

<u>APPLICATION NO:</u>	22/00451/FUL	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	Halewood South	<u>PARISH:</u>	Halewood Town Council
<u>LOCATION:</u>	Unit 13 - Halewood Shopping Centre, Leathers Lane, Halewood		
<u>PROPOSAL:</u>	CHANGE OF USE OF SHOP (USE CLASS E(b)) TO FORM MIXED USE RESTAURANT AND HOT FOOD TAKEAWAY (USE CLASS E(b) / SUI GENERIS) WITH PRIMARY USE AS RESTAURANT TOGETHER WITH -EXTRACTION / VENTILATION EQUIPMENT		

Knowsley Local Plan Allocation

Town and District Centre
Ravenscourt Action Area

Site Description

The application site is an existing retail store within the Halewood Shopping Centre, Leathers Lane, Halewood. The unit is located within one of two clusters of 4 units on the southern side of the shopping centre. Refuse storage is located within the unit and within a central service area between the adjacent unit. The unit is flat roofed with a canopy overhanging the unit along the northern elevation facing the car park and to the side. The unit is constructed of steel frame block and white render with anthracite glazing to the front and side.

These units sit across a car park from other larger units to the north which include an Aldi supermarket, Home Bargains, Tesco Express and Iceland together with several smaller units. Car parking associated with the shopping centre and the Halewood Centre building is located to the front and rear of the premises. Residential dwellings are located further to the south beyond the rear car park on Roseheath Drive. Other residential development is located to the northeast on Vine Close. Immediately to the east of the unit lies the 'Halewood Centre' building which incorporates a medical walk-in centre and library together with a range of community services. To the west of the site beyond other units and across Leathers Lane there are playing pitches used by Halewood Town Junior Football Academy.

The unit is currently vacant however, its last use was a retail charity shop (Class E (a) (*Display or retail sale of goods, other than hot food*) - Commercial, Business and Service).

Proposal

This application seeks consent for the change of use from the retail unit (Class E (a) to mixed use restaurant (Class E (b)) and Hot Food Takeaway (Sui Generis). The proposal does not involve any alterations to the shop front. It is proposed that the external alterations would include extract / ventilation equipment to the roof and signage.

Internally the building would be altered to provide kitchen /cooking facilities, storage, customer seating area, point of service area and associated toilet accommodation.

The layout would accommodate 24 covers across 3 banks of 4-seater tables and 2 no. banquette style seating providing 6 no. seats in each.

The applicant proposes the following opening hours:

Monday - Sunday 11.00am – 11.00 pm.

The applicant has provided a job creation statement that indicates that the proposed staffing would be 6 full time staff and 12 part time positions. In support of the application the applicant states that Pepe's Piri Piri is an international fast food Piri Piri grilled chicken concept with over 180 restaurants worldwide...Pepe's business concept is one of healthy fresh grilled food in a casual setting. The proposed site would have capacity for 36 diners and the model for the application site would be one of 80% dine-in and 20% take-away.

Consultations

Halewood Town Council - No Comments Received.

Highway Authority - No objection in principle subject to securing additional cycle parking by condition.

Environmental Health - No objections subject to conditions in relation to fume extraction; hours of use; noise of fixed plant; restriction of hours of deliveries and refuse collection and opening times.

Merseyside Police HQ - No observations received.

Local Plan Team - Advise that the proposed development is contrary to criterion 2 (b) of 'Guidance for Appropriate Concentration of Hot Food Takeaways in Retail Centres' in the Town Centre Uses SPD and Local Plan Policy CS6 'Town Centres & Retail Strategy'.

Representations

This application has been publicised by letters sent to 28 neighbours. It has also been advertised by Site Notice

There has been 1 letter of objection, 2 letters of support and no letters of comment.

The letter of objection is summarised as follows: -

- a) Existing Take Away Owner - Own the food/takeaway business in adjacent unit which have run with brother from the day of opening.
- b) Competition - Paid business rates and rent for 10 years and do not think it would be fair to have another fast-food business here, especially in these times, could be devastating. When signing contracts, no other fast-food shop could open. Unfair to have this competition as well as harder times i.e., soaring gas and electric prices, and stock inflation.

