of the development is acceptable, however, there are significant concerns with regards to the construction phase of the development and the potential for the works involved, particularly at night, to have a negative impact on some residents.

Environmental Health and Planning have met with the applicant and contractors several times to try and understand the nature of the night-time works and the reasons they can't be carried out of a daytime. Through negotiations we have arranged for as much work as possible to be carried out during the daytime but, there will still be a significant amount of work carried out of a night-time that will cause disturbance, even with noise mitigation measure in place. Therefore, by granting permission for this development it will lead to some residents being affected by construction noise during the construction phase.

Conditions requiring both a daytime and a nighttime construction management plan are recommended.

Local Highway Authority (Knowsley Council) – No objections subject to conditions requiring further details of the highway infrastructure and tracking drawings.

Arboriculture Officer (Knowsley Council) – No objections subject to a commuted sum to be used for off- site mitigation tree planting and prior to commencement of works on each phase of works an arboricultural method statement and impact assessment shall be submitted.

Conservation Officer (Knowsley Council) – Concerns raised over proposed alterations to Bridge 56 over Simonswood Brook.

Environmental Sustainability Service (Knowsley Council) – No objections to the loss of greenspace. Additional landscaping (including rain gardens) should be incorporated into the car park and the tree species should be revised to incorporate a greater variety.

Lead Local Flood Authority (Knowsley Council) – No objections subject to the submission of a detailed surface water drainage scheme.

Natural England – No comments

Fusion 21 – Social Value Strategy would be required and commuted sum for monitoring/implementation.

Environment Agency – No objections subject to a detailed site investigation.

Merseyside Environmental Advisory Service – The Environmental Impact Assessment is acceptable. No objections subject to planning conditions covering a detailed Construction Environmental Management Plan (CEMP), biodiversity/habitat creation/protection an updated Landscape Environmental Management Plan, an historic building investigation, and a programme of archaeological work.

7. POLICY CONTEXT

7.1 Paragraph 11 and 12 of the National Planning Policy Framework (NPPF 2021), an extract from which is set out below, states that:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

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 usually 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.”

7.2 In this regard, the Knowsley Local Plan: Core Strategy was adopted in January 2016, although certain saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of paragraph 219 of the latest NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.

- 7.3 Parts of the site are allocated as 'Land Reserved for New Railway Station', 'Park and Ride', 'Urban Greenspace and Educational Land' and 'Railway' on the Local Plan Policies Map. The relevant adopted policies for the assessment of the application are listed below.

Knowsley Replacement Unitary Development Plan (Saved Policies, 2009)

DQ2 – Security in the Built Environment

DQ4 – Trees and Development

ENV2 - Noise and Vibration

ENV3 – Light Pollution

ENV5 – Contaminated Land

T7 – New development & walking/cycling routes

T8 – Transport Assessments

T9 – Travel Plans

Knowsley Local Plan Core Strategy (2016)

CS2 - Development Principles

CS7 – Transport Networks

CS8 – Maintenance and Enhancement of Knowsley's Green Infrastructure

CS12 – Principal Regeneration Area – Tower Hill

CS19 - Design Quality and Accessibility in New Development

CS20 – Managing the Borough's Historic Environment

CS21 – Greenspaces and Trees

CS24 – Managing Flood Risk

CS27 – Planning and Paying for New Infrastructure

8. ISSUES AND ASSESSMENT

Principle of Development

- 8.1 Policy CS7 (Transport Networks) in the Core Strategy states that planning powers will be used to support a sustainable and integrated transport system that will support the economy by facilitating efficient movement of people and goods within the borough and linking to Liverpool City Centre (and other destinations in the surrounding area).

- 8.2 Policy CS7 goes on to state that the Council will work with national, regional and sub-regional partners to deliver schemes which support Local Transport Plan priorities including improvements to the rail network; including enhancements to stations and passenger interchange facilities and the provision of park and ride facilities.
- 8.3 Policy CS12 (Principal Regeneration Area – Tower Hill) in the Core Strategy identifies that the comprehensive redevelopment of the Principal Regeneration Area will include the flexibility to integrate and safeguard the potential delivery of a new transport interchange, including a new rail station and park and ride to the south of Headbolt Lane.
- 8.4 The justification for the Policy explains that land to the south of Headbolt Lane has been previously allocated as a proposed rail station and park and ride facility, and that a new station in this area would significantly enhance the public transport accessibility of Tower Hill and the northern section of Knowsley Business Park.
- 8.5 Part of the application site - to the south of Kirkby Brook - is identified as land reserved for a new rail station and park and ride in the Local Plan and therefore, the part of the development within this area is acceptable and accords with Policies CS7 and CS12 and the Proposals Map given that it is consistent with the allocation.
- 8.6 The safeguarded land is green space and the land to the north of Kirkby Brook is allocated as Urban Greenspace and Educational Land. In this regard, given that Urban Greenspace would be lost Local Plan Policy CS21 is applicable.
- 8.7 Policy CS21 (Greenspaces and Trees) states that new development which would result in the loss of urban greenspace, will not be permitted unless at least one of the following criteria are met:
- A surplus of provision for all types of greenspace would be maintained relative to local standards;
 - The land is considered unsuitable in terms of size, location or character to prevent or address individual deficiencies of different types of greenspace relative to local standards;
 - Appropriate mitigation is provided through replacement facilities of at least an equal quantity, quality and accessibility;
- 8.8 Even if the above test is satisfied, the Policy goes on to state that unless the benefits of a proposal clearly outweigh the loss of urban greenspace, development will be resisted where it would significantly harm any existing or potential special qualities of greenspace in the area in terms of:
- Visual amenity;
 - Residential amenity;
 - Biodiversity and environmental benefits;
 - Historical, cultural or community value;
 - Recreational benefits; or

- Physical and/or visual linkages between adjoining urban greenspaces.”

- 8.9 Overall, the Substantial Residential Area (SRA) which includes the application site has a 27.49 hectare surplus of green space. The site is currently used as an amenity green space and in the wider SRA there is 30.64 hectares of surplus amenity green space. Therefore, if planning permission is granted there would continue to be a surplus of green space and amenity green space in the SRA.
- 8.10 There are shortfalls in all other green space typologies such as parks and gardens, allotments and provision for children and young people within this SRA. However, because of its size and topography this site would not currently be suitable to be used in a way that would make up these deficiencies. Furthermore, even if the open space were lost there would still be more suitable open space in the SRA to be used as a park, allotments or for children’s play.
- 8.11 It is considered that the proposed development complies with the first part of Policy CS21.
- 8.12 In respect of the second part of CS21, the site does not have any special qualities for residential amenity, historic or cultural value, recreational use and there are no special linkages between green spaces. This report will consider the effects of the development on the visual amenity of the open space and whether it has any biodiversity value and if any harm is caused the benefits of the scheme will be weighed against this harm to establish whether the development accords with Policy CS21.

Benefits of the Development

- 8.13 The applicant states that the proposed development would deliver the following significant benefits:
- deliver a new station with multi-modal interchange facilities providing good quality access by bus, park & ride, cycling and walking;
 - enable the Merseyrail network to be extended from Kirkby to Headbolt Lane, with four Merseyrail trains per hour connecting Headbolt Lane to Liverpool Central;
 - significantly improve much needed sustainable travel within the area, including by allowing pedestrians and cyclists to access the station from both Tower Hill, Melling Mount and Northwood estates. The proposed station at Headbolt Lane is included in the Liverpool City Region’s Long Term Rail Strategy and benefits from £66m of investment from the Transforming Cities Fund;
 - include trains that operate on a dual power system using live DC current up to Kirkby Station and batteries between Kirkby and Headbolt Lane. This is the first use of this technology in the country, and it would enable Merseyrail to provide a continuous electric powered service to the new station, which will be

- significantly quieter than the current diesel powered Northern service to Kirkby. The reduction in diesel use will also have a positive impact on local air quality.
- offer significant improvement to access existing jobs, training and employment opportunities through the provision of a direct rail link into Liverpool city centre for people living in the areas of Tower Hill and Northwood – reducing travel time to just over 20 minutes from the new station to Liverpool Central, which would be a significant journey time saving over the private car as well as the current public transport options. In addition, the station and extension of the Merseyrail network offers improved connectivity to areas across the City Region.
 - be of particular benefit to local residents, given that the new station would be located in an area that has low car ownership and that commuting by taxi is more than 5 times the national average which is a financial burden on residents.
- 8.14 Although not covered in the submission, the proposed development also represents a significant economic investment into the Tower Hill area and would support jobs during the construction phase of the development.
- 8.15 There are many benefits associated with the provision of a new station in this location and these should be given significant weight in favour of the proposed development. It is considered that a new station would accord with Policies CS7 and CS12 and would assist in the delivery of the City Region's Long Term Rail Plan and the Local Transport Plan.

Environmental Impact Assessment

- 8.16 The application is supported by an Environmental Statement. The submitted Environmental Statement (ES) presents the findings of an EIA undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended.
- 8.17 The above mentioned Regulations set out the general requirements for the content of ES's. These comprise information on:
- the nature of the development;
 - consideration of alternatives;
 - relevant aspects of the environment;
 - likely environmental impacts arising;
 - proposed mitigation measures, and;
 - an indication of any difficulties in compiling the information needed.
- 8.18 Having reviewed the submitted ES with the Council's technical advisors, the ES meets these requirements and can be used as a basis for determination of the planning application. The effects of the development as reported in the ES are assessed below.

Noise and Vibration

- 8.19 Paragraph 185 in the NPPF states that planning decisions should ensure that new development is appropriate for its location, considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”

- 8.20 Policy CS19 (Design Quality and Accessibility in New Development) in the Core Strategy states that to maintain a good standard of amenity for all existing and future occupants of land and buildings, development proposals will be required to avoid unacceptable impacts on residents and business occupiers.
- 8.21 Saved Policy ENV2 (Noise and Vibration) in the Replacement UDP states that development that will either cause an unacceptable increase in noise or vibration levels will not be permitted. It goes on to state that where developments are permitted, conditions may be attached to ensure that effective noise insulation or other required mitigation measures are carried out.
- 8.22 The noise chapter of the ES assesses the impacts of the proposed station and the associated works along the Kirkby to Headbolt Lane railway line, during both the construction phase and the operational stage when the station would be in use.
- 8.23 The ES identifies that the operational noise would not have a significant effect on the amenity of nearby residents, and subject to a condition being imposed (should permission be granted) requiring fixed plant noise (including the public address system) to be controlled, Environmental Health agree that there would not be an unacceptable impact on amenity. Therefore, noise from the operation of the railway is considered to be acceptable.
- 8.24 The application identifies that the construction of the station, and the associated track works would take around 18 months. Most of the work will be undertaken during the ‘normal’ construction hours of 8am to 6pm Monday-Friday and on Saturday mornings. The ES identifies that this would not have a significant adverse effect on amenity and Environmental Health agree with this conclusion and, therefore, the impact of construction noise during ‘normal’ construction hours is considered acceptable.
- 8.25 However, the application also identifies that there will be a need for construction work to take place outside of these hours – including through the night/during the early morning. The ES identifies that even with mitigation, some construction noise outside of ‘normal’ construction noise would have a significant adverse effect

on the amenity of some local residents and this could lead to Environmental Health receiving complaints.

- 8.26 Environmental Health have reviewed the ES and they agree that the noise generated from some works outside of the 'normal' construction hours would be at a "Significant observed adverse effect level" (SOAEL), which is the level above which significant adverse effects on health and quality of life occur.
- 8.27 The ES includes an indicative work plan which sets out that the night-time work is likely to take place including:
- One month of work weeknights and weekends next to the bridge over County Road;
 - Three months of Sunday working to install piles and regrade the railway slopes. Some night-time working is also proposed away from residential properties;
 - Three and a half months of midweek nights and weekend working to install platforms for the new station;
 - 24 instances of weekend working along the track to install a rail line, and;
 - Four months of installing cabling along the line during weeknights/weekends.

Not all these works would have a significant adverse effect on the amenity of residents, but some have the potential to do so.

- 8.28 Given that some weekend, evening and night-time construction works are likely to have a significant adverse effect on the amenity of residents close to where the works are taking place, the applicant was asked whether the works could instead be carried out during 'normal' construction hours. Furthermore, whether a replacement bus service could operate to enable the railway line to be closed to facilitate these works.
- 8.29 The applicant has ruled out a longer closure of the railway line to enable all construction works to be completed during 'normal' construction hours because:
- Merseyrail provide 15-minute services from Kirkby connecting 3 million passengers per year to Liverpool Central. To maintain this intensive service, the only opportunity for working on this section of line is Saturday night/Sunday morning. There is no potential for daytime working on or near the line. There is very little overnight time to allow works to be carried out at midweek nights. Trains must clear the line at the end of service at 00:09 hrs and return to the Kirkdale depot. A similar allowance is required for the journey from Kirkdale depot to start the first service at 6am. It is only once all

train movements have been completed and the line is clear can a possession of the line be taken followed by the electrical safety isolation procedures to switch off the 3rd rail. Typically, allowing for any delays to train services, it is expected that to take a possession of the line and necessary isolation can add 1 hour to the start and finish of works, allowing only 4 hours of actual working time on site (approximately 1am to 5am).

