

<u>APPLICATION NO:</u>	24/00641/FUL	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Knowsley Parish Council
<u>LOCATION:</u>	Derby Arms Hotel, 635 Knowsley Lane, Knowsley		
<u>PROPOSAL:</u>	INSTALLATION OF 2.5M HIGH TIMBER POSTS TO SUPPORT FESTOON LIGHTING TOGETHER WITH THE ERECTION OF 1M HIGH PICKET FENCE AND GATE TO FRONT ELEVATION, RESURFACING OF EXISTING TARMAC TO FRONT BEER GARDEN WITH RESIN, PAINTING OF EXISTING WINDOWS AND DOORS AND THE ERECTION OF EXISTING 2.1M HIGH TIMBER FIRE EXIT GATES (RETROSPECTIVE)		

Site Description

The application site is a Public House located at 635 Knowsley Lane (B5202) and is situated within an area which is designated as a Primarily Residential Area in the Development Plan. The site is also situated within the Knowsley Village Conservation Area.

The property is a large, detached building which occupies an open and prominent position in the street scene, with the front elevation orientated to the east / south-east. The curtilage contains an expansive car park to the north and a rear garden with associated seating to the west. The site features a date stone stating 1900. The building itself boasts a historic appearance, although has been subject to several modern alterations including car parking and front beer garden.

The front garden comprises of a beer garden which is enclosed by a 1m high picket fence and gate with 2.5m high timber posts to support festoon lighting to the front elevation of the building and above the front beer garden. The beer garden is surfaced with resin.

The Knowsley Village Conservation Area is subject to an Article 4 Direction. The building is not within close proximity to any Listed Buildings.

Proposal

The application seeks permission for the retention of 2.5m tall timber posts (for festoon lighting) together with 1m high picket fence and gate to enclose the front area of the building, along with the resurfaced front beer garden from tarmac to resin, painting of existing windows and doors and the retention of 2.1m high timber fire exit gates.

The picket fencing was installed following demolition of the previous front brick-built boundary wall. Google Maps Street View images show the previous wall in 2021.

The application is exempt from any Biodiversity Net Gain uplift requirements because

the application is retrospective as well as the development is concentrated to a previously sealed surface.

Consultations

Conservation & Design Officer: No objections received, subject to recommended soft landscaping and suggested amendments, the proposal would not negatively impact on the character and appearance of the Conservation Area.

Knowsley Parish Council: No comments received.

Cadent Gas Limited: No objections, subject to an informative note included on the decision notice.

Representations

This application has been publicised by letters sent to 13 neighbours. It has also been advertised by site notice and a press notice. No representations have been received.

Planning History

APP. NO: 24/00306/FUL

PROPOSAL: NEW POLYCARBONATE ROOF, TIMBER FRAMED COVERED SEATING AREA WITHIN THE PARAMETERS OF THE REAR BEER GARDEN COURTYARD. RELOCATION OF FENCE LINE, EXTENDED PAVING AND NEW FESTOON LIGHTING TOGETHER WITH FORMATION OF ACCESSIBLE RAMP TO REAR AND REVISED MACHANICAL KIT.

DECISION: GRANTED

DECISION DATE: 21 August 2024

APP. NO: 24/00375/ADV

PROPOSAL: INSTALLATION OF REPLACEMENT SIGNS TO INCLUDE, 1X NEW PICTORIAL PANEL TO EXISTING POST AND GIBBET. 2X AMENITY BOARDS FITTED BELOW POST PICTORIAL, 2X FASCIA SIGNS, 2X POST MOUNTED CAR PARK DIRECTIONAL SIGNS AND 1X TRANSOM PANEL

DECISION: GRANTED

DECISION DATE: 17 October 2024

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning

authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

CS20 - Managing the Borough's Historic Environment

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

H5 - Development within Primarily Residential Areas

DQ5 – Development in Conservation Areas

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

Saved Policy H5 in the Replacement Unitary Development Plan states that (1) new development within or close to a Conservation Area must preserve or enhance the character or appearance of the Area having regard to the following:

- a) The scale, form, massing, height, materials and architectural detail of existing buildings in the Conservation Area;
- b) Existing plot layouts and the street scene;
- c) Important views into, within and out of the Conservation Area;
- d) The need to preserve existing open spaces, structures and landscape features (such as trees and hedges, walls, and traditional paving);
- e) Likely levels of noise, pollution, traffic, parking or disturbance that may be caused by the development; and
- f) The visual impact of any vehicular access, parking or servicing / delivery areas that are needed to serve the development.

Design (Heritage and Conservation)

The application property is situated within the Knowsley Village Conservation Area. The property does make positive contribution to the character of the Conservation Area, as the building historically was constructed by the Knowsley Estate circa 1900 and has retained its village character and emphasises a 'pre-war character' of the Conservation Area – as outlined within the Knowsley Village Conservation Area Character Appraisal (2005).

The application seeks to make alterations concentrated to the front of the premises. As stated, the front boundary treatment of 1m high picket fence, gate and 2.5m high timber posts are light tan in colour. It is acknowledged that the scale of the front garden use is enlarged from the previous. Furthermore, it is recognised that the removal of the previous low-lying brick boundary wall and replacement with the introduction of a large area of picket fencing does represent some harm to the Conservation Area as a loss of a traditional boundary treatment found in the area.

It is considered that this could be mitigated by the introduction of soft landscaping to the front elevation by way of fixed planters or privet hedges (as seen in the restaurant opposite the Derby Arms). This has been agreed with the agent and a revised Site Plan (202 REV D) has been submitted to show 5 no. fixed containerised timber planters (0.6m high) within the boundary treatment and would be planted with box hedgerow planting. The fencing is not painted, which presents as overly rustic in appearance for a Public House in a village setting; consequently, in order to improve its visual impact, it is recommended that it is painted a darker brown to reduce its prominence; this has been agreed in writing with the agent to be RAL 8014 and this can be secured further by way of planning condition. The fire exit gate is constructed with timber and is 2.2m high; this should also be painted black to match the other fire exit gate found onsite, which can also be secured by way of planning condition.

The front beer garden has resin bounded gravel with a French drain and a paved ramp to the front entrance door. The introduction of the ramp to the front door does cause a small degree of harm by way of altering the original entrance to the pub; the use of large slate tiles is out of character with the materials found on the Derby Arms. The resin surfacing has been stipulated within the Design and Access Statement to level out the previously uneven front external seating area and to assist accessibility to the main front entrance. Consequently, when balanced alongside wider planning considerations including public benefits, the use of resin bonded gravel to the front elevation, although out of character with the area is a largely unobtrusive material and does not detract from the character and appearance of the Conservation Area.

The painting of the existing fenestration of the building to RAL 5008 – grey blue, is to integrate with works completed under an earlier granted permission (24/00375/ADV) and would not have a harmful impact to the character and appearance of the Conservation Area.

The festoon lighting by itself is not considered to fall within the scope of 'development' under Section 55 of the Town and Country Planning Act 1990 (as amended) and therefore the lighting by itself would not require planning permission as it could be installed to any existing structures or fixtures of the pub.

Therefore, it is considered that although the scheme is situated within a prominent position and is highly visible, following amended plans showing the details of soft landscaping scheme and the conditions to paint the picket fence, gate and timber posts a darker brown and the fire exit gate black, the retrospective application will have a neutral impact on the character and appearance of the Conservation Area and because of the above, the scheme would be deemed to comply with Policy CS20.

Residential Amenity

The existing use of the front outdoor area of the pub were previously used already for a beer garden, which would not be altered or changed by the application. The contents of the retrospective application would not be deemed to raise any residential

amenity concerns given that the works relate to cosmetic changes to the appearance of the fenestration of the existing building, the boundary treatment to the front outdoor area and the changed surfacing of the outdoor area.

The application is not considered to result in any unacceptable impacts on residential amenities and would comply with Policies CS2 and CS19 and Saved Policy H5.

Highways

The existing use of the front garden area would remain as a beer garden, and this remains unaltered by the current retrospective application. The proposal does not raise any highway concerns, no existing parking is affected, and visibility is not unacceptably impacted for access and egress of the site onto Knowsley Lane; the timber posts are tall but are not considered to significantly obstruct visibility and therefore do not raise any highway safety concerns.

The application is considered to comply with Policies CS2, CS19 and Saved Policies H5 and DQ5.

Conclusion

The retrospective application is deemed to have an acceptable impact in terms of design, residential amenity, highways and would have a neutral and acceptable impact on the character and appearance of the Knowsley Village Conservation Area following the amendments secured or the suggested conditions to be applied. The proposal also broadly complies with the relevant Core Strategy, Replacement UDP policies and guidance in the NPPF and is therefore recommended for approval subject to conditions.

Recommendation

That planning permission be granted subject to the following condition(s):-

- 1) The completed development hereby permitted for retention shall remain in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 2) Within two months of the date of this planning permission, a 1m length of fencing shall be painted brown (RAL colour 8014) as previously agreed in writing on 25.03.2025. The Local Planning Authority (LPA) shall be notified of the date of the 1m fence length painting prior to such taking place and shall inspect on site for final approval of the colour, with final approval being confirmed in writing by the LPA. Within one month following inspection and written confirmation, the agreed details shall be implemented to the entirety of the boundary treatment (which for the avoidance of doubt comprise the 1m high timber fence, gate and the 2.5m high timber posts), and shall be retained as such at all times the boundary treatment to the front of the building is in place.

Reason: To preserve the character and appearance of the Knowsley Village Conservation Area and to comply with Policies CS2, CS19 and CS20 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and DQ5 of the Knowsley Replacement Unitary Development Plan adopted in June 2006.

- 3) Within two months of the date of this permission, the agreed soft landscaping details (5 no. fixed timber planters) shown on the submitted Proposed Site Plan (ref 202 REV D, received 01.04.2025) shall be fully implemented and shall be retained as such at all times the boundary treatment to the front of the building is in place.

Reason: To preserve the character and appearance of the Knowsley Village Conservation Area and to comply with Policies CS2, CS19 and CS20 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and DQ5 of the Knowsley Replacement Unitary Development Plan adopted in June 2006.

- 4) Within two months of the date of this permission, the fire exit gate, hereby approved, shall be painted black to match the existing fire exit gate on site and shall be retained as such at all times the fire exit gate to the side of the building is in place.

Reason: To preserve the character and appearance of the Knowsley Village Conservation Area and to comply with Policies CS2, CS19 and CS20 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and DQ5 of the Knowsley Replacement Unitary Development Plan adopted in June 2006.

Informatives

- 1) See attached letter from Cadent Gas.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
16/12/2024	204	REV C	PROPOSED ELEVATIONS
08/01/2025	-	-	MATERIALS SPECIFICATION LIST
08/01/2025	200	REV C	SITE LOCATION PLAN
01/04/2025	202	REV D	PROPOSED SITE PLAN

Signed Case Officer¹:

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

Reece Black

Signed Authorising
Officer²:

Jo Sheridan

Date:

07/04/2025

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