- c) Anti-Social Behaviour - More kids hanging around which is currently controlled as they know the community very well, but not sure what they would be like towards a new fast-food outlet.

The letters of support are summarised as follows:-

- d) Units Vacancies
- Unit has been vacant for over 2 years.
 - To decline this planning application would guarantee that this unit would remain vacant and contribute towards antisocial behaviour and general demise in the area.
 - 2 other vacant units in this centre.
- e) Inward Investments /Job Creation
- Refusal will add to the decline of the area whilst preventing inward investment and job creation.
 - User is a quality fit out investing in the area creating employment for 10 people allowing a nice place for residents to eat.
 - This estate is over 45,000 sq. ft of lettable space and this unit is only 979 sq. ft, the unit to the rear is a café but is currently closed.
- f) Urge support for local business and landlords in the area.
- g) The proposed use offers an exciting place to eat and socialize for the local community whilst providing job opportunities.
- h) The granting of this consent will also assist in arresting the decline of the area and encourage other new occupiers to invest here and provide further amenities for the local community and job opportunities.

i)

Planning History

APP. NO: 10/00523/HYB
PROPOSAL: ERECTION OF 1 NO. 1,597 SQ.M FOOD STORE (USE CLASS A1) AND 12 NO. UNITS COMPRISING OF 2,489 SQ.M OF MIXED RETAIL/COMMERCIAL FLOORSACE (USE CLASSES A1, A2, A3 AND A5), TOGETHER WITH CONSTRUCTION OF NEW ACCESSES AND CAR PARKING, BUS INTERCHANGE, HARD AND SOFT LANDSCAPING AND MISCELLANEOUS WORKS (DETAILED APPLICATION) TOGETHER WITH OUTLINE APPLICATION FOR PUBLIC HOUSE (USE CLASS A4) (ACCESS TO BE CONSIDERED AT THIS STAGE)
DECISION: Granted
DECISION DATE: 15 November 2010

APP. NO: 10/00523/NMA
PROPOSAL: APPLICATION FOR A NON-MATERIAL AMENDMENT FOLLOWING GRANT OF PLANNING PERMISSION 10/00523/HYB - TO TAKE ACCOUNT OF ADDITIONAL CONDITION LISTING APPROVED DRAWINGS AND DOCUMENTS

DECISION: Granted
DECISION DATE: 19 May 2011

APP. NO: 11/00316/HYB
PROPOSAL: VARIATION OF CONDITION NO'S 8, 13, 22, 25, 26, 29, 30 AND 40 ATTACHED TO PLANNING PERMISSION 10/00523/HYB - TO TAKE ACCOUNT OF CHANGES TO DRAWING NUMBERS/TITLES AND TIMESCALES

DECISION: Granted
DECISION DATE: 11 August 2011

APP. NO: 11/00316/NMA
PROPOSAL: APPLICATION FOR NON-MATERIAL AMENDMENT FOLLOWING GRANT OF PLANNING PERMISSION 11/00316/HYB (VARIATION OF CONDITION NO'S 8, 13, 22, 25, 26, 29, 30 AND 40 ATTACHED TO PLANNING PERMISSION 10/00523/HYB - SOUGHT FOR REPLACEMENT OF 4 NO. CLEAR GLASS PANELS ON THE LEATHERS LANE FRONTAGE OF UNIT 1 WITH 4 NO. OPAQUE PANELS

DECISION: Granted
DECISION DATE: 21 October 2011

APP. NO: 11/00471/HYB
PROPOSAL: VARIATION OF CONDITION NO. 13 ATTACHED TO PLANNING PERMISSION 11/00316/HYB - TO ALLOW FOR REVISED NOISE LEVELS FROM FIXED PLANT

DECISION: Granted
DECISION DATE: 31 January 2012

APP. NO: 12/00309/HYB
PROPOSAL: VARIATION OF CONDITION NO'S 1, 7, 10, 14, 23 & 24 ATTACHED TO PLANNING PERMISSION 11/00471/HYB - TO ALLOW FOR SUB-DIVISION AND EXTERNAL ALTERATIONS TO UNIT 2 TO FORM 2 NO. SMALLER UNITS AND OCCUPATION OF UNIT 1 BY STAFF FROM THE HOURS OF 06:00-23:00 ON MONDAYS TO SATURDAYS AND 07:00-22:00 ON SUNDAYS