- The closure of the line would result in compensation having to be paid to train companies and the cost of providing road transport, adding to the scheme costs, and causing disruption to many passengers.
- This section of the railway line is also used by Knowsley Freight Terminal which manages the 430,000 tonnes of municipal waste from Merseyside that is transported by rail to Middlesbrough. Should the railway line be closed compensation would be payable to the operator, and a fleet of HGV lorries would need to be sourced to transport the waste instead. This would have an environmental impact and it may be difficult to find enough drivers.
- Only one train can operate at a time – therefore, if during construction, an engineering train is on the line, neither Northern nor freight trains can operate.
- The strategy is to maximise daytime construction activities to reduce impacts for residents with a minimum number of closures of the line – reduced works at night-time / weekends to minimise resident and business impacts, whilst achieving delivery programme to meet tight funding deadline.

8.30 The justification provided by the applicant is considered to be reasonable and, therefore, in order to deliver the station, it is likely that weekend, evening and night-time working would be required. Nevertheless, even though the justification for night-time working is considered reasonable, the potential for significant harm to residents (from noise during the construction phase) must weigh against the proposed development.

8.31 Notwithstanding the above, Network Rail's proposals for working outside of 'normal' hours have reduced since the application was first submitted and officers will continue to work with Network Rail to minimise the amount of night-time working.

8.32 To this end, if planning permission is granted a condition to secure an "out of hours" construction management plan, which will require the applicant to provide the Council with a schedule of works that will be undertaken outside of "normal" construction hours and mitigation measures such as the use of hand tools, acoustic fencing etc., is recommended. The intent of the condition is to minimise the noise impacts of the construction phase. However, even with these measures in place significant harm is still likely to be caused to

some residents during different phases of the construction work which is likely to lead to the Environmental Health team receiving complaints about the noise from night time working.

Traffic and Transport

- 8.33 Paragraph 110 in the NPPF states that in assessing applications for development, it should be ensured that:
- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - Safe and suitable access to the site can be achieved for all users, and;
 - Any significant impact from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree.
- 8.34 Paragraph 111 in the NPPF states 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 would be 'severe'.
- 8.35 Policy CS7 (Transport Networks) in the Core Strategy states that new development will be required to be:
- Located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport and incorporate access for private vehicles;
 - Where subject to a planning application, accompanied by Transport Assessments and/or Travel Plans, and;
 - In compliance with adopted cycle, car, disabled and service vehicle parking standards.
- 8.36 The proposal is supported by a Transport Assessment (TA). The TA identifies that the level of car parking proposed is acceptable and that the development should not result in on-street parking needing to take place in the local area. An assessment of the accident record along Headbolt Lane also identifies that there are no existing problems that the proposed development would make worse. The Highways Team agree with these conclusions. The application proposes the remodelling of the Headbolt Lane/Fallowfield junction to create a site access and, subject to some minor changes (which can be secured by condition should planning permission be granted), the Highways team believe that with respect to parking and road safety the proposed development is acceptable.

- 8.37 The TA includes an assessment of the effects of the development on several junctions near to the site (including the proposed site access junction). Traffic modelling of the junctions shows that the proposed development would not have a severe effect on the operation of these junctions, and in accordance with paragraph 112 in the NPPF the effects on capacity are acceptable.
- 8.38 In general, the highway layout next to the station and within the larger car park is considered acceptable, but there are minor changes required to improve manoeuvrability. If planning permission is granted a condition is recommended that would secure these changes.
- 8.39 The development proposes works to the bridges over County Road and the parallel County Road spur fronting the residential properties, which may result in temporary road closures. Although this is not a planning consideration the Highways Team have advised that they will work with Network Rail to minimise the disruption to traffic on this major route.
- 8.40 The proposed layout includes provision for two bus stops adjacent to the station building to enable bus services that run along Headbolt Lane to divert into the station to facilitate bus/rail interchange. The Highways Team are in the process of undertaking a highway improvement scheme to deliver a new cycleway on the southern side of Headbolt Lane, a new controlled pedestrian crossing on Headbolt Lane east of the site access junction and the closure of the existing subway under Headbolt Lane.
- 8.41 Footpath links are proposed from:
- the east of Headbolt Lane into the site via a new footbridge;
 - a footpath link from County Road to the station, and;
 - a new link from the southern station platform to the Mulberry Park residential development and St Kevin's Drive.

The above would comply with Policy CS7, which requires a sustainable transport strategy to be supported to ensure people get to where they need by a choice of walking, cycling and public transport.

- 8.42 In conclusion, the proposed development would not have any significant environmental effects in terms of traffic and transport and as such there would not be any unacceptable impacts on highway safety or capacity, subject to further details being submitted which, as advised above, can be secured by a planning condition. Therefore, the proposal would be compliant with the NPPF, Local Plan policy CS7 and saved UDP policies T7, T8 and T9.

Design, Landscape and Visual Impact

- 8.43 In relation to “Achieving well-designed places” Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - *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;*
 - *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 8.44 Policy CS19 (Design Quality and Accessibility in New Development) states that to enhance local distinctiveness, identity and accessibility of places, new development within Knowsley will be expected to:
- *Respond to and integrate positive characteristics of immediate surroundings*
 - *Complement and enhance existing landscape, topography and green infrastructure*
 - *Create spaces and places as a focal point, accommodating social interaction and active lifestyles, including provision and integration of high-quality public realm, open spaces and landscaping which promotes biodiversity and integrates local habitats.*
- 8.45 As set out at paragraph 8.8 of this report, Policy CS21 states that development which would significantly harm any special qualities that a greenspace has (as a visual amenity) will be resisted unless the benefits of the development clearly outweigh the loss.
- 8.46 The ES includes a chapter on the landscape and visual impacts of the proposed development. It identifies that the character and the appearance of the site contributes to the wider setting of the surrounding housing and visually separates the Northwood and Tower Hill areas of Kirkby. It goes on to state that the site is valued by the local community and is of “medium” landscape value.

- 8.47 This assessment of the landscape is appropriate, and, in this context, it is considered that the site does have a value as a visual amenity. The proposed development would significantly change the landscape and visual character of the area and, therefore, in accordance with Policy CS21 development on the site should only be allowed if the benefits of the development clearly outweigh the loss.
- 8.48 Notwithstanding the works along the railway line, there are two principal parts to the application – the development of the larger car park to the north of Kirkby Brook and the station, smaller car park and bus stops to the south of Kirkby Brook.
- 8.49 The proposed station building is of a functional design, similar to a recent station development at Maghull North. An indicative landscaping scheme is included with the application, which proposes tree and shrub planting close to the building around the smaller car park. If planning permission is granted, full landscape details are proposed to be secured via a planning condition. As the station would replace an area of greenspace, the ES identifies that the development would cause harm to the visual appearance of the site and this conclusion is reasonable.
- 8.50 The development of the larger car park would significantly and adversely change the appearance of that part of the site – changing levels and replacing part of an undulating grass land area with a large area of hardstanding, parked cars and 1.5m high fencing. As mentioned, the application includes an indicative landscape scheme, which, if implemented, could help to soften the appearance of the car park, albeit to a small extent. If planning permission is granted a condition is recommended to require the submission and approval of a detailed landscaping scheme, and officers would work to secure an effective landscaping scheme. However, even if the landscaping is improved, this part of the development would continue have an adverse effect on the visual appearance of the site from Headbolt Lane.
- 8.51 These effects must weigh against the proposed development.

Historic Environment

- 8.52 The proposal would have implications for the following built heritage assets:
- The Railway Public House and Langtree cottage (Grade II Listed);
 - Underbridge 55 “County Road Bridge” (Non-Designated Heritage Asset), and;
 - Underbridge 56 “Mill Bridge” (Non-Designated Heritage Asset).

Therefore, the proposal must be considered in the context of the requirements imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant planning policies which deal with heritage matters.

8.53 Section 66(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”.

8.54 Paragraph 194 of the NPPF states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

8.55 Paragraph 195 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

8.56 In addition, paragraph 197 of the NPPF states that when determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability and the desirability of new development making a positive contribution to local character and distinctiveness.

8.57 The NPPF also states (paragraph 199) 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.

8.58 Furthermore, the NPPF states (paragraph 200) 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 grade II listed buildings, or grade II registered parks or gardens, should be exceptional.

8.59 Paragraph 202 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.

8.60 Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in

determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 8.61 Policy CS20 (Managing the Borough's Historic Environment) in the Core Strategy 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.
- 8.62 Local Plan Policy CS19 states *"To enhance the local distinctiveness, identity and accessibility of places, new development within Knowsley will be expected to:*
- *Respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment;*
 - *Complement and enhance (where possible), existing landscape, topography, Green Infrastructure; and features of local importance and historic interest;..."*
- 8.63 The grade II listed Railway Public House and Cottage are located on South Park Road, which lies to the north of Kirkby Station. The Historic Environment Assessment submitted with the application identifies that they are of architectural and historic interest, as part of the new type of railway related structures which developed in the mid-19th century, and they have group value within the loosely scattered group of buildings in Glovers Brow, South Park Road, North Park Road and Mill Lane.
- 8.64 It is identified that the setting of the building is integrally related to the railway line and to the suburban 19th century houses, designated as South Park Road Conservation Area, to the north and west. However, views towards the railway line are screened by unsympathetic modern security fencing and trees, limiting the contribution made by views towards the railway corridor. The Conservation Officer agrees this is a reasonable assessment and the building is considered to have moderate significance.
- 8.65 This application proposes a new pedestrian route between the platform on Kirkby Station and South Park Road. The railway boundary along South Park Road is currently enclosed by palisade fencing and the proposal will result in the loss of some trees and introduce a new opening in the palisade fence. Although precise details of the gate have not been proposed given the current boundary treatment, the introduction of a gate would have a neutral impact on the significance and setting of the Listed Building. If planning permission is granted a planning condition is recommended, which will

secure the precise detail of the gate this will ensure that harm is not caused to the listed building.

- 8.66 The non-designated heritage asset, Underbridge 55, is the railway bridge that runs over County Road. The bridge has stone walls, which have been re-enforced by concrete and there is a concrete plinth and metal railway bridge on top of the walls. Adjacent to this bridge is a modern railway bridge, which has concrete supports and a metal bridge that runs over the top. The bridge has little significance.
- 8.67 The proposed modifications to Underbridge 55 (County Road) are to remove the existing bridge pier (supporting structure) and foundations and replace with a portal frame pier and new steel decks across County Road. The new structure would comprise a precast concrete hollow block with smooth concrete finish a new steel deck and steel handrails on top of the bridge.
- 8.68 The bridge is much altered from the original structure with the current concrete support and the steel deck spanning the bridge. Therefore, on balance, the current proposal is not considered as having any adverse impact on this non-designated heritage asset. Provided that the new steel deck and railing are painted a suitable colour, the proposed amendments are considered to be acceptable.
- 8.69 Underbridge 56 (Boyes Brow Railway Bridge) lies to the southern end of Mill Dam Park. It is a sandstone bridge that is an attractive feature of the area and forms an entrance into a key recreational area in Kirkby. It was built between 1845 and 1848 when the railway here was first constructed. The bridge has low significance.
- 8.70 The application proposes removal of the top few courses of sandstone and their replacement with a new installation, comprising a concrete trough and steel walkways that project from the sides of the bridge
- 8.71 The loss of these features and their replacement with the concrete channel and projecting walkway would diminish the appearance of the bridge. While officers have sought to secure an alternative design, the applicant has not submitted any alternative proposal. The changes to the bridge would cause less than substantial harm to its appearance and significance. Given the low significance of this asset, this harm is minor, but nonetheless it must be weighed against the benefits of the scheme when deciding whether or not to grant planning permission.

- 8.72 An “Historic Environment Desk-Based Assessment”, submitted in support of the application, notes the scheme will result in impacts to historic railway structures, previously unrecorded archaeological remains and archaeological remains associated with Tanpit House tannery. Therefore, the Council’s archaeological advisors recommend that the applicant be required to undertake and submit for approval:
- a programme of historic building investigation (photographic survey) to mitigate the impact the non-designated heritage assets within the application site, and;
 - a programme of archaeological work across the Headbolt Lane main site.

