

<u>APPLICATION NO:</u>	21/00657/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Halewood South	<u>PARISH:</u>	Halewood Town Council
<u>LOCATION:</u>	Eagle And Child , Church Road, Halewood		
<u>PROPOSAL:</u>	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		

Site Description

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 between, to the front of the pub building. The car park extends to the eastern side of the pub. There is a planted strip area on the Court Avenue side of the northern boundary of the site.

Proposal

The application seeks to retain the boundary treatment installed to the Church Road and Court Avenue boundary of the pub site. The boundary treatment consists of hit-and-miss fencing to Church Road and Court Avenue boundaries, with the concrete posts along Church Road being clad in timber.

Consultations

Highway Authority – No objections.

Conservation & Design Officer – Raised issues regarding the fence proposed is harmful to the character of the conservation area owing to its scale and prominence and tall bulky piers. The plans have since been amended.

Halewood Town Council - No comments received.

Representations

This application has been publicised by letters sent to 26 neighbours. It has also been advertised by Site Notice and a Press Notice.

There has been 1 letter of objection and letters of support from 44 persons. The objections are summarised as follows: -

1. The fence currently follows the property boundary and encloses the green space on the corner of Court Avenue and Church Road, rather than follow the boundary of the car park as proposed in the drawings. This has resulted in the creation of a blind corner when turning from Court Avenue onto Church

Road.

2. Closing the vehicular access from Court Avenue has created an unsafe environment on Court Avenue for pedestrians. The path ends where the entrance used to be on that side of Court Avenue. Blocking that entrance to the pub has resulted in more people walking down the middle of the road; the other pavement is often unsuitable due to cars parking on the pavement.
3. The application notes in several places that the fencing is to be painted, but this has not been implemented so far. This results in a non-visually appealing fence that is not currently in keeping with the surrounding community and conservation area.

The supporting representations are on the basis that the fence, along with other works, has enhanced the pub and grounds, and the local area and conservation area in general. Other points raised are that it was installed to reduce crime and anti-social behaviour in the grounds as there is only the one way in and out, and such behaviour has curtailed as a result.

Planning History

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 AND ERECTION OF 1NO. ASSOCIATED FLOODLIGHT. Granted: 13.12.2021.

02/00442/ADV - NEW SIGNAGE SCHEME (REMOVAL, REPLACEMENT AND RETENTION OF SIGNAGE TO PUBLIC HOUSE). Granted: 13.08.2002.

01/00148/FUL - ERECTION OF SINGLE STOREY EXTENSION AND LINKWAY TO REAR OF BUILDING TO HOUSE REFRIDGERATION UNIT. Granted: 12.06.2001.

00/00167/FUL - ERECTION OF GROUND FLOOR EXTENSION TO REAR OF PREMISES TO FORM DINING AREA AND TOILET ACCOMMODATION. Granted: 14.06.2000.

98/00296/ADV - RETENTION OF VARIOUS SIGNS. Granted: 20.07.1998.

98/00181/APP - EXTENSION OF EXISTING HARDSTANDING AND CONSTRUCTION OF. Granted: 16.06.1998.

93/00175/ADV - RETENTION OF EXTERNALLY ILLUMINATED SIGNAGE. Granted: 07.01.1994.

93/00054/FUL - ERECTION OF FRONT PORCH, CONSTRUCTION OF EXTERIOR STEEL FIRE ESCAPE. Granted: 30.09.1993.

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: 25.07.1988.

K/APP/3042 - FLOODLIGHTING OF BOWLING GREEN SURFACE. Granted: 30.06.1978.

K/APP/1937 - ILLUMINATED SYMBOL SIGN. Refusal: 04.05.1977.

K/APP/1359 - NEW COCKTAIL BAR AND TOILETS. Granted: 13.05.1976.

K/APP/2104 - 2 ILLUMINATED FASCIA BOX SIGNS. Granted: 04.05.1977.

K/APP/951 - EXTENSION TO CLUBHOUSE TO FORM BAR AND BOTTLE STORE.
Granted: 20.11.1975

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
DQ2 - Security in the Built Environment
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

Impact on Church Road Conservation Area and visual Amenity Considerations

Core Strategy Policy CS20 states that development proposals in Knowsley should preserve or enhance the borough's historic and architectural assets. The character of the conservation area is identified as that of a Victorian village with open aspects, green areas, and well-spaced buildings.