DECISION: Granted
DECISION DATE: 11 September 2012

APP. NO: 13/00559/HYB
PROPOSAL: VARIATION OF CONDITION NO.1 ATTACHED TO PLANNING PERMISSION 12/00309/HYB - TO ALLOW FOR REVISIONS TO THE APPROVED PLANS SCHEDULE TO ALLOW FOR MINOR ALTERATIONS TO THE 'AS BUILT' LEVELS TO PAVED AREAS BETWEEN UNITS 6, 8, 10 & 12 & THE ADJACENT PCT CAR PARK.

DECISION: Granted
DECISION DATE: 18 March 2014

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.

National Planning Policy Framework

KNOWSLEY LOCAL PLAN: CORE STRATEGY

SD1 - Sustainable Development
CS1 - Spatial Strategy for Knowsley
CS2 - Development Principles
CS6 - Town Centres and Retail Strategy
CS7 - Transport Networks
CS19 - Design Quality and Accessibility in New Development
CS26 - Waste Management

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

S2 - Diversification of Uses within Existing Centres
DQ2 - Security in the Built Environment
ENV2 - Noise and Vibration
T10 - Access for the Less Mobile

The Joint Merseyside and Halton Waste Local Plan 2013

WM9 - Sustainable Waste Management Design and Layout of New Development

SUPPLEMENTARY PLANNING DOCUMENTS

Ensuring a Choice of Travel SPD (2010)
Shopfronts and Signage Design SPD (2016)
Town Centre Uses SPD (2022)

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

Principle of Development

The submitted floor layout plan indicates that the 'back of house' floorspace including customer service area would cover approximately 45 sq. m of the floorspace, the floor area to the front which would accommodate the seating together with a customer toilet and would comprise approximately 44 sq. m in total. Within that area the seating area would provide 36 covers, the remaining area being circulation space and customer counter.

The application site is located within the Halewood Shopping Centre which is designated as a District Centre in the adopted Local Plan Core Strategy. The proposed development is for a 'Change of Use Shop (Use Class E (b)) to form mixed use restaurant and hot food takeaway (Use Class E (b) / Sui Generis) with primary use as restaurant together with associated extraction / ventilation equipment. The application has declared that the business model would be 80% restaurant and 20% take-away.

Key policy considerations in the determination of this application are as follows:

- Local Plan Core Strategy *Policy CS6: Town Centres and Retail Strategy* seeks to enhance the vitality and viability of Knowsley's retail centres and maintain appropriate local service provision. For Halewood, the policy seeks to enhance its role in providing comparison and convenience shopping, supplemented by a complementary mix of uses.
- Saved UDP Policy S2: *Diversification of Uses Within Existing Centres* seeks to ensure that there is diversification of uses within Knowsley retail centres. With 1 (b) having relevance to this application as it refers to how proposals should not result in a '*grouping of uses which would have a negative impact on the character of a centre*'. Additionally, this policy also includes guidance (2) that Food and Drink related proposals require appropriate ventilation, odour/noise control and avoids harm to the amenity of neighbouring properties (and proximity and/or harm to residential uses).
- The 2022 Town Centre Uses Supplementary Planning Document (SPD) provides detailed policy guidance relating to this application, specifically the guidance for the appropriate concentration of Hot Food Takeaways in Retail Centres.

It is considered that the proposed development, is 'relative to the function' of the existing local scale centre (Policy CS6). The NPPF includes in its definition of Main Town Centre Uses (Annex 2) leisure, entertainment and more intensive sport and recreation uses (including ... restaurants...). Whilst hot food take aways are defined at Appendix 7 of the UDP as a town centre use where saved Policy S2 applies, hot food take aways are not included at Annex 2 of the NPPF. As the proposal would include an element of hot food takeaway, it must be considered whether this would be contrary to the '*Guidance for Appropriate Concentration of Hot Food Takeaways in Retail Centres*' in the Town Centre Uses SPD. In that regard, criterion 2 b) requires that no more than 10% of units within district, major or medium local centres, or local shopping centres / parades being hot food takeaways is exceeded. Criterion d) requires that there should be no less than two non-hot food takeaway units between individual or

groups of hot food takeaways in a centre or parade. The SPD does not make specific provision for hot food take away uses associated with a restaurant use.