If planning permission is granted the above investigations can be secured by a planning condition, which is recommended.

- 8.73 In conclusion, less than substantial harm would be caused to a non-designated heritage asset, which is an attractive feature, but there would not be any harm caused to the designated heritage asset the Railway Public House. The harm caused to the non-designated heritage asset must be weighed against the benefits of the scheme in the planning balance. An historic building investigation (photographic survey) together with a programme of archaeological work would be required and can be secured by planning condition (should permission be granted) to ensure that the heritage assets are adequately recorded.

Ecology Considerations.

- 8.74 Paragraph 180 in the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 8.75 Policy CS8 in the Local Plan, relating to Green Infrastructure, states that Knowsley’s green infrastructure will be protected managed or enhanced primarily to sustain and promote biodiversity, mitigate the effects of flood risk, mitigate air, water and noise pollution and provide sustainable transport linkages between neighbourhoods and easy access to employment and services. The policy goes on to state that the above will be achieved by maintaining and improving water courses and biodiversity assets, protect enhance or introduce biodiversity into areas of green infrastructure and protect and improve green paths and cycleways linking residential areas of greenspace and local community services.

- 8.76 The proposed development is close to the following designated sites and Local Plan policy CS8 applies:
- Kirkby Brook, including Mill Brook LWS (320m west of proposed station, and passes below section of track to be widened)
 - Simonswood Brook LWS (420m west);
 - Northwood Forest Hills LWS (620m east), and;
 - Kirkby Brook LWS (860m south-west)
- 8.77 The ES identifies that Kirkby Brook including Mill Brook LWS could be impacted by the proposal, primarily as a result of pollution of Kirkby Brook upstream at the proposed station. Works to widen the bridge crossing at Mill Dam could also result in pollution of the LWS sites.
- 8.78 An outline Construction Environmental Management Plan (CEMP) has been produced detailing how pollution of the watercourse would be avoided during construction works. The Council's ecological advisors have recommended that provided a full CEMP is approved and implemented, which details the necessary pollution control measures during the construction phase of the development, no harm will be caused to the LWS.
- 8.79 The station proposal includes the retention of the brook corridor, including a stand-off of the development from the watercourse in accordance with the Environment Agency's requirements. However, a number of new pedestrian and vehicle crossings are proposed, which could disrupt passage of species. Consequently, if planning permission is granted detailed information on protection of the brook corridor and bankside/buffer habitats (e.g., temporary fencing) will also be secured within the CEMP, which is recommended if planning permission is granted.
- 8.80 Bat surveys are included in the ES and they identify that subject to the implementation of "Reasonable Avoidance Measures" (RAMS) during construction works, no significant harm would be caused to bats or their habitat. The implementation of the RAMs can be secured via planning condition if planning permission is granted, and this is recommended.
- 8.81 A water vole and otter survey is included in the application and no evidence of these species were recorded. However, as records of water vole exist in the area, precautionary working methods for this species should be implemented, including pre-commencement checks for all works directly impacting the banks of the watercourse or within 5m of the top of the bank (e.g., bridge crossings and outfalls). Mammal shelves should also be incorporated into all new vehicle and pedestrian bridge crossings. If planning permission is granted such measures are proposed to be secured via a planning condition.
- 8.82 The habitats on site, particularly along the railway embankments, are suitable for badger and hedgehog which are protected/priority species, and Local Plan policy

CS8 also applies. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:

- A pre-commencement check for badger and hedgehog;
- All trenches and excavations should have a means of escape (e.g. a ramp);
- Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- Appropriate storage of materials to ensure that mammals do not use them.

These measures are proposed to be secured by a planning condition if planning permission is granted.

- 8.83 No great crested newts were identified when the applicant's ecologists surveyed the site. However, habitats within the proposed station site and along the existing railway embankments have suitability for common reptile species and common amphibians. As a precaution, the undertaking of Reasonable Avoidance Measures (RAMs) during the construction phase is recommended to be secured by a planning condition if planning permission is granted.
- 8.84 Subject to the conditions identified above, the proposed development would not cause significant harm to protected species and their habitats and, therefore, it complies with the NPPF and Policy CS8. Furthermore, the site does not have any special biodiversity qualities and there is no conflict with the second part of Policy CS21.

Flood Risk and Drainage

- 8.85 Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 8.86 Policy CS24 in the Local Plan states that :
- *New development that may cause an unacceptable risk of flooding on the site or elsewhere will not be permitted.*
 - *New development should preferably be located in areas of low probability of flooding.*
 - *New development shall include flood mitigation measures, where necessary, to manage flood risk associated with or caused by the development.*
 - *The drainage of new development shall be designed to reduce surface water run-off rates to those associated with a green-field site by treating it at its source.*

- 8.87 Environment Agency (EA) Flood Map indicates that the site is predominantly in the area of lowest flood risk. There are areas of increased flood risk within the application site, but they are largely constrained to the immediate vicinity of Kirkby Brook. Therefore, the proposed development is considered an acceptable land use on the site.
- 8.88 Surface water flood maps show that there is a very low risk of surface water flooding across most of the site, but there are areas of increased flood risk are concentrated to the areas in the immediate vicinity of Kirkby Brook.
- 8.89 To ensure the proposed development does not result in an increase in flood risk on or off the site, the following measures are proposed (and can be secured via planning condition if planning permission is granted):
- Bridges constructed over Kirkby Brook shall have abutments positioned beyond the extents of the highest modelled flood scenario. Soffit levels shall be a minimum of 600mm above the maximum modelled flood level;
 - A surface water drainage strategy has been developed based on Knowsley Metropolitan Borough Council guidance which aims to maintain discharge rates into Kirkby Brook as close as is reasonably practicable to greenfield runoff rates, and;
 - A management and maintenance plan for a sustainable drainage system shall be submitted which can be secured by planning condition.
- 8.90 Subject to these conditions the Environment Agency and Lead Local Flood Authority are satisfied that the proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.
- 8.91 The conclusion of the ES is that there would be no significant environmental effects on Flood Risk or Drainage subject to a detailed surface water drainage scheme being submitted which can be secured by planning condition. This conclusion is reasonable, and the proposed development complies with Policy CS24.

Ground Conditions

- 8.92 Paragraph 183 of the NPPF states that:

“Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from

that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

- 8.93 Saved policy ENV5 of the replacement UDP states that new development will not be permitted if there is existing contamination which could because of the proposed development place the uses at unacceptable risk. Where there is evidence that a site may be affected by contamination, proposals should be accompanied by a site investigation report and schedule of remedial measures and a verification report shall be submitted before the development is brought into use.
- 8.94 Desk-based assessments have been produced to support the ES, which cover the site and include detailed descriptions of the site and the site history. These documents have been assessed the reports conclude that neither investigation recorded significant contamination and that the site and proposed development poses a low risk to both human health and controlled waters. However, further information to support these conclusions has not been submitted so, if planning permission is granted a condition is recommended to require the submission of further contaminated land information.
- 8.95 Subject to the above recommended conditions, the proposed development would not have significant environmental effects and accords with Policy ENV5.

Air Quality and Greenhouse Gasses

- 8.96 Paragraph 186 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
- 8.97 Policy CS2 states that negative impacts upon air quality should be minimised and appropriately mitigated. Development that will have an unacceptable impact upon air quality will only be permitted where the benefits of the proposal clearly outweigh the harm
- 8.98 The Air Quality chapter in the ES has considered the effects from construction (traffic, machinery, and dust) and from operation traffic on air quality. Traffic data and forecasts from the Traffic and Transport Assessment were used as the basis

in the Air Quality Assessment. In addition, data from local air quality surveys was considered in the baseline conditions. Data was considered from five survey sites for Nitrogen Dioxide (NO₂) within 2 km of the proposed scheme.

- 8.99 All air quality impacts are predicted to be negligible and non-significant, during the operational phase therefore no mitigation is proposed. The Council's Environmental Health team do not consider the development would have a significant impact on air quality. In conclusion there would be no significant environmental effects arising from air quality and the proposed development complies with Local Plan Policy CS2.

Trees

- 8.100 Saved UDP policy DQ4 states that proposals for new development shall include appropriate planting of trees or other soft landscaping. It also states that where the Council accepts that tree loss is unavoidable the applicant will be required to make adequate provision for their replacement.
- 8.101 The application is supported by a tree survey and an arboriculture impact assessment. The impact assessment informs that all 14 individual trees which are located to the north of the railway line in the area around the proposed station building, platforms and car park would be removed. These trees are noted as being worthy of retention, with some of them being mature species, in good to fair health, that can be clearly seen in the surrounding areas.
- 8.102 The remainder of the tree removal proposed equates to approx. 1.62 Ha associated with the removal of tree groups located along the railway line. With the exception of one group of trees located to the north of the rail line to the east of County Road the groups are not being fully removed which would continue to retain a screening along the railway line. The loss of the trees can be mitigated through an appropriate planting plan through an updated Landscape Environmental Management Plan to be secured, if planning permission is granted, by a planning condition.
- 8.103 The applicant has argued that the loss of trees is unavoidable due to the nature of the scheme and this is accepted. To mitigate for the loss of trees Network Rail propose to plant approximately 190 new trees and pay a commuted sum of £28,000 for additional tree planting in the Kirkby area (this would be secured through a S106 legal agreement if planning permission is granted).
- 8.104 In conclusion, the overall impact on trees is that the tree loss can be adequately mitigated by both on and off-site tree planting and the proposal would be in compliance with saved UDP policy DQ4.

Developer Contributions

- 8.105 In accordance with Local Plan policy CS27, if planning permission is granted it is recommended that planning obligations are secured for:
- the submission of a social value strategy and £24,000 towards the associated implementation and monitoring of it, and;
 - a financial contribution of £28,000 towards off site tree mitigation planting in the Kirkby area to compensate for the tree loss on site to facilitate this development.

Cumulative Effects

- 8.106 Chapter 11 of the ES:-“Cumulative Impact Assessment”, considers the potential for cumulative effects due to the combination of two or more effects acting on one receptor, which may result in a change in the effect.
- 8.107 Combined effects may occur where a common receptor is being affected by two or more effects reported in different specialist assessments e.g., the two separate impacts may interact or combine to result in a combined effect. A review of the results of the specialist assessments has taken place to identify potential common receptors and residual effects which they are predicted to experience. This assessment indicated that whilst there is the potential for common receptors (especially between air quality, noise and vibration and ecology), there is not considered to be the potential for significant in-combination effects.
- 8.108 In addition, the ES provides an overview of the cumulative effects which may arise from the proposed scheme when considered alongside other future developments in proximity to the site. A total of eight other planning applications were considered in the cumulative assessment. The assessment found that there would be no significant adverse cumulative effects.

The Planning Balance

- 8.109 As set out in this report, the proposed development would bring significant benefits, but it also has harmful effects. Therefore, it is necessary to consider whether the benefits outweigh the harmful effects and determine whether planning permission should be granted.
- 8.110 If planning permission is granted it is likely that significant harm would be caused to the amenity of some residents during the construction of the development due to the applicant's need, on occasion, to work in the evening and through the night. This disbenefit of the development should carry significant weight against the proposed development.

- 8.111 The proposed development would also lead to the loss of an area of that is allocated as a greenspace, which has value as a visual amenity. Again, this must weigh against the proposed development. However, members should also note that the loss of this space is required to facilitate a car park to service the new railway station and deliver a park and ride, which is identified in the development plan.
- 8.112 The proposed development would have an adverse effect on the visual amenity of site, even if an improved landscaping scheme were secured via planning condition, and there would be harm caused to a visually attractive non-designated heritage asset.
- 8.113 Notwithstanding this harm, the scheme would bring about significant benefits. The development plan and Local Transport Plan both support a railway station in this location, and it would significantly increase the accessibility of this part of Kirkby, which is an area with low car ownership and a greater reliance on public transport. These are important economic and social considerations.
- 8.114 Network Rail has made a reasonable case that due to operational, economic and funding requirements there is a need for night-time working and it is unlikely that a station could be delivered in the short term without this disruption. Therefore, despite the potential for harm to be caused to the amenity of nearby residents, the benefits of the proposed development are considered to clearly outweigh the harm caused. Therefore, the proposed development is considered to comply with the development plan as a whole and is a 'sustainable development'.

9. CONCLUSION

- 9.1 This proposal relates to a strategic transport scheme which would have significant public benefits, including promoting sustainable transport, improving transport links to the Tower Hill and Northwood areas of Kirkby, improving connectivity to central Liverpool increasing opportunities for Kirkby residents and improving integration between rail and bus travel.
- 9.2 An environmental impact assessment has been submitted with this application. In summary, it concludes that there would be no significant environmental effects in respect of traffic and transport, air quality, ecology, flood risk and ground conditions. However, in respect of landscape and visual assessment and noise and vibration there would be significant environmental effects.
- 9.3 There would also be harm caused due to the loss of the greenspace as a visual amenity and to the appearance of the site and a non-designated heritage asset; but on balance, the public benefits of the development outweigh the harmful effects of the development.

10. RECOMMENDATION:

- 10.1 That Members delegate authority to the Head of Planning to grant planning permission, subject to:
- (i) the conditions set out in the attached schedule; and
 - (ii) the applicant entering into a Section 106 legal agreement to secure planning obligations for a social value strategy and associated contributions and an off-site contribution for mitigation tree planting

SCHEDULE OF CONDITIONS

	Condition	Trigger
1	Planning Permission (Timescales)	Advisory
2	List of approved plans and documents	Advisory
3	Submission and implementation of a Construction Environmental Management Plan (CEMP) – Daytime Works	Submission prior to Commencement of respective phases, implementation in accordance with an agreed programme.
4	Submission and implementation of a Construction Environmental Management Plan (CEMP) – Out of hours works	Submission prior to Commencement of respective phases involving out of hours working, implementation in accordance with an agreed programme
5	Submission & Implementation of detailed Surface Water Drainage Scheme.	Prior to Commencement of any drainage works on relevant phases
6	Submission and implementation of contaminated land risk assessment, remediation scheme, and materials management plan. Requirement to report any unexpected contamination found and a requirement to test any imported soil for contaminated materials	Prior to Commencement of each phase of works
7	Submission of and implementation of a programme of archaeological work and photographic record of historic buildings.	Prior to Commencement on the respective phase

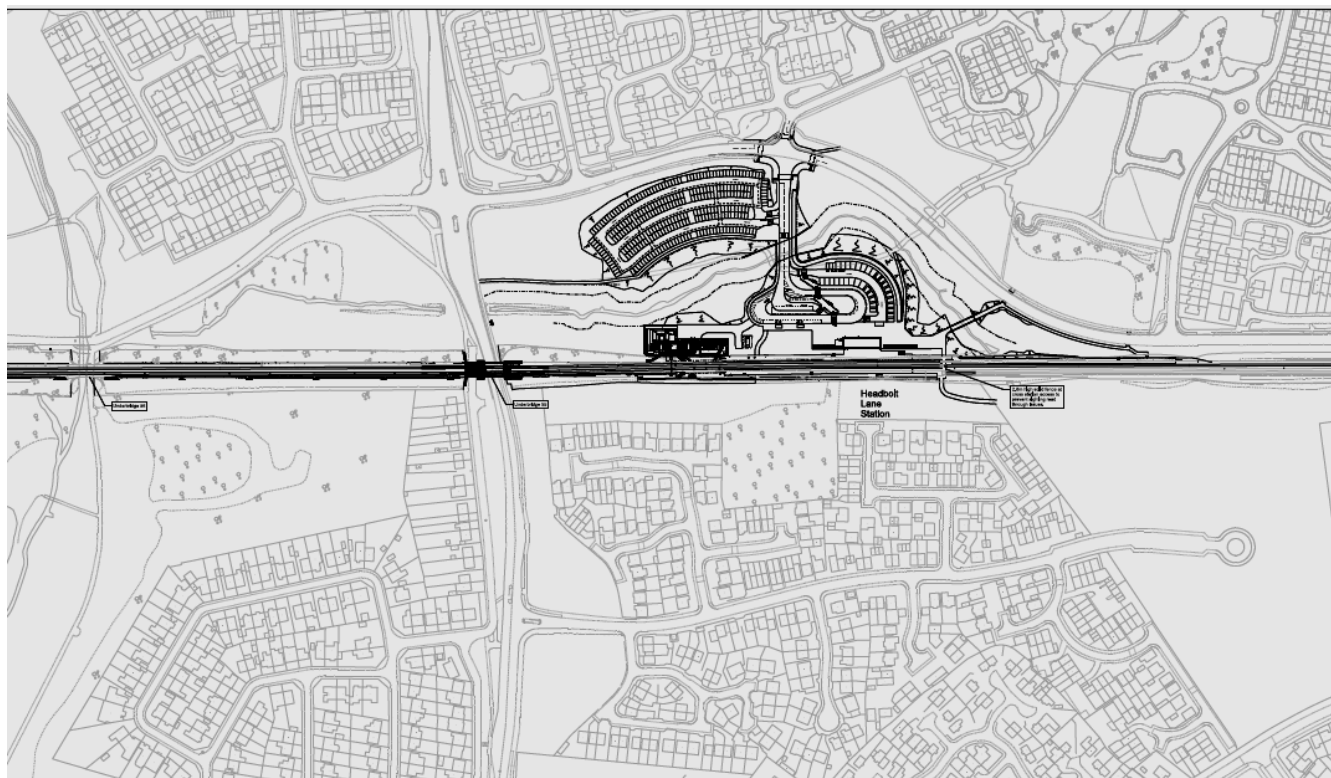
8	Submission and implementation of Updated <u>Landscaping scheme and</u> Landscape Environmental Management Plan	Prior to first use
9	Limits on control of noise from fixed plant.	Advisory
10	Notwithstanding the details submitted a scheme for the lighting of the site shall be submitted for approval and implemented.	Prior to the installation of any lighting on the respective phase.
11	Notwithstanding the details submitted a scheme for the CCTV system shall be submitted and implemented.	Prior to the installation of any CCTV on the respective phase.
12	Notwithstanding the details submitted a fencing strategy for the site shall be submitted for approval. Fencing only thereafter erected in accordance with the agreed details	Prior to erection of any new fencing on any phase
13	Notwithstanding details submitted samples and colour finishes of materials to be agreed for station building and platforms.	Prior to commencement of any above ground works to the station building/platforms.
14	Details of retaining/crib walls to be submitted for approval. Crib walls to incorporate appropriate landscaping.	Prior to the erection of any retaining/crib walls on each phase
15	Full details of sub-station compound and boundary treatment.	Prior to the commencement of any works to the sub- station compound.
16	Notwithstanding the details submitted a scheme for the materials and design finish of the 2.8m high obscuration fence be submitted for approval.	Prior to the erection of obscuration fence.
17	5 days' notice for tree protection to be implemented and inspected for each phase of the development.	5 days before commencement of any phase of the development.
18	Notwithstanding the details submitted details of colour finishes of fencing to be submitted,	Prior to the erection of any fencing on the relevant phase .

	agreed and complied with. All fencing is to powder coated or painted.	
19	Provision of 8m easement to Kirkby Brook to protect main river and local geological site.	Advisory
20	Visibility splays for pedestrian crossing-Headbolt Lane to be provided.	prior to first use
21	Notwithstanding submitted details a scheme for materials/colour finishes for all works to proposed road bridge and footbridge across Kirkby Brook and for all works to existing bridges 55 and 56. (to include detailed elevations for both sides of bridge 56) to be submitted, approved and complied with.	Prior to works commencing to the bridge.
22	Notwithstanding submitted details submission of a scheme for gate details (materials/colour finishes/opening) to the steps on Kirkby Row to be submitted, approved and implemented.	Prior to installation of new gate
23	The area identified on drawing F2002 for Z03 construction compound shall be re-instated back to existing land levels and landscaped in accordance with an approved scheme to be submitted for approval prior to the first use of the development and the land re-instated within 6 months of the first use of the development.	Within a timescale to be agreed.
24	Notwithstanding the submitted tree reports Tree T2 is to be retained.	Advisory
25	Revised arboriculture impact assessment and arboriculture method statement to be submitted for approval and thereafter complied with.	Prior to the commencement of any phase of development.
26	Scheme for the development's highway infrastructure and parking/servicing/manoeuvring areas be submitted for approval and implemented.	Prior to commencement of development's permanent highway works.
27	Details of proposed ground levels to be submitted for approval and implemented.	Prior to commencement of development's permanent highway works.

28	Scheme for the provision of electric vehicle charging points to be submitted for approval and implemented.	Prior to first use.
29	Scheme for the provision of cycle and motorcycle parking to be submitted for approval and implemented	Prior to first use.
30	Scheme for the provision of bollards between the turning head and the bridge on County Road spur to be submitted for approval and implemented.	Prior to first use.
31	Submission and approval of management and maintenance plan for a sustainable drainage system	Prior to occupation
32	Submission and approval of a plan for the phasing of the development	Prior to commencement

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APPLICATION NO: 21/00656/FUL

APPLICANT: Greene King

WARD AFFECTED: Halewood South

DEVELOPMENT:

EXTENSION TO EXISTING OUTDOOR SEATING AREA, FIXED SEATING AND LAYING OF NEW SURFACE; ERECTION OF EXTERNAL BAR, PERGOLAS AND COVERED WALKWAY; NEW FENCING TO OUTDOOR SEATING AREA AND SERVICE YARD; ERECTION OF 3.45M HIGH TIMBER POSTS TO ACCOMMODATE EXTERNAL LIGHTING; AND LAYING OF NEW SURFACE TO OVERSPILL CAR PARK PLUS ERECTION OF 1NO. ASSOCIATED FLOODLIGHT

LOCATION OF SITE:

Eagle and Child Public House, Church Road, Halewood L26 6LB

DEVELOPMENT PLAN ALLOCATION:

Primarily Residential

REPRESENTATIONS:

Objections have been received from 5 people and Halewood Town Council, there were 29 letters of support.

RECOMMENDATION:

That planning permission is granted subject to the conditions in Section 10 of this report.

CASE OFFICER

Lee Osborne (0151)-443 2395

SUMMARY:

The application proposes an extension to the existing outdoor seating area of the public house and the installation of fixed seating and a new surface. It is also proposed to erect pergolas and install an external bar and a covered walkway leading from the existing public house building to the proposed bar within the extended outdoor seating area. Within the seating area timber posts are proposed to hang external lighting from and a new surface to an existing overspill car park together with a form part of the application. No works are being proposed with regard the existing public house building (other than painting, which does not require permission).

The key issues are as follows: -

- the impacts on the visual amenities of the area;
- residential amenity considerations for local residents and the wider area;
- whether the proposals would preserve or enhance the character or appearance of the Conservation Area.

1. SITE AND SURROUNDINGS

- 1.1 The application relates to the Eagle and Child Public House located on the corner of Church Road and Court Avenue within the Halewood Conservation Area. The site is prominent within the street scene and conservation area, and the pub building is set back from the highway with a car park and outdoor seating to the front of the pub building. The car park extends to the eastern side of the pub and there is also an outdoor play area and outdoor seating area next to the eastern end of the building.
- 1.2 There is some planting to the northern edge of the site adjacent Court Avenue, and by the junction with Court Avenue and Church Road. To the south east of the site is an overspill car park which is unmarked. To the rear of the site, adjacent the north-eastern boundary a bowling green and pavilion and number 17 Court Avenue adjoin the site.
- 1.3 On the opposite side of Church Road is a three-story shopping parade and houses which are set back from the road behind a grass verge. Adjacent the south-eastern boundary of the site, next to the overspill car park sits Halewood C of E Primary School. The area is generally residential in character.

2. PROPOSAL

- 2.1 The application proposes the following works:
- Extension of the existing outdoor seating area into the children's play area and the installation of an 'Indian Stone Paving' surface throughout the outdoor seating area, and the installation of a small area of timber decking adjacent the north west elevation of the building.
 - Erection of external bar next to the extended outside seating for a temporary period of three years
 - Erection of covered walkway in the form of a timber pergola like structure with polycarbonate roof to the rear, leading from the kitchen to the outdoor seating area.
 - Erection of two timber pergolas with polycarbonate roofs and heating in the eastern part of the outdoor seating area.
 - Erection of 3m high timber posts through external areas at the front and side to accommodate festoon lighting.
 - Reinstatement of existing overspill car park to provide circa 11 car parking spaces, and the laying of a new hard-core surface to the overspill area plus the installation of a pole mounted floodlight for security of this area.
- 2.2 A number of works are also proposed which do not require planning permission including the installing of planters within the seated area and fencing within the site. The existing children's play equipment is to be removed.
- 2.3 It is important to note that this application relates to physical development such as the pergolas, outside bar and new surfaces and not for a change of a use to allow outdoor seating. This is because the site has a lawful use as a pub and there are no planning requirements for the car park to be used as a car park. The applicant could therefore use

the entire car park as an outdoor dining area without planning permission because it would form part of the site's lawful use as a public house.

- 2.4 There is another current planning application which seeks the retention of a timber fence at the front of the site (21/00657/FUL). Officers are currently negotiating changes to the fence with the applicant, who has asked that this application is determined in advance of that decision.

3. RELEVANT SITE HISTORY

21/00657/FUL - ALTERATION OF EXISTING BOUNDARY TREATMENTS TO CHURCH ROAD TO PROVIDE TIMBER OVERCLADDING OF EXISTING CONCRETE POSTS INCLUDING THE BLOCKING UP OF SECONDARY VEHICULAR ACCESS WITH 1.0 M HIGH INFILL TIMBER FENCING TOGETHER WITH THE ERECTION OF 1.1M HIGH TIMBER FENCING TO CHURCH ROAD/COURT AVENUE. Current application.

16/00275/TCA - FELL 5 CONIFER TREES. Granted: 25 May 2016.

02/00442/ADV - NEW SIGNAGE SCHEME (REMOVAL, REPLACEMENT AND RETENTION OF SIGNAGE TO PUBLIC HOUSE). Granted: 13 August 2002.

01/00148/FUL - ERECTION OF SINGLE STOREY EXTENSION AND LINKWAY TO REAR OF BUILDING TO HOUSE REFRIDGERATION UNIT. Granted: 12 June 2001.

98/00296/ADV - RETENTION OF VARIOUS SIGNS. Granted: 10 July 1998.

93/00054/APP - ERECTION OF FRONT PORCH, CONSTRUCTION OF EXTERIOR STEEL FIRE ESCAPE.

K/APP/10958 - ERECTION OF 2 NO LANTERNS 1 NO AMENITY BOARD 1 NO WALL BOARD 1 DOUBLE LEGGED GANTRY SIGN 1 NO NEON SIGN ALL ILLUMINATED AND 1 NO MENU BOARD AND 1 SET OF LETTERS NON-ILLUMINATED. Granted: 25 July 1988.

4. ARTICLE 31 STATEMENT

- 4.1 Officers have worked with the applicant and their agents in a positive and creative way based on seeking solutions to problems arising in relation to dealing with this planning application and have implemented the requirement in National Planning Policy Framework (NPPF) paragraph 38.

5. EQUALITIES ACT 2010

- 5.1 In determining this application the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010. It is considered that the application raises no significant equality issues.

6. REPRESENTATIONS

- 6.1 The application was advertised by individual letters sent to nearby properties, a site notice was displayed, and a public notice was published in "The Challenge". As a result, 5 objections and 29 letters of support have been received.
- 6.2 The grounds of objection (in summary) are as follows:
- The walkway and pergolas will obstruct delivery access to both the pub and bowling club at the rear. The bowling club is already being affected by the carpark charges. I understood that the village with bowling green was a conservation area and some of these changes do not seem to adhere to the that situation.
 - The bar is too close to houses and a school which will in summer cause undue noise.
 - The outbuilding and bar would encourage more outdoor drinking and with that it would create excessive noise as well as altering the external look of the building which has in the past already had an extension built to accommodate the restaurant. I object to the application on the grounds of excessive noise and late night drinking in the outside areas.
 - It is implied there is going to be a significant increase in capacity of the external space of the Eagle and Child Pub. The car park and surrounding roads, especially Court Avenue, are already overwhelmed by the number of cars parked by people visiting the pub which would only be amplified by this dramatic increase in capacity. With the increase in capacity this planning application is proposing, while only providing an increase of 7 parking spaces, this situation is only going to get worse.
 - There is no mention in the application of loud music being played externally, however, this already regularly happens, with large groups of people and large amounts of noise also often emanating from the pub's property well beyond closing time. With this proposal, with a bar located outside, the likelihood of loud music being played and increased noise levels generally, in a predominately residential area will be increased.
 - The increase in lighting proposed around the site will create large amounts of light pollution again in a predominately residential area and will further negatively impact the conservation area.
 - Object to the erection of the single storey building for an outdoor bar
In a highly populated residential area an outdoor bar is not necessary or suitable
Attract excessive number of outdoor drinkers increasing noise pollution and increase drunken people into the outside and street area. The outdoor bar is not necessary for a family styled pub with 2 indoor bar areas in close proximity to the outdoor area.
- 6.3 It should be noted that many of the points raised by objectors relate to areas covered by the premises licence, with the licence requirements enforced by the Licencing Authority. These areas include issues such as playing music outside and noise beyond closing time. The Licensing Team have advised that should either become a significant issue they could

seek to review the license. As explained at paragraph 2.3 of this report the some of the other points raised such as the increase of the outdoor seating area do not require planning permission.

6.4 The representations in support are on the following (summarised) grounds: -

- The overspill car park is often used for fly tipping so improvements are long overdue and hopefully the increased security and look of the car park will stop this.
- More seating is needed to accommodate families and the outdoor service area will help cut down wait times and queuing inside.
- The planned building work for The Eagle & Child is fully supported. The Owners, Brewery and Management are investing into this long standing establishment in a way that no other landlord has done for at least the past 30 years. The alternative to not getting the planned work is for The Eagle & Child to remain stagnant, not have the capability of hosting local residents and for the people of Halewood to travel to the establishments in Woolton, causing more travelling pollution and also taking locals away from what should be a community hub.
- Fully support this application, every pub in the area has extended outside seating, i.e., Cookhouse, Elephant, Coffee House etc, makes it more family friendly and inviting, I understand Halewood is in a conservation area but surely so is Woolton Village!
- The area around the premises shows great improvement with the fencing, flower planters etc, and looks great. It looks like the owners are investing time and money in making the property attractive for local families to enjoy and they should be applauded for it. The place had become a no go area for decent people, and I hadn't been near it for years, but it has definitely been improved and the owners should be continued to be encouraged into bringing the place back to the locals.
- What the current owner is doing is fabulous for the area, he's created a welcoming environment, with a real village feel. He has greatly improved what was a tired and run down pub that many would not want to frequent into somewhere locals now want to go to with their families and friends. The outside area and bar will be a great edition especially during the summer months.
- The additional work planned for the outside seating, lighting etc can only be an asset to the area, a place where our local families can socialise together without having to travel out of the area.
- At last, someone is making this lovely pub great again gone are the druggies the rampaging car drivers and young idiots on bikes. This council have allowed planning for hundreds of houses, put up a gross metal fence around Hollies field, they are destroying our green space and then object to someone improving what was becoming an eyesore keep up the good work at the Eagle and Child and councillors wake up and see the improvements being made.

7. CONSULTATIONS

Environmental Health (Knowsley Council) – No objections in principle subject to conditions.

Highways (Knowsley Council) – It is not considered that the proposals will lead to a significant increase in the number of visitors to the public house and it is anticipated that the additional seven spaces proposed would accommodate any increased parking requirement.

Conservation Officer (Knowsley Council) – No objections in principle but wish the timber aspects to be painted rather than stained.

Cadent – No objections in principle but note that works are in close proximity to low and medium pressure assets.

Halewood Town Council – Object to the lighting element on light pollution grounds with no objection to the remainder of the proposals.

8. POLICY CONTEXT

- 8.1 Paragraph 11 and 12 of the National Planning Policy Framework (NPPF 2021), an extract from which is set out below, states that:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

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 usually 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.”

- 8.2 In this regard, the Knowsley Local Plan: Core Strategy was adopted in January 2016, although certain saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of paragraph 219 of the latest NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.
- 8.3 The site is allocated as Primarily Residential on the Local Plans Policies Map adopted in January 2016. The relevant adopted policies for the assessment of the application are listed below.

Knowsley Local Plan Core Strategy (2016)

CS2 – Development Principles

CS19 – Design Quality and Accessibility in New Development

CS20 – Managing the Borough's Historic Environment

Saved Policies of the Knowsley Replacement Unitary Development Plan (2006)

H5 – Development within Primarily Residential Areas

DQ5 – Development in Conservation Areas

ENV2 – Noise and Vibration

ENV3 – Light Pollution

9. ISSUES AND ASSESSMENT

- 9.1 The proposal raises three principal issues:

- whether the proposed development would have a detrimental impact on the residential amenities of the residents neighbouring properties and the locality;
- whether the proposal would have a detrimental impact on the visual amenities of the residents of neighbouring properties, and the locality in general; and
- whether the proposal would preserve or enhance the character or appearance of the conservation Area.

Impact on Residential Amenity

- 9.2 Paragraph 185 in the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and
 - limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 9.3 Saved Policy H5 (Development Within Primarily Residential Areas) in the Replacement Unitary Development Plan (UDP) states that new development in Primarily Residential Areas will be permitted provided that the development (either by itself or in conjunction with other developments) would not:
- Have an unacceptable impact on the amenity of neighbouring occupants by reason of noise, disturbance, overlooking, visual intrusion, smells, fumes, on-street parking or other causes.
- 9.4 Policy CS2 (Development Principles) notes that development should minimise any negative impact of development on, amongst other considerations, noise or vibration levels and ensure that any negative impacts are appropriately mitigated.
- 9.5 Policy CS19 (Design Quality and Accessibility in New Development) states that to maintain a good standard of amenity for all existing and future occupants of land and buildings, development proposals will be required to avoid unacceptable impacts on existing residents, business occupier and future occupants.
- 9.6 In their submission the applicant (Greene King) states that the purpose of the application is:
- Concern that we may enter a tier covid system again where pubs may only trade using external space.
 - They have already secured a premises licence that covers the external area for sale and consumption in anticipation of Covid related issues, including an external bar.
 - They will have spent over £300,000 on the Pub to reposition the retail offer towards a much more premium offer than ever before and would like to take advantage of outdoor sales
 - The current tenant has proven himself to be more than capable of not only reducing antisocial behaviour surround the Pub, but also as a responsible retailer who would not risk incidents at the Pub arising from letting the wrong customers use this facility or by lack of management.
 - Outside space features highly in customer insight reports post pandemic and indeed, it is now well proven that premises with good quality outdoor spaces are trading much better and are more secure and likely to be financially viable than those that don't. Many Greene King pubs have not reopened after Covid and have been permanently closed due to now being unviable. Generally these are pubs with poor quality outdoor spaces.
 - An outside area would vastly improve the appearance of the Pub.
- 9.7 There is already an outside seating area to the front and side of the public house, the application proposes this will be extended by approximately 130 square metres into the children's play area and over four parking spaces. As set out earlier in this report, the applicant could use the children's play area and land within the pub's car park as an outdoor drinking area without the need for planning permission because it would not involve a material change in the use of the land.

- 9.8 It is acknowledged that the erection of two pergolas with roofs and heating could increase the attractiveness of eating and drinking outside in parts of the outside area. However, the applicant could use umbrellas and heating without planning permission – furthermore the nearest properties are approximately 38m away on the opposite side of Church Road which should help to ensure that significant harm is not caused to residential amenity. The proposed decking seating on the north west side of the building is small scale and it is considered that it would have little impact on the residential amenities of Court Avenue.
- 9.9 A premises license has already been granted for the use of the area up to 10pm and Environmental Health have no objections to the use of the proposed area subject to a condition restricting the hours of use (should planning permission be granted). The expansion of the seating area is therefore acceptable and would not cause undue harm to residential amenity.
- 9.10 The application also proposes a bar next to the extended seating area (which has also been granted a premises license). The applicant's planning agent has stated that Greene King's experience is that it is extremely unlikely that the bar would result in an intensification of the outdoor area and draw additional customers to the premises. They state that the purpose of the outside bar is customer convenience because it will reduce the need to walk inside to get additional drinks. The applicant also states that during the current pandemic external bars have enabled customers to purchase drinks and snacks without having to go inside the pub where there is an increased Covid risk. This is considered to be a reasonable explanation for why the bar is required.
- 9.11 Initially Environmental Health raised concerns about how the bar would operate and whether it would cause harm to amenity. However, the applicant has provided reassurance that no food will be prepared there and has amended their application to ask for a temporary three year temporary permission for the bar (which would be secured via planning condition should permission be granted) to give the local planning authority time to assess its effects in more detail.
- 9.12 Given that the bar would be a significant financial investment, the applicant intends to renew planning permission for it once the temporary permission has expired (should the application be granted) and should problems have occurred then the local planning authority would have strong grounds to refuse any such application. Issuing a temporary permission would therefore give the landlord an incentive to ensure that the bar and external area is managed in a responsible way.
- 9.13 On the basis of these clarifications/changes Environmental Health are now satisfied that the bar would not cause undue harm to residential amenity subject to a condition requiring it to close before 10pm. It is recommended that this condition is imposed should members be minded to grant planning permission. Furthermore Environmental Health have advised that should noise from the external area become a problem they will seek to review the premises license.
- 9.14 With regards the proposed floodlight to the overspill car park, this is proposed for security/safety reasons and is commonly found in such areas. Given that the light will be located adjacent the roadside boundary and lighting the car park, with no

housing directly at the rear (due to the bowling green) or the side (due to the primary school) it would not have an unacceptable impact on amenity. To give further reassurance if planning permission is granted it is recommended that a lighting scheme be required to be submitted and approved, ensured by condition.

- 9.15 The festoon lighting will use lightbulbs and is now regularly found within pub grounds. As such it is considered that the proposed lighting to the timber posts would not cause unacceptable harm to residential amenity.
- 9.16 In summary, subject to the recommended conditions the proposed development would not have a detrimental impact on amenity and complies with Saved Policy H5 and Policies CS2 and CS19.

Visual Amenity Impacts

- 9.17 Saved Policy H5 (Development Within Primarily Residential Areas) in the Replacement Unitary Development Plan states that new development in Primarily Residential Areas will be permitted, provided that the development (either by itself or in conjunction with other developments) would not:
- Adversely affect the character or street scene of the area.
- 9.18 Policy CS19 (Design Quality and Accessibility in New Development) states that to enhance local distinctiveness, identity and accessibility of places, new developments in Knowsley will be expected to respond to and integrate positive characteristics of their immediate surroundings.
- 9.19 The proposed extension of the external area, with the new surface, low level fencing and pergolas plus the external bar together with the timber posts for the festoon lighting would be acceptable within the street scene and would not be detrimental to the visual amenities of the area, and likewise the small decking area. The proposals are typically found within pub sites and are of greater quality than many similar developments within pub curtilages. Furthermore, the overall works to the pub site including the removal of a shipping container and play equipment would benefit the appearance of the site.
- 9.20 The proposed covered way at the rear would not be readily visible from public areas and as such would not impact on the street scene and would have little impact on the visual amenity of the area. In any case its design is acceptable and would not have a detrimental impact on the character of the pub building or the curtilage of the site.
- 9.21 The re-surfacing and re-use of the overspill car park would tidy up this part of the site and although the floodlight would be utilitarian it would be sited at the far south-eastern side of the site and is of a type found in car park locations. As such it is considered that the re-use of the car park and the installation of the floodlight would not be detrimental within the context of the site or the street scene.
- 9.22 In summary, the proposed development would comply with Saved Policy H5 and Policy CS19.

Impact on Conservation Area

- 9.23 The impact on the heritage assets must be considered in the context of requirements imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 (1) of the Act 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”.

- 9.24 Paragraph 194 in the NPPF states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting
- 9.25 The NPPF also states (para 199) 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.
- 9.26 Paragraph 202 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.
- 9.27 Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 9.28 Paragraph 207 of the NPPF states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.
- 9.29 Saved Policy DQ5 states that new development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area having regard to: -
- a) The scale, form, massing, height, materials and architectural details in the existing Conservation area;
 - b) Existing plot layouts and the street scene;
 - c) Important views into, within, and out of the Conservation Area.

- f) The visual impact of any vehicular access, parking or servicing/delivery areas that are needed to serve the development.
- 9.30 Policy CS20 states that new development will be expected to promote local character and promote quality of place by: -
b) protecting and enhancing the historic environment.
- 9.31 Policy CS20 requires development proposals in Knowsley to preserve or enhance historic or architectural assets including Conservation Areas. The policy states that the Council will: -
a) Require preservation of the local distinctiveness and character of historic assets through sensitive design of new development, including appropriate integration with their setting and immediate landscape;
b) Prevent development that would result in substantial harm unless the public benefits clearly outweigh the harm;
c) Where a development proposal will result in less than substantial harm to a designated heritage asset or its setting, assess such harm against the benefits of the proposal.
- 2) The re-use of vacant land and underused historic assets will be encouraged, with favourable consideration given, where appropriate, to proposals which will:
c) Enhance the importance of the asset for leisure or the economy.
- 9.32 The application includes a Heritages Statement which the Conservation Officer believes provides a good overview of the significance of the Public House, the Conservation Area, and St Nicholas Church (Grade II Listed) nearby.
- 9.33 The Conservation Officer agrees that the character of the conservation area is that of a Victorian Village with open aspects, green areas and well-spaced buildings and this character along with the appearance of groups of key buildings such as the old rectory, vicarage and old school that are constructed of sandstone, and the Eagle & Child public house, the bowling club, the Hollies and properties at the junction of Court Avenue and Church Road form part of its significance which is high.
- 9.34 The proposed development would not affect the setting or significance of the designated heritage asset St Nicholas Church
- 9.35 The extension of the external seating area of itself and the proposed pergolas, though clearly visible, are not particularly prominent or of substantial construction, are set away from the historic part of the site. Likewise, the proposed external bar would be sited at the rear of the external seating area, and with the modest in size/scale and the materials proposed together with the location would not be particularly conspicuous.
- 9.36 Given what these would be replacing, and what is built behind, these are broadly of a design and siting which is likely to have a neutral effect on the character and appearance of the conservation area and its significance, as will the minor amendments to bollards, installation of decking and hard landscaping immediately next to the main buildings.

- 9.37 The finish for the pergolas, fixed seating and posts for the festoon lighting is proposed to be an oak stain. The Conservation Officer has advised that they should be painted black or cream to match the colour scheme of the public house and other buildings in this part of the conservation area.
- 9.38 The applicant has been made aware of the Conservation Officer's comments but has a strong preference to use an oak stain instead. Given that the proposed structures are separate from the building and would be a clear latter addition to the site it is considered that the proposed oak stain finish would be acceptable and would not cause harm to the character and appearance of the conservation area or its significance, particularly given that the majority of the tables and chairs are likely to be a similar colour. The feather edging timber of the external bar would be painted Rosemary in colour (a fairly pale type of green), it would be subtle and muted, and acceptable within the conservation area.
- 9.39 The surfacing of the overspill car park and its use will not adversely impact on the conservation area. A floodlight is proposed close to the boundary with Church Road and although it has a utilitarian design provided that it is painted black it would have a neutral impact on the conservation area and its significance. This can be secured by condition if members are minded to grant planning permission.
- 9.40 In summary, the overall proposed development will have a neutral impact on the character and appearance of the Conservation Area and its significance. As such and in summary, the proposed development would comply with saved Policy H5 and Policies CS2 and CS20.

Other Matters

- 9.41 An objector has raised concerns that the walkway and pergolas will obstruct delivery access to both the pub and bowling club at the rear. There appears to be sufficient space for such, notwithstanding given that this is in a location within the site that would not affect the public highway this is a matter for the applicant to ensure that the site can be adequately serviced, particularly given that they do not require planning permission to use the car park area for seating.
- 9.42 Objections note that there is no mention in the application of loud music being played outside, but they are already affected by this kind of disturbance well beyond closing time. They note that the proposal, with a bar located outside, the likelihood of loud music being played and increased noise levels generally, in a predominately residential area will be increased. Given that the outside area can be used without the need for planning permission, the control of these areas is a matter for The Licencing and Environmental Health Teams who could use their own enforcement powers to tackle any nuisance occurring.
- 9.43 With regard the objections received concerning lack of parking for the proposals it must be noted that tables and chairs could be put out on the car park without the requirement for planning permission. Notwithstanding, the Highways Team have no objections in any case given that the level of car parking would be

increased in overall terms, although it is acknowledged that the overspill car park cannot be laid out to Council standards.

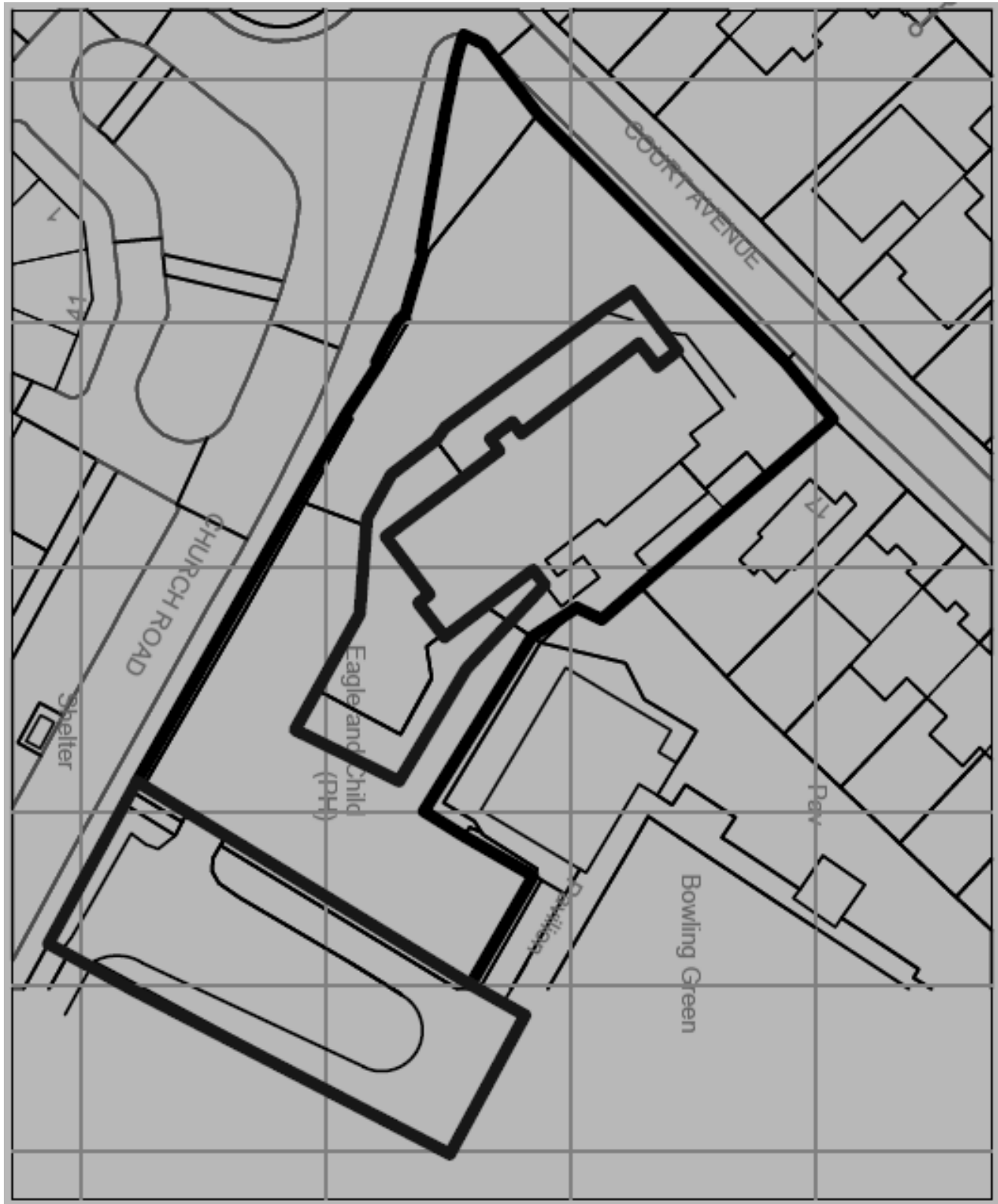
Conclusion

- 9.44 The application complies with national and local planning policies and is acceptable. The proposed development would not have an unacceptable impact on residential amenity, and it would not cause harm to the character of the area of the Conservation Area. Therefore, the application is recommended for approval subject to appropriate planning conditions.

10. RECOMMENDATION:

That planning permission is granted subject to the following conditions:

	Condition	Trigger
1	Time period to implement the permission – 3 years	Advisory
2	List of approved plans and documents	Advisory
3	Times of use of external area by customers for drinking/eating and serving times of external bar	All times on site
4	Submission and approval of lighting scheme for the floodlight to the overspill car park area, and only installed/operated in accordance with agreed scheme.	Prior to installation of floodlight
5	Three year temporary condition for external bar following its installation with an obligation to advise the local planning authority of the date of its installation.	Prior to the installation of the bar.
6	Overspill car park to be laid out and available	Before first use of the bar



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APPLICATION No: 21/00656/FUL



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CHERRYFIELD WARD

APP. NO: 21/00754/PDE
LOCATION: 2 Pitsmead Road Southdene
DEVELOPMENT: PRIOR APPROVAL FOR THE ERECTION OF A SINGLE STOREY REAR EXTENSION
MAXIMUM DEPTH FROM ORIGINAL REAR WALL: 4.00 METRES
MAXIMUM HEIGHT: 3.00 METRES
HEIGHT OF EAVES: 2.40 METRES
DECISION: House prior approval is not required

HALEWOOD NORTH WARD

APP. NO: 21/00750/CLD
LOCATION: 186 Mackets Lane Halewood
DEVELOPMENT: CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF RESIDENTIAL DWELLING AS A CHILDRENS HOME FOR A MAXIMUM OF 3 NO. CHILDREN
DECISION: Planning Permission Not Required

HALEWOOD SOUTH WARD

APP. NO: 21/00623/FUL
LOCATION: 6 Mendip Close Halewood
DEVELOPMENT: DEMOLITION OF EXISTING CONSERVATORY AND THE ERECTION OF A SINGLE STOREY SIDE/REAR EXTENSION
DECISION: Granted

APP. NO: 21/00768/FUL
LOCATION: 52 Tavington Road Halewood
DEVELOPMENT: ERECTION OF A SINGLE STOREY REAR EXTENSION
DECISION: Granted

APP. NO: 21/00788/PDE
LOCATION: 24 Birchen Road Halewood
DEVELOPMENT: ERECTION OF A SINGLE STOREY REAR EXTENSION
MAXIMUM DEPTH FROM ORIGINAL REAR WALL: 3.60 METRES
MAXIMUM HEIGHT: 3.60 METRES
HEIGHT OF EAVES: 2.40 METRES
DECISION: House prior approval is not required

NORTHWOOD WARD

APP. NO: 21/00733/ADV
LOCATION: 1 Element Alchemy Way
DEVELOPMENT: DISPLAY OF SIGNAGE COMPRISING; FRONT OF BUILDING; 2NO INTERNALLY ILLUMINATED FASCIA SIGNS AND RIGHT HAND SIDE OF BUILDING NON ILLUMINATED FREE STANDING SINGLE SIDED ENTRY SIGN AND; CAR PARK; 1NO INTERNALLY ILLUMINATED DOUBLE SIDED PYLON SIGN TO FRONT LEFT HAND SIDE OF CAR PARK/PAVED AREA, 1NO INTERNALLY ILLUMINATED DOUBLE SIDED PYLON SIGN TO FRONT RIGHT HAND SIDE OF CAR PARK/PAVED AREA, 1NO INTERNALLY ILLUMINATED FREE STANDING SINGLE SIDED GATEWAY SIGN TO REAR OF CAR PARK/PAVED AREA, 3NO FLAG POLE SIGNS TO FRONT OF CAR PARK/PAVED AREA AND 1NO FLAT DI-BOND PANEL SIGN TO REAR CAR PARK/PAVED AREA AND; ALCHEMY WAY ROUNDABOUT; 1NO INTERNALLY ILLUMINATED DOUBLE SIDED PYLON SIGN
DECISION: Granted

APP. NO: 21/00812/PDS
LOCATION: IBL Cold Stores Acornfield Road
DEVELOPMENT: PRIOR APPROVAL FOR THE INSTALLATION OF ROOF MOUNTED SOLAR PHOTOVOLTAICS (PV) TO EXISTING ROOF
DECISION: prior approval required and granted

PAGE MOSS WARD - NONE

PRESCOT NORTH WARD

APP. NO: 21/00120/FUL
LOCATION: 10 Vicarage Place Prescott
DEVELOPMENT: ERECTION OF 4 NO. DWELLINGS AND ASSOCIATED WORKS
DECISION: Refused

APP. NO: 21/00121/LBC
LOCATION: 10 Vicarage Place Prescott
DEVELOPMENT: ERECTION OF 4 NO. DWELLINGS AND ASSOCIATED WORKS
DECISION: Refused

APP. NO: 21/00122/FUL
LOCATION: 10 Vicarage Place Prescott
DEVELOPMENT: CHANGE OF USE OF OFFICES (USE CLASS E) TO FORM 1 NO. RESIDENTIAL DWELLING (USE CLASS C3) INCLUDING INTERNAL AND EXTERNAL ALTERATIONS TO THE BUILDING (FIRE ESCAPE AND SUN ROOM TO REAR TO BE DEMOLISHED) AND ERECTION OF OUTBUILDING.
DECISION: Granted

APP. NO: 21/00200/LBC
LOCATION: 10 Vicarage Place Prescott
DEVELOPMENT: CHANGE OF USE OF OFFICES (USE CLASS E) TO FORM 1 NO. RESIDENTIAL DWELLING (USE CLASS C3) INCLUDING INTERNAL AND EXTERNAL ALTERATIONS TO THE BUILDING (FIRE ESCAPE AND SUN ROOM TO REAR TO BE DEMOLISHED)
DECISION: Granted

APP. NO: 21/00520/FUL
LOCATION: 91 Warrington Road Prescott
DEVELOPMENT: ERECTION OF 6 NO. BED HOUSE IN MULTIPLE OCCUPATION (HMO)
DECISION: Granted

APP. NO: 21/00579/FUL
LOCATION: 7 Maypole Farm Court Knowsley
DEVELOPMENT: INSTALLATION OF 2 NO. VELUX WINDOWS TO REAR ROOF STRUCTURE
DECISION: Granted

APP. NO: 19/00297/NMA
LOCATION: Land Adjacent To Existing Watch Factory Building Bookbinders Lane
DEVELOPMENT: NON MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 19/00297/NMA (DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 88 NO. AFFORDABLE DWELLINGS, THREE NO. APARTMENTS BLOCKS COMPRISING 103 AFFORDABLE APARTMENTS IN TOTAL, CAR PARKING, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS.) TO ALLOW FOR AMENDMENT TO APPROVED PLANS COMPRISING CHANGES TO CILL HEIGHTS ON WINDOWS TO INDIVIDUAL DWELLINGS , ALTERATIONS TO WINDOW DETAIL TO ALLOW FOR MEANS OF ESCAPE AND MINOR AMENDMENTS TO ROOFLINES ON CERTAIN PLOTS.
DECISION: Granted

APP. NO: 19/00297/NMA1
LOCATION: Land Adjacent To Existing Watch Factory Building Bookbinders Lane
DEVELOPMENT: NON MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 19/00297/NMA (DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 88 NO. AFFORDABLE DWELLINGS, THREE NO. APARTMENTS BLOCKS COMPRISING 103 AFFORDABLE APARTMENTS IN TOTAL, CAR PARKING, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS.) TO ALLOW FOR AMENDMENT TO APPROVED PLANS COMPRISING CHANGES OF BLOCK PAVING TO NON ADOPTED AREAS TO TARMAC
DECISION: Granted

APP. NO: 21/00680/CLU
LOCATION: 1 Park Road Prescott
DEVELOPMENT: CERTIFICATE OF LAWFULNESS FOR USE OF FORMER RESIDENTIAL DWELLING AS A CHILDRENS HOME FOR A MAXIMUM OF 3 NO. CHILDREN (RETROSPECTIVE)
DECISION: Planning Permission Not Required

APP. NO: 21/00722/FUL
LOCATION: 30 Stratford Drive Prescott
DEVELOPMENT: ERECTION OF A SINGLE STOREY SIDE / REAR EXTENSION
DECISION: Granted

APP. NO: 21/00774/FUL
LOCATION: 19 Middlehey Avenue Knowsley
DEVELOPMENT: ERECTION OF SINGLE STOREY REAR, SIDE AND FRONT EXTENSION
DECISION: Granted

PRESCOT SOUTH WARD - NONE

ROBY WARD

APP. NO: 21/00565/FUL
LOCATION: 3 Linden Drive Huyton
DEVELOPMENT: ERECTION OF A TWO STOREY SIDE EXTENSION TOGETHER WITH THE ERECTION OF A SINGLE STOREY REAR EXTENSION AND A DORMER LOFT CONVERSION
DECISION: Granted

APP. NO: 21/00641/FUL
LOCATION: 154 Roby Road Roby
DEVELOPMENT: SINGLE STOREY EXTENSION AT REAR/SIDE AND PITCHED ROOF TO REPLACE PART OF FLAT ROOF TO SIDE
DECISION: Granted

APP. NO: 21/00661/FUL
LOCATION: 7 Wantage View Roby
DEVELOPMENT: ERECTION OF SINGLE STOREY SIDE / REAR WRAP AROUND EXTENSION
DECISION: Granted

APP. NO: 21/00705/FUL
LOCATION: 7 Larch Road Roby
DEVELOPMENT: ERECTION OF SINGLE STOREY REAR / SIDE EXTENSION
DECISION: Granted

APP. NO: 21/00741/FUL
LOCATION: 23 Headingley Close Roby
DEVELOPMENT: INSTALLATION OF FIXED GLASS ROOF AWNING TO REAR ELEVATION
DECISION: Granted

SHEVINGTON WARD

APP. NO: 21/00576/FUL
LOCATION: 8 Sedum Grove Tower Hill
DEVELOPMENT: ERECTION OF DETACHED GARAGE TO THE REAR OF DWELLING (RETROSPECTIVE)
DECISION: Refused

APP. NO: 21/00670/FUL
LOCATION: 18 Purbeck Road Tower Hill
DEVELOPMENT: ERECTION OF A SINGLE STOREY REAR EXTENSION
DECISION: Granted

ST GABRIEL WARD

APP. NO: 21/00690/CLU
LOCATION: 8 Huyton Church Road Huyton
DEVELOPMENT: CERTIFICATE OF LAWFULNESS FOR USE OF FORMER RESIDENTIAL DWELLING AS A CHILDRENS HOME FOR A MAXIMUM OF 5 NO. CHILDREN (RETROSPECTIVE)
DECISION: Granted

APP. NO: 21/00777/TWA
LOCATION: 219 Tarbock Road (Grass Verge Adj) Huyton
DEVELOPMENT: REMEDIAL WORKS TO 1NO TREE
DECISION: Granted

ST MICHAEL WARD - NONE

STOCKBRIDGE WARD - NONE

SWANSIDE WARD

APP. NO: 21/00780/FUL
LOCATION: 35 Holly Bank Avenue Roby
DEVELOPMENT: ERECTION OF A TWO STOREY REAR EXTENSION
DECISION: Granted

WHISTON & CRONTON WARD

APP. NO: 21/00766/FUL
LOCATION: 129 Dragon Lane Whiston
DEVELOPMENT: ERECTION OF A TWO STOREY SIDE EXTENSION AND SINGLE STOREY SIDE EXTENSION
DECISION: Granted

APP. NO: 21/00792/PDE
LOCATION: 6 Millwood Gardens Whiston
DEVELOPMENT: ERECTION OF A SINGLE STOREY REAR EXTENSION
MAXIMUM DEPTH FROM ORIGINAL REAR WALL: 4.00 METRES
MAXIMUM HEIGHT: 3.129 METRES
HEIGHT OF EAVES: 2.737 METRES
DECISION: House prior approval is not required

APP. NO: 21/00810/FUL
LOCATION: 25 Wheatfield Road Cronton
DEVELOPMENT: ERECTION OF SINGLE STOREY REAR EXTENSION TOGETHER WITH ROOF ALTERATIONS TO REAR ELEVATION (DEMOLITION OF EXISTING CONSERVATORY)
DECISION: Granted

APP. NO: 21/00818/PDE
LOCATION: 12 Oak Road Whiston
DEVELOPMENT: ERECTION OF A SINGLE STOREY REAR EXTENSION
MAXIMUM DEPTH FROM ORIGINAL REAR WALL: 3.70 METRES
MAXIMUM HEIGHT: 3.80 METRES
HEIGHT OF EAVES: 2.40 METRES
DECISION: House prior approval is not required

APP. NO: 21/00845/CLU
LOCATION: 91-92 The White House Cronton Road
DEVELOPMENT: CERTIFICATE OF LAWFULNESS FOR USE OF FORMER RESIDENTIAL DWELLING AS A CHILDRENS HOME FOR A MAXIMUM OF 4 NO. CHILDREN (RETROSPECTIVE)
DECISION: Planning Permission Not Required

WHITEFIELD WARD

APP. NO: 20/00695/FUL
LOCATION: Land Adjacent To 86 Melverley Road And Land To The Rear Of 2 - 18 Hanmer Road Westvale
DEVELOPMENT: RESIDENTIAL DEVELOPMENT FOR THE ERECTION OF 15 NO. DWELLINGS COMPRISING 4 NO. SEMI-DETACHED DWELLINGS, 3 NO. TERRACED DWELLINGS AND 2 NO. TWO STOREY APARTMENT

	BLOCKS INCLUDING 8 NO. APARTMENTS TOGETHER WITH ASSOCIATED PARKING, ACCESS, LANDSCAPING AND BOUNDARY TREATMENTS
DECISION:	Granted
APP. NO:	21/00259/FUL
LOCATION:	5 Mill Lane Kirkby Park
DEVELOPMENT:	ERECTION OF A SINGLE-STOREY SIDE EXTENSION (EXISTING GARAGE TO BE DEMOLISHED), CONSOLIDATION AND RECONFIGURATION OF EXISTING EXTENSIONS TO FORM A NEW UNIFIED LAYOUT, THE ERECTION OF RAISED DECKING TO THE REAR AND NEW ROOF TO THE WHOLE OF THE PROPERTY
DECISION:	Granted
APP. NO:	21/00604/CLD
LOCATION:	Booze Buster 10 Glovers Brow
DEVELOPMENT:	CERTIFICATE OF LAWFUL DEVELOPMENT FOR USE OF THE FORMER BOOZE BUSTER RETAIL PREMISES AND OFF LICENCE FOR A USE FALLING UNDER USE CLASS E
DECISION:	Granted

NEIGHBOURING AUTHORITY CONSULTATIONS - NONE

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Appeal Decision

Site Visit made on 8 June 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/V4305/D/21/3270251

43 Sundale Avenue, Prescott L35 7JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Mawdsley against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 20/00782/FUL, dated 21 December 2020, was refused by notice dated 15 February 2021.
 - The development proposed is described as a 'two storey side extension and redesigned porch'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reason for refusal refers to the effect of the proposal on a first floor window within the side elevation of 41 Sundale Avenue. However, the delegated officer report sets out substantive concerns over an effect on a ground floor window within the same elevation. For the avoidance of doubt, I have determined the appeal on the totality of the Council's objections in regard to the main issue of this case which is detailed below.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 41 Sundale Avenue, with particular regard to outlook and light.

Reasons

4. The appeal relates to a two storey semi-detached dwelling that is located in a predominantly residential area that comprises a mixture of semi-detached and terrace housing.
5. The Council has not raised any objections to the proposed alterations to the porch and I have no reason to question this view. I also recognise that the first floor of the proposed two storey side extension would be set back approximately 1 metre from the front face of the main dwelling. An approximate 150mm gap would also be retained between the proposed side extension and the shared boundary.
6. However, this element of the proposal would result in a substantial two storey elevation that would directly face the ground and first floor windows that are located in the side elevation of No 41. The appellant accepts that the first floor window is a principal habitable room window to a bedroom. I could not verify whether the ground floor window within the side elevation served a kitchen on

my site visit as I was unable to visit the neighbouring property. However, I noted the position of this window within an original single storey outrigger, and its clear glazing from outside of the appeal site. In the absence of any evidence to the contrary, I consider it to be likely that it is a sole window to a habitable room.

7. I am satisfied that the orientation of the appeal site in relation to the direction of the sun is such that the proposal would not result in a substantial amount of overshadowing to the ground and first floor side windows of No 41. Nonetheless, at such close proximity to the shared boundary, and the side windows of No 41, the mass and bulk of the proposed two storey side extension would visually dominate the outlook from these openings. It would thereby have an oppressive and overbearing effect and significantly reduce the amount of natural light to them.
8. The appellant argues that the first floor window does not serve the main bedroom and that its position will restrict the size and scale of any future extensions to the side of the house. Nonetheless, this window appears to be an original feature that is shared by a number of other semi-detached properties in the area. In this instance, I therefore see no substantive reason why it would not warrant the same level of protection as a sole window that serves a habitable room in the front or rear aspect of a dwelling.
9. My attention has also been drawn to an example of a nearby existing two storey side extension that has a similar relationship with a bedroom window in the side elevation of a neighbouring property. This is shown in a photograph that the appellant has submitted. However, I do not have the full details of the circumstances that led to this example being accepted so cannot be certain that it represents a direct parallel to the appeal proposal. I have, in any case, determined the appeal based on its own merits.
10. I therefore find that the proposed development would have a significantly harmful effect on the living conditions of the occupiers of 41 Sundale Avenue, with particular regard to outlook and light. As a result, it would conflict with Saved Policies H5 and H8 of the Knowsley Replacement Unitary Development Plan 2006, which, amongst other matters, seek to ensure that new development does not unacceptably impact on the amenity of neighbouring occupiers of adjacent dwellings. It would also be contrary to Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy 2016, which seek to ensure that development promotes good quality design, respects its setting and maintains a good standard of amenity for all existing and future residents. In addition, it would fail to comply with the advice set out in the Knowsley Householder Development Supplementary Planning Document 2016, which states that two-storey side extensions should be designed to avoid having an overbearing effect or cause unacceptable loss of light for neighbours.
11. It would also fail to accord with paragraph 127 of the National Planning Policy Framework which seeks a high level of amenity for all existing and future users.

Other Matters

12. In reaching my findings I have had regard to the appellant's need for additional bedroom space. However, this factor does not outweigh or overcome the concerns outlined above.

Conclusion

13. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should therefore be dismissed.

Mark Caine

INSPECTOR

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Appeal Decision

Site Visit made on 19 October 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Appeal Ref: APP/V4305/W/21/3276693

35 Derby Road, Huyton L36 9UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cashino Gaming Ltd against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 20/00743/COU, dated 9 December 2020, was refused by notice dated 12 March 2021.
 - The development proposed is described as 'full planning permission for change of use of the ground floor and first floor at 35 Derby Road from a vacant retail (A1) unit to an Adult Gaming Centre (AGC) (Sui Generis) (SG).'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal.

Main Issues

3. The main issues are the effect of the proposal on the vitality and viability of Huyton Village Centre, with particular reference to character and appearance, and whether the proposal would cause harm to the health and well-being of the local population.

Reasons

Vitality and Viability

4. The appeal relates to a dual fronted property that is situated on a prominent corner location adjacent to Derby Road and Sherborne Square, within Huyton Village Centre. At the time of my midday site visit the appeal property, which was previously used as a retail unit, was vacant.
5. It is uncontested by the main parties that the village town centre comprises approximately 115 commercial premises, with four bookmakers, two pawnbrokers and an existing adult gaming centre located on Derby Road. On my site visit it was also apparent that a number of properties nearby had their shopfront windows obscured by a range of features including rolled down metal security shutters, advertisements and adhesive film sheeting. This group includes Nos 31-33 Derby Road, which is also a dual fronted unit, and the short

- row of properties that include the existing adult gaming centre, and the tanning and testing centres.
6. In seeking to diversify uses within existing centres Saved UDP¹ Policy S2 permits proposals for the change of use of existing buildings to provide town centre uses within existing town and district centres subject to a list of specific criteria. The most relevant in terms of this appeal are that i) the proposal would be compatible with the scale and role of the centre and would not have a detrimental impact on the retail function of the centre; and ii) the proposal would not result in a grouping of uses which would have a negative impact on the character of the centre.
 7. The Council argues that it has a strong track record in making positive interventions to its town centres. It refers to a number of local independent food and drink establishments that have opened on Derby Road since the adoption of SPD1² and the start of the Huyton Village Centre Regeneration Programme in 2018 as an indication of commercial interest in the town centre. SPD1, like SPD2³, has been subject to public consultation and these documents are material considerations of due weight in the context of this appeal. I have also had regard to the Council's regeneration aspirations within its 'Delivery Plan' for Huyton Village Centre.
 8. Nonetheless, I have not been made aware of any Council or other private interest in the appeal building. Despite the lack of marketing information before me, and the Council's reference to relatively low vacancy rates in comparison to regional and national averages, it was evident on my site visit that there are a number of vacant premises in the town centre. Indeed, the 'low demand from retailers for units within Huyton Village, with some vacant retail units' is identified as a key challenge and area for improvement in SPD1. These factors, to my mind, indicate a lack of demand for retail units at the moment in this area.
 9. Furthermore, stores that are operated by national retailers including Superdrug, and Boots are located around this part of the town centre, thereby representing a viable core of retail shops that would ensure that a flow of shoppers would be maintained. There would also be potential for linked shopping trips, increased employment, and a positive contribution to the town centre's evening economy. As such I am satisfied that the proposal would be compatible with the scale and role of the centre and would not have a detrimental impact on its retail function.
 10. Although the proposal is not for a betting shop or pay day loan shop, I am mindful that the Council accepts that it would not result in the quantum of these types of uses exceeding the 10% grouping threshold set out in SPD2. Nonetheless, in seeking to promote good quality street frontages Policy HV3 of SPD1 identifies Derby Road as Huyton village town centre's principal retail high street. It sets out that blank frontages which do not add life to public streets and important routes should be avoided, and highlights Sherborne Square as a key site, where buildings should create strong and active street edges.

¹ Knowsley Replacement Unitary Development Plan 2006

² Huyton Village Masterplan Supplementary Planning Document 2017-2028

³ Town Centre Uses Supplementary Planning Document 2016

11. The proposal does not include any external shopfront alterations, and no elevation plans have been submitted with the appeal. However, the nature of the proposed use is such that the existing shopfront windows, on both frontages, would be enclosed by advertisements and displays to obscure the gaming machines. The appellant has confirmed that a TV would be located within the window display, together with graphics demonstrating what gaming and bingo is available inside.
12. On the basis of the evidence before me it is therefore likely that all of the proposal's shopfront windows, which are located on a prominent corner location and key site, would have a blocked and enclosed appearance, with limited visual interest when compared to typical retail displays. As such it would not add life to important routes or provide suitably active street frontages. When combined with the number of other nearby inactive frontages of retail and non-retail premises it would result in a grouping of uses which would consequently have a negative effect on the vitality and character of the area.
13. The appellant argues that the premises could be converted to a non-traditional main town centre use under its permitted development rights, and that such uses may have similar shopfront displays as that proposed. Nonetheless, I am not aware that any applications for prior notification for alternative uses have been made to the Council and there is little substantive evidence before me to indicate that there is a significant probability that such uses would come forward should this appeal be dismissed. This limits the weight I can give the matter as a fall-back position.
14. The appellant's willingness to accept a planning condition to ensure that no vinyl will be placed onto the glazing and that any shopfront display would be set back one metre from the window is also noted. However, in the absence of any details of the proposed display I am unable to be certain that these measures would be sufficient to overcome the harm that I have identified.
15. I therefore find that the proposal would have a materially harmful effect on the vitality and viability of Huyton Village Centre, with particular reference to character and appearance. Conflict would therefore arise with Saved UDP Policy S2 and Core Strategy Policy CS6 which seek to ensure that, amongst other matters, proposed changes of use would not have a negative impact on the character of Knowsley's centres, and would enhance their vitality and viability. It would also not accord with advice in SPD1.

Health

16. Concerns have been expressed by the Council in respect of the effect of the proposed use on the health inequalities of Knowsley's residents, which Strategic Objective 9 and Policy CS2 of the Core Strategy seek to improve. In setting out the existing key issues and area priorities for the Borough, the Council has made me aware that Chapter 6 of the Core Strategy highlights the high levels of deprivation, including health inequalities in North Huyton.
17. I recognise the potential for gambling establishments to have negative impacts and influence people's everyday lives through problem gambling, including for those in the vulnerable groups that the Council has identified. This can be through factors such as debt and reduced income, which can impact on the whole household rather than just the gamblers themselves.

18. The Council has made me aware of the amount of gaming machines that the proposal would provide, the pattern in the geographic distribution of gaming machines and income deprivation, the profile of sessional losses in adult game centres and figures in respect of the amount of children in low income families in Knowsley. Whilst I also acknowledge the influence of poverty on health, I have not been presented with any data in respect of gambling addiction in the borough or to establish a clear link between the current gambling establishments in the town centre and North Huyton's current deprivation levels. As such there is little conclusive evidence before me to suggest that the introduction of an adult gaming centre in this location would exacerbate the issues of health inequalities and deprivation that have been presented to me.
19. I am therefore unable to conclude that the proposal would cause harm to the health and well-being of the local population. It would therefore not conflict with Core Strategy Policy CS2, which seeks, amongst other things, to reduce health inequalities between Knowsley and other parts of the UK, and to provide opportunities for positive lifestyle choices and health improvement for people of all ages.

Other Matters

20. In support of their cases both the Council and the appellant have drawn my attention to previous appeal decisions⁴ for adult gaming centres across the country. Whilst I have had regard to these in reaching my findings, they have different development plan policies to those that apply in this appeal. Moreover, each application and appeal must be determined on its own merits, and that is what I have done in this case.
21. I also note the appellant's disappointment with the Council in respect of the lack of dialogue during the planning application process. However, this has had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.

Conclusion

22. Although I have found that there would be no adverse impact in respect of health and well-being this is significantly outweighed by the harm I have identified that the proposal would cause to the vitality and viability of Huyton Village Centre, with particular regard to its character and appearance. As such it would not constitute sustainable development for which there is a presumption in favour.
23. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR

⁴ APP/D2320/W/18/3195965, APP/C1055/W/17/3173476, APP/V5570/W/20/3257308, APP/R1845/W/19/3242723, APP/F4410/W/20/3250246.