The fence and posts have been reduced since originally installed. The posts and fencing along Church Road, up to the planted area at the corner point of the site do not exceed 1m in height when measured during a site visit. Along the rear of the planted point and along Court Avenue the fencing does not exceed 1.2m measured from the ground level of the planted area on Court Avenue side of the fencing. This boundary has significant planting (with gaps) which shields much of the fencing. The timber fencing and cladding of the posts has weathered and is muted in appearance.

The fencing, and posts, as now existing has reduced impact and taken onboard a key element of the Conservation Officer concerns. The 1m fencing/posts along Church Road does not require planning permission, whilst the fencing to the rear of the corner point of the site and Court Avenue is shielded somewhat by planting. It is considered that the fencing and the posts maintain the appearance and character of the conservation area and is not detrimental to the visual amenity either of Church Road or Court Avenue. There has been significant support for the fence/posts as originally applied for; whilst one person has objected including for impact on the conservation area there have been 44 persons supporting it, many citing that it improves the pub site and some going on to say that it improves the conservation area. It is considered that the fencing and cladding of the posts as now in-situ is acceptable and maintains the character and appearance of the conservation area. Furthermore, it is considered that the fencing has weathered acceptably and is muted in appearance.

As such it is considered that the application complies with Policies CS2, CS19 and CS20 of the Core Strategy and Saved Policies H5 and DQ5 of the UDP.

Residential Amenity

The fencing and the clad posts do not harm the amenity of neighbouring properties; in fact, it could be said to have improved the amenity of the area. The fence and the closing off of the Court Avenue access were implemented to deter anti-social behaviour and crime that occurred at the site, primarily in the car park area (such as drug dealing etc.), by blocking off routes out of the site and having a single singular access/egress point. The fence and access point closure does appear to have been a successful deterrent to such activity, with letters of support from residents attesting to this.

As such it is considered that the application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policies H5 and DQ2 of the UDP.

Highways Considerations

The closure of the secondary access is acceptable, given that the access/egress remaining is approximately 6m wide and as such should be able to accommodate for two-way traffic. The width of the access and around 4m footway depth ensures

suitable pedestrian visibility for egressing traffic. The Council Highways Engineer has no objections to the application.

With regard the objector's comment that the blocking off the access from/to Court Avenue causes highway safety issues it is not considered that this does cause issues as there is a footpath on the opposite side of that road. Likewise, the objector states that the fence causes a blind spot at the junction of Court Avenue with Church Road. However, the fence cuts across the corner point of the corner with planting in front and does not create a blind corner to traffic coming up south to north along Church Road (the opposite side of the road to Court Avenue and experienced through driving out of Court Avenue). No complaints or correspondence have been received with regards either issue since the fence was installed except from the singular objector as a result of the publicity.

As such it is considered that the application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policies H5 and DQ2 of the UDP.

Conclusion

The fencing and cladding of the posts as now on site do maintain the character and appearance of the conservation area and the area in general. The installation does not harm the residential amenity of neighbouring properties or the wider area and have improved amenity due to the reduction in crime and anti-social behaviour that previously occurred in the pub car park area, and which has reduced as a result of the development. The development is not harmful to highway safety and the Council Highways Engineer has no objections to the development. There is a fall-back position that fencing and posts of no more than 1m in height can be installed adjacent a highway used by vehicular traffic of up to 1m in height, so for the Church Road fencing planning permission is not required for installation as now in-situ whilst the remaining fencing does not exceed 1.2m in height measured from the Court Avenue side of the fencing. The amended development complies with planning policies and is therefore recommended for approval with conditions.

Recommendation

That Planning Permission be granted subject to the following condition(s): -

1. Notwithstanding the approved elevations drawings the fencing and posts hereby permitted shall be not exceed 1m in height from ground level on the Church Road frontage as measured from the Church Road side of the fence and posts, and the fencing along Court Avenue shall not exceed 1.2m in height from ground level as measured from the Court Avenue planted area side of the fencing, or the tarmaced areas on this frontage as appropriate.

Reason: To maintain the appearance of the Church Road Conservation Area, in the interest of visual amenity and to comply with Policies CS2, CS19 and CS20 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5, DQ2 and DQ5 of the Knowsley replacement Unitary Development Plan adopted June 2006.

Date Received	Ref. No	Version	Drawing/Document Title
14/10/2021	1972-201	B	Existing and Proposed Boundary Fence
14/10/2021	1972 - 102	A	Proposed Plans
14/10/2021	1972-LOC-1E	D	Location Plan

Signed Case Officer¹: **Lee Osborne**

Signed Authorising Officer²: **K Foster**

Date: **24 July 2023**

Informatives

1 See attached Cadent correspondence.

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

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

Appendix 1 – Site Photographs

Church Road



Court Avenue



Former Court Avenue Access