Paragraph 4.6 of the Town Centre Uses SPD notes that in determining the dominant use of the premises to determine the appropriate use class, consideration will be given to:

- the proportion of space designated for food preparation and other servicing in relation to designated customer circulation space; and
- the number of tables or chairs to be provided for customer use.

The proposed development would be laid out such that almost half the floorspace is given over to kitchen and preparation area and the other area given over to circulation space; 36 covers and a customer counter that would serve both dine-in customers and take-away customers.

Paragraph 4.7 states that any operator who wishes to change the use of their premises will be expected to demonstrate that the use proposed will be the primary business activity for their proposal. The applicant has submitted a Statutory Declaration which states that the proposal would have a business model focused on the restaurant which it is stated would form a significant proportion of the customer base (80%). The take-away would amount to a total 20% of customers, the take-away would not be *de minimus* and as such is a mixed use.

However, the applicant has demonstrated that the primary function would be that of a restaurant, indeed, the hot food takeaway would only form 20% of the overall customer turnover; a Statutory declaration has been provided which testifies to that effect.

If planning permission is granted the number of covers and floor area given over to restaurant use and that it remains the primary use with no more than 20% of customer turnover arising from hot food take away activities, would be secured by suitable conditions. The provision of the Town Centre Uses SPD, in officer's view does not apply in this case.

The Town Centre Uses SPD recognises that there is a growing body of evidence linking the prevalence of unhealthy food in a local area with poor nutritional diets, weight gain, socio-economic disadvantage and lower levels of education. The NPPF and National Planning Practice Guidance (NPPG) advocate for planning policies and decisions which create healthy places and reduce health inequalities. It is noted that the applicant contends that it would offer a customer a healthier menu and it is possible that the applicant's menu would be healthier than that of other food outlets, but if planning permission were to be granted it would not be a personal permission. If granted the use could pass to another provider whose food offer could be significantly different to that of the applicant. Furthermore, the unit could be occupied by a restaurant without planning permission and without restriction of the type of food offered. Given the above, officers are mindful that the health impacts that could ensue beyond that of an eat-in establishment without dietary limitations, would not warrant refusal in this instance.

The owner of the shopping centre has written in support of the application and advised that the unit has been unoccupied despite it being marketed since October 2021. The only firm offer has been from the applicant. The owner notes that there are also two other vacant units in the centre and advise that another unit is soon to become vacant.

The owner emphasises that the proposal would bring into use a vacant unit for which there has been no retail interest.

It is considered that on balance, the mixed use trading primarily as restaurant, suitably conditioned, would not adversely affect the shopping use and services available within the shopping centre to meet day to day needs. The proposal therefore complies with Policies CS2, CS6 and CS19 of the Core Strategy and saved Policies S2 of the UDP and does not conflict with the Town Centre Uses SPD.

Design / Visual Appearance

The application does not propose any external changes to the building as part of the change of use, apart from external fume extraction plant. Initially the application indicated that the shop front would be changed from grey to the corporate red finish. However, other units in the centre have retained the grey shop frontages as originally built. The applicant has agreed to retain the shopfront in grey in keeping with the aesthetics of the Centre.

The applicant has submitted ventilation extract details which indicated that the extract system would discharge 1 m above the roof which would be partly behind a parapet. An air intake grille would be located to the front of the unit. The associated equipment would not have significant adverse impacts to the character of the area and the design would be acceptable. The applicant proposes signage to be added to the front and side elevations which is under consideration of a separated application for advertisement consent.

Access

No alterations are proposed to the shop frontage. The unit is accessible from the car parking area and surrounding footpath networks around the Centre. The entrance to the front of the property is level to the floor to allow for adequate access for users. The proposal does not raise any issues relating to access to the premises. in line with Saved Policy T10 of the UDP.

Residential / Amenity Considerations

Policies CS2, CS19 and S2 seek to ensure that proposals for development do not have an unacceptable impact on residential amenity. Policy ENV 2 states that developments which cause unacceptable levels of noise will not be permitted.

Environmental Health have reviewed the information provided in relation to the proposal and have indicated that they require further information in relation to the odour / smoke / grease control systems to be put in place detailing the stack / chimney used to disperse the emissions from the premises. It is noted that the applicant has updated their application and elevational drawings indicate details a high velocity discharge cowl, with an air intake at the front of the building. Environmental Health officers recommend a jet cone cowl or something of similar design; and not one that has a hat on as this forces the odours downwards.

Further information has been provided by the applicant in relation to the floor layout and the applicant has amended the layout to include a communal service area between the units which provides internal storage of waste bins.

In terms of the hours of operation, the applicant proposes 11:00 am to 11:00 pm, this was originally proposed to be 11:30 pm, but Environmental Health Officers requested the closing times be changed to 11:00pm to be in line with other similar businesses with food offer in the area. The applicant subsequently amended the proposal to take account of these comments. However, having considered the root planning consent for the wider development this stipulates that the hours of operation should not be outside of the hours stated by Condition 27 of permission granted under planning reference 11/00316/HYB (and subsequent amendments to) which states:

“The premises hereby approved shall not be open for business or be occupied except between 07:00 to 23:00 hours Monday to Sunday with the following exceptions:

A5 (Hot Food Takeaways) units can be occupied 07:00 – 24:00 Monday to Sundays.

Reason To safeguard the amenity of neighbouring residents and to comply with Saved Policy S2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.”

Having regard to the hours of operation afforded to the existing hot food takeaway by way of the root permission granted for the wider shopping centre, it is noted that the adjacent hot food takeaway currently closes at 11:00 pm. However, officers do not think that it would be reasonable, if planning permission is granted, to restrict the proposed use to more limited hours than allowed for a hot food takeaway use.

When assessing the effects of a proposed development on the amenity of nearby residents it is necessary to consider what can possibly be undertaken without planning permission. In this case, significant weight must be given to the potential for the premises to operate solely as a restaurant (albeit with hours restricted to 7:00 – 23:00), without the need for planning permission. Consequently, it is the effects of the additional customers and activity that the take-away use would have that must be the focus when considering the impacts of the proposed development and whether unacceptable harm to amenity would be caused.

Noise

The proposed development would have the potential to generate noise from comings and goings, deliveries, and the operation of extraction equipment. Residential dwellings are located to the south beyond the rear car park on Roseneath Drive. Other residential development is located to the northeast on Vine Close.

It is acknowledged that the operation of the use could cause some degree of noise and disturbance. However, as mentioned above, a restaurant can operate from the premises without planning permission, and it is not considered that the additional take-away element, would cause significant harm to amenity.

Furthermore, the current proposal allows the Council to impose planning conditions (if planning permission is granted) to minimise the noise impacts of the proposed development overall by:

- restricting noise levels of associated plant; and
- preventing the outside area's use as part of the restaurant.

On balance and subject to relevant conditions, it is considered that the proposal would not cause unreasonable harm to amenity by way of noise and disturbance.

Odour

In relation to smells (odour), the applicant has submitted an indicative kitchen ventilation extract strategy. The Council's Environmental Health Team have advised that the detail within that document is acceptable, however, the document states "*it provides a description of assumed kitchen ventilation equipment only... The report is issued as an opinion only and may not reflect actual installation.*"

The strategy demonstrates that adequate fume extraction and odour filtration can be achieved and if planning permission is granted a condition is proposed to request precise scheme details of control measures (ventilation and fume extraction) are submitted for approval and the approved system installed before the use comes into operation. With this condition in place, it is considered that there would not be significant odour impacts on residents. This view is supported by the Council's Environmental Health team who have no objection to the development subject to the above condition.

Overall, given the ability for the applicant to operate a restaurant from the premises without the need for planning permission it is considered that the proposed development would not have an unacceptable impact on residential amenity, and it complies with the NPPF and Core Strategy Policies CS2, CS19, S2 and ENV2.

Waste Management

Facilitation of Waste Storage/Collection

The site benefits from an enclosed communal service area shared by the four units in the block, accessed from the rear of the kitchen where waste and separated recyclable materials can be stored until the time of collection. The applicant has indicated that waste would be transported from the premises twice a week.

Litter

Uses that include an element of takeaway can generate a significant volume of litter and waste, and the disposal of this is a consideration in all planning applications. Inadequate facilities for the storage and disposal of litter and waste can result in harm to visual amenity and can pose a risk to public health.

There are several litter bins around the Shopping Centre including one immediately to the side of the premises and one outside of the adjacent Hot Food Takeaway. There is no evidence that litter is problem in the area despite there already being a takeaway and Subway sandwich shop in close proximity.

The proposal does not raise any concern in relation to litter and waste matters and complies with Local Plan Core Strategy Policy CS26: Waste Management and the Merseyside and Halton Joint Waste Local Plan Policy WM9.

Crime and Security Considerations

The use as proposed in some instances can attract gatherings of people and can become hot spots for anti-social behaviour, especially at night. Crime or anti-social behaviour, or the fear of this, is a material consideration in the determination of this planning application.

Comments made by an objector to the proposal implies that there is a current issue with people gathering outside the takeaway. They indicate that the proposal would lead to *more kids hanging around* which is currently controlled. Merseyside Police have not commented on the proposal, nevertheless, officers understand that the area has

recently been a focus of Knowsley's Crime and Communities Team following reports of antisocial behaviour and shop thefts. As a result, they will be working with young people in the area to address issues raised by the shop and Health Centre staff.

However, while the late evening opening could result in the congregation of youths around the premises, there is no evidence to suggest that the operation of the premises would result in anti-social behaviour, and therefore this would not be sufficient grounds alone to warrant refusal of this application.

Having considered the issues concerning community safety, crime and disorder; and that no objection has been raised by the Police, it is not considered that the proposal would adversely affect personal safety and that restricted opening hours and/or will contribute to deterrent measures.

Highway Considerations

The application site is located within a shopping centre with car parking provision and public transportation. A one way 'bus lane' runs between the application site and the car park. Bus stops are sited within the car park area, with a stop located immediately outside the application unit.

The Local Highway Authority have considered the application and do not raise any objection to the proposal. The wider site has an adequate number of car parking spaces to cope with demand. However, it is likely that the site would attract several bicycle couriers providing a delivery service, again, which the vicinity of the site can cope with although additional cycle parking would be required, which can be secured through a suitable planning condition if planning permission is granted.

Therefore, it is considered that provided suitable conditioned, the development would have an acceptable impact on highway and pedestrian safety without residual impacts on the surrounding road network. In summary, the proposal would not lead to unacceptable impacts on highway safety and is consistent with NPPF and Core Strategy Policy CS7.

Other Issues

Grease Traps

The disposal of fat and grease can block the local drains and potentially the wider sewer system, therefore the installation of grease traps is necessary to avoid impacts and this could be secured by a suitable planning condition if planning permission is granted.

Conclusion

The development is acceptable in principle and would not cause unacceptable harm in relation to highway safety or the amenity of neighbouring properties.

In conclusion, the proposed development would comply with National Planning Policy Framework (2021) and policies included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (saved policies 2009); the Joint Waste Local Plan and relevant Supplementary Planning Documents.

Recommendation

That planning permission be granted subject to the following conditions:

Time Limit

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

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans / Documents

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

Hours of use

3. The use hereby approved shall not be open for business or occupied except between 07:00 to 24:00 hours Monday to Sunday

Reason: To ensure that the development does not detrimentally affect the amenity of neighbouring residents by causing noise and disturbance in accordance with the National Planning Policy Framework (2021), Policy CS2 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policies S2 and ENV2 of the Knowsley replacement Unitary Development Plan, adopted 2006.

Restriction of Take-Away Use

4. The use hereby granted planning permission shall operate in accordance with the Statutory Declaration dated 24 February 2023.

For the avoidance of doubt, the restaurant shall remain the primary use with no more than 20% of customer turnover of the unit arising from hot food take away activities and proof of evidence should be maintained to show such and made available for inspection by the Local Planning Authority upon written request.

Reason: To ensure that the development does not impact upon the vitality of the shopping centre and does not detrimentally affect the amenity of neighbouring residents by causing noise and disturbance in accordance with the National Planning Policy Framework (2021), Policy CS2 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policies S2 and ENV2 of the Knowsley replacement Unitary Development Plan, adopted 2006.

Restriction of Number of Covers

5. Prior to the first occupation of the use hereby permitted, the dining area providing 36 no. covers as shown on the approved Proposed Ground Floor Plan, Drawing No. 5 .0 Rev. D, received 9 December 2022, shall be laid out in accordance with the approved detail and shall be made available for dine-in customers at all times that the use hereby permitted is in operation.

Reason: To ensure that the development retains a primarily restaurant function and to accord with the National Planning Policy Framework (2021), Policy CS2 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policies S2 and ENV2 of the Knowsley replacement Unitary Development Plan, adopted 2006.

Deliveries of Take Aways

6. Deliveries of take-away food shall not take place from the premises after 23:00 hours on any day.

Reason: To ensure that the development does not detrimentally affect the amenity of neighbouring residents by causing noise and disturbance in accordance with the National Planning Policy Framework (2021), Policy CS2 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policies S2 and ENV2 of the Knowsley replacement Unitary Development Plan, adopted 2006.

Fixed Plant Noise Control

7. a. Fixed plant and equipment associated with the development shall be designed such that the rating level of noise measured from all fixed plant associated with the development at the closest boundary of the nearest residential dwellings shall not exceed:
- 35 dBLAeq at night (between the hours of 23:00 and 07:00)
 - 37 dBLAeq during the evening (between the hours of 19:00 and 23:00)
 - 40 dBLAeq during the daytime (between the hours of 07:00 and 19:00)
- b. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for Rating and Assessing Industrial and Commercial Sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property.
- c. Where possible, all fixed plant shall be turned off when the premises closes.

Reason: To ensure that the development does not detrimentally affect the amenity of neighbouring residents by causing noise and disturbance in accordance with the National Planning Policy Framework (2021), Policy CS2 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policies S2 and ENV2 of the Knowsley replacement Unitary Development Plan, adopted 2006.

Fume Extraction

8. The development hereby permitted shall not be brought into use until evidence has been submitted to and agreed in writing by the Local Planning Authority which confirms that:
- a. The equipment, as recommended in the report 'Kitchen Ventilation Extract Strategy Date 4th November 2022, Rev 11933/W/001, Issue A., is installed and in correct working order; or
- b. Notwithstanding submitted details, a scheme for the extraction and treatment of fumes and odours is submitted to and agreed in writing by the Local Planning Authority. The scheme shall include, but not be limited to the following detail:
- i. the provision of odour filters;
 - ii. the siting of any external ventilation stack; and

- iii. details of any measures which are necessary to attenuate noise from the ventilation stack,
- c. The approved scheme shall be fully installed and operating prior to the use hereby permitted first being brought into use. It shall thereafter be retained and operated to the approved specification at all times thereafter.

Reason: To safeguard the amenities of neighbouring occupiers and the area in general, in respect of odour and noise generation and to comply with the National Planning Policy Framework (2021), Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and saved Policies S2 and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

Deliveries and Waste Removal

- 9. There shall be no movement of delivery or other service vehicles, including refuse collection to / from the application premises except between the hours of 07:00 to 22:00 Monday to Saturday and 09:00 to 18:00 Sundays /Public Holidays.

Reason: To safeguard the amenities of neighbouring residents and to comply with the National Planning Policy Framework (2021), Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and saved Policies S2 and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

Outside Seating / Dining Area Restriction

- 10. No outdoor tables, seating areas or furniture shall be installed or sited on outside areas surrounding the premises.

Reason: To ensure that the development does not detrimentally affect the amenity of neighbouring residents by causing noise and disturbance and to comply with the National Planning Policy Framework (2021), Policy CS2 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policies S2 and ENV2 of the Knowsley replacement Unitary Development Plan, adopted 2006.

Sound Amplification

- 11. No sound amplification equipment shall be used on the premises which gives rise to sound levels greater than 60dBLAeq (1 minute) at the position of any external door or window unless a scheme has been submitted to and approved in writing by the Local Planