



Appeal Decision

Hearing Held on 23 April 2024

Site visit made on 23 April 2024

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/H4315/W/23/3332405

**Land South of Former Pilkington Group Head Office, Prescott Road,
St Helens WA10 3HG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by The Sovini Group against the decision of St. Helens Metropolitan Borough Council.
 - The application Ref is P/2022/0313/FUL.
 - The development proposed is erection of 64 residential units (36 dwellinghouses and 28 apartments) with associated development and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I shall have regard to this statutory duty in my consideration of this appeal.
3. A Unilateral Undertaking pursuant to Section 106 of the Act (the legal agreement) is before me. This is dated 22 April 2024 and is signed on behalf of the appellant, relevant landowner, and mortgagee. The legal agreement contains provisions related to a Biodiversity Net Gain Contribution. I shall return to the legal agreement later.
4. A revised Planting Plan¹ has been submitted at appeal stage and thus after the Council resolved to refuse planning permission. This incorporates clarification of replacement planting proposals in the southeast corner of the site. On the basis that, when compared to the earlier revision of the same plan determined by the Council, minor changes are proposed in merely a specific part of the site, I am content that no party with a potential interest in the outcome of the appeal is prejudiced by me accepting the revised Planting Plan for determination purposes.
5. Whilst the Council resolved to refuse planning permission for four separate reasons, it has opted, following full consideration of the supporting evidence

¹ ref: PPL21.1116.103 Rev r10

submitted at appeal, not to defend three of those reasons, which related to flood risk/drainage, biodiversity, and loss of trees/woodland. I have formulated the appeal's Main Issue on this basis.

Main Issue

6. The effect of the proposal upon the setting and thereby the significance of the Grade II listed building known as 'Former Pilkingtons Headquarters complex, Borough Road, St Helens' (the complex), and upon the significance of the Grade II listed Registered Park and Garden known as 'Former Pilkingtons Headquarters landscape, Borough Road, St Helens' (the RPG).

Reasons

The site and its immediate surroundings

7. The main body of the site is comprised of a parcel of undeveloped grassland (the grassland) that exhibits a plateaued landform, whereby a higher land level is in place to its western side when compared to its eastern portion. The complex, which is located beyond the boundaries of the appeal site, is situated to the north of the grassland and is made up of a compact amalgamation of now vacant blocks that once formed the headquarters for Pilkingtons and fall within an associated planned landscape that comprises the RPG.
8. To the grassland's perimeter and typically inside the limits of the appeal site, various well-established wooded/treed features are in place. This includes along the northern and eastern boundaries where such planted features fall within the designated extent of the RPG. Meanwhile, the grassland's western and southern boundaries are backed on to by linear rows of residential properties that front Prescott Road and Lincoln Road respectively. In addition to the grassland and planted perimeter features, the appeal site incorporates a part of the protected landscape to the north that includes access from Prescott Road and an area of existing parking.

Significance and special interest

Overview

9. The complex is of mid-20th century origin. Its significance and special interest as a designated heritage asset is drawn, in-part, from its associations to the distinguished architect, Edwin Maxwell Fry, and it surviving as a fine example of a contemporary greenfield headquarters purpose built to a high-specification for a business with a long-standing presence in St Helens and that was a highly influential glass producer during the era of the complex's construction. This significance and special interest is further derived by the grand scale and visibility of its main tower block, the high level of intactness of its principal and subsidiary buildings, and the often verdant nature of the planned landscape within which the complex sits.
10. The significance of the RPG as a designated heritage asset is drawn, in-part, from its inherent connection to the complex and its association with the renowned landscape architect, Peter Youngman. This significance is further underpinned by coherently designed elements of hard and soft landscaping that combine through a series of terraces, lawned and planted areas, raised beds, and paths, which complement and are drawn together by an expansive lake that acts as a key focal point within the RPG. This carefully designed

landscape, whilst of a contained nature, makes an influential contribution to the complex's setting through promoting the availability of high-quality views and providing a definite sense of verdant spaciousness.

The contribution made by the site

11. It has been put to me that, consistent with the RPG's extent and the positioning of now established perimeter planting/screening, the grassland never formed any part of the original plans for the headquarters. The Built Heritage Hearing Statement (January 2024), which includes a range of historic maps, plans, and images, offers a clear indication that the lower part of the site was formerly utilised as a playing field by a now demolished secondary school that was constructed at a similar time. Indeed, notwithstanding the potential for the grassland's higher side to have accommodated recreational activities for workers, no clear historic functional relationship between the headquarters and any part of the grassland is readily apparent from the evidence before me.
12. It is also the case that, owing to its setback location, the positioning of neighbouring development, and the existence of various buffers of established planting, the grassland, which is not publicly accessible, occupies a discreet and enclosed location. As such, even though setting need not be confined to areas which have public access, the importance of outward views from the grassland towards neighbouring designated assets are diminished. In any event, whilst such views offer some understanding of original context, they are not especially sensitive in a heritage conservation sense. This is not least due to the lack of any clear appreciation offered of either the complex (other than its widely visible main tower) or the actual designed landscape within which it sits.
13. It has been put to me that it is only the mature planting in place to the grassland's northern side that makes a positive contribution in heritage significance terms, through providing an important backdrop to key views available from around the complex. I do not dispute the value offered by the grassland's perimeter planting, which offers a legible and long-established edge to the designed landscape and that plays a role in filtering and buffering views. Even so, whilst available views into the grassland are restricted, the space still contributes an important sense of simplicity and openness to the backdrop of key views by virtue of being clear of built development.
14. Moreover, as is apparent from lakeside areas, established planting, which is predominated by deciduous species, does not provide an impenetrable or consistently thick screen to views. Thus, the distinct sense of spaciousness and separation from development to the south, which would have been existent when the headquarters were constructed, continues to avail and to make a positive contribution to the settings and thereby the significance of both the complex and the RPG.
15. Indeed, the grassland, which is of sizeable expanse, offers valuable breathing space in an otherwise densely developed locality. It thus assists in promoting an understanding and appreciation of the complex's high-status, grand scale, and greenfield origins. This is notwithstanding the discreet and enclosed nature of the grassland or the apparent absence of any formalised historic functional relationship between it and the headquarters.

16. The access road contained within the northern part of the appeal site comprises part of the original design and layout of the planned landscape. It is laid in red tarmac and flanked by areas of brick boundary walling and planting. These elements, which are sympathetic to the wider design ethos adopted upon inception, make positive contributions to the setting of the complex and to the significance of the RPG.

Heritage effects

17. The proposal would introduce a total of 64 residential units, which represents a reduction in number when compared to a previous application for 76 dwellings that was withdrawn in 2022. Even so, it remains that a considerable quantum of new development, varying between two and three and a half storeys in height, is proposed that would cover a high proportion of the grassland.
18. The scheme would respond to the site's topography in the sense that the taller apartment blocks would be located to the eastern side of the grassland. Even so, as illustrated upon submitted site sections, the ground level of the land where the apartment blocks would be sited is stepped up when compared to the base level of lakeside components of the complex, including the low-level block that is situated closest to the site and that protrudes out into the lake. It is also pertinent that the eastern section of the grassland offers greater potential, when compared to the western portion, to influence one's experiences of the complex and its designed landscape from key vantage points within the RPG.
19. Moreover, the proposed apartment blocks would influence a range of views obtainable on an approximate south-west axis from locations adjacent to the lake. Having factored in topography, proximity to the RPG, and the composition/depth of intervening planting to be retained and supplemented, it is my judgement that the potential visibility of the apartment blocks has been somewhat underplayed in the appellant's evidence.
20. Whilst clearly not of a height that would compete with the grand scale of the complex's main tower, the three and a half storey blocks would act as a signpost to comprehensive new residential development and materially erode the openness and unfettered nature of the backdrop that presently prevails in key lakeside views. Whilst I accept that predominantly unfiltered views of other houses and the former secondary school would have existed historically, it is the immediacy of the intended relationship with the complex that differentiates the proposal from past circumstances.
21. I note that a central area of open space is intended to be retained within the grassland from which the complex could be appreciated to some degree, most particularly its feature tower. However, that area of open space would be closely surrounded by new-build development such that future users of it would encounter difficulty in attaining a true appreciation of the original open/natural context that was, and still is, offered by the grassland.
22. In terms of intended alterations within the northern part of the appeal site, these would be of a minor nature and centred upon an extension to the existing access road. Even so, such works would necessitate the removal of small sections of established planting and brick boundary walling as well as groundworks and the potential installation of new retaining features to negotiate changing land levels. These changes, however finished/treated,

would disrupt the carefully designed landscape, and modify how it would be experienced in specific viewpoints. These effects, although limited due to their scale and coverage, would exacerbate to some modest degree the adverse heritage effects I have already identified above.

23. For the above reasons, the scheme would cause harm to the heritage significance of the complex by virtue of development within its setting and cause harm to the heritage significance of the RPG through failing to fully harmonise with the RPG's planned landscape and by virtue of development within its setting. In the terms of the National Planning Policy Framework (December 2023) (the Framework), I would qualify that, in the case of both assets, the degree of harm would be less than substantial. It must be noted that even less than substantial harm to a designated heritage asset carries considerable importance and great weight.
24. I accept that a range of positive contributing elements would remain free from direct effects, such that to identify harm at the lower end of any less than substantial spectrum is fair with respect to each asset. However, any suggestion of a very low level of harm underplays the severity and materiality of the adverse impacts identified. The Framework requires less than substantial harm to be outweighed by public benefits, which I shall return to within my Heritage and Planning Balance below.

Other Matters

25. I have noted objections/concerns raised by interested parties with respect to matters including: the effect upon neighbouring living conditions; highway and pedestrian safety; drainage; tree works, including past on-site removals; and the effect upon wildlife. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters any further here.
26. I note that contributions towards education and the provision of replacement sports pitches have not been sought by the Council, contrary to observations/requests made by technical/statutory consultees. This is because a detailed and independently verified viability assessment has been submitted to demonstrate the proposal unable to support such contributions. In the circumstances of this case, and in accordance with Policy LPA07 of the St Helens Borough Local Plan up to 2037 (July 2022) (the Local Plan), which allows economic viability to be considered when assessing planning proposals, I do not find the absence of such contributions to equate to planning harm.

Legal Agreement

27. The legal agreement secures a £103,200 contribution towards the costs of a scheme to deliver biodiversity gains, which would be paid to the Council in two instalments – one upon the commencement of development and one upon or before first occupation. The statutory biodiversity metric has been utilised to ascertain that, in comparison to the baseline situation, the scheme would lead to a net loss of 4.3 habitat units. The commuted sum to mitigate for this loss, which equates to £24,000 per habitat unit, has been calculated in line with the Council's up-to-date figures for establishing grassland/woodland habitat and would be directed towards the creation/enhancement of such habitat locally. The agreed level of mitigation is consistent with no statutory requirement to deliver a 10% net-gain being applicable to this scheme. I am satisfied that the

provisions contained within the legal agreement are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind.

Heritage and Planning Balance

28. The scheme would deliver 64 additional dwellings of various types and sizes. All units would be classified as affordable in accordance with the relevant definition contained within the Framework, with the precise tenure mix to be secured via condition. The provision of 64 affordable homes would be in line with the Government's objective of significantly boosting the supply of homes and would promote, in an accessible central location, the provision of a good standard of housing for all. Whilst the Council is currently able to demonstrate a healthy supply of deliverable housing sites and has confirmed that, in recent times, affordable completions have exceeded relevant targets, it remains that the provision of 64 affordable homes would offer public benefits attractive of considerable weight.
29. Other benefits include the creation of jobs and investment in the local economy during the construction phase, which, whilst time-limited, are benefits that attract moderate weight given the scale of development under consideration. I also attach moderate weight to the anticipated post-occupation contribution to the local economy and local community facilities given the not insignificant number of new residents to be housed.
30. It has been brought to my attention that the freehold for a wider site that incorporates the appeal site, the complex, the majority of the RPG, and former car parking areas to the east is up for sale and has been actively marketed since last year. It was indicated at the hearing that potential interest received to date has been based on residential redevelopment/conversion and that, at least in some instances, ongoing interest hinges upon the successful outcome of this appeal. Moreover, it has been set out that the proposed development could deliver a capital receipt capable of being invested back into the complex.
31. I do not doubt that considerable investment in the complex would realistically be required to promote that it become reoccupied/repurposed in a comprehensive and successful manner. I further acknowledge that, when factoring in its scale and accessible central location, there could be potential significant public benefits drawn from securing investment in the wider site if to lead to its buildings and often high-quality external spaces being actively occupied/utilised and maintained on a long-term basis.
32. However, the proposal relates only to a specific part of the wider site and, notwithstanding the manner in which the wider site is being marketed, there is no formal mechanism in place to ensure that any capital receipt to be accrued would ultimately be reinvested in the complex. In the absence of certainty in this regard, I attach minimal positive weight in the context of any arguments made that the proposal could lead to subsequent wider investment and/or active occupation of the complex.
33. Nevertheless, the public benefits associated with the scheme remain considerable when assessed in cumulative terms. However, in the circumstances of this case, the scheme's public benefits would not, in my judgement, outweigh the less than substantial harm that I have identified would be caused to the heritage significance of either the complex or the RPG.

34. The proposal conflicts with the historic environment conservation and enhancement policies contained within the Framework. Conflict also arises with Policy LPC11 of the Local Plan in so far as this policy promotes the conservation and enhancement of the Borough's heritage assets and their settings in a manner that is appropriate to the significance of each asset. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

35. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Steve Buckley	Director, Peacock and Smith
Gareth Glennon	Director, Peacock and Smith
William Kearns	The Sovini Group
Anthony Kong	Operations Manager

FOR THE COUNCIL

Daley Parsonage	Principal Planning Officer
Joe Nanson	Development Control Manager
Ian Bond	Conservation Officer

INTERESTED PARTIES

Cllr Derek Bond	Ward Councillor
Cllr Quinn	Ward Councillor
Cllr Bond	Ward Councillor
Ann Redmond	Local resident
Mrs Hitchmough	Local resident
Keith Williams	Local resident
Patricia Abbott	Local resident

DOCUMENTS SUBMITTED AFTER THE HEARING

Written confirmation of the withdrawal of the appellant's costs application, submitted via email dated 24 April 2024

Updated Biodiversity Net Gain Assessment, dated 27 March 2022, submitted via email dated 24 April 2024

Statutory Biodiversity Metric Calculation Tool, dated March 2024, submitted via email dated 24 April 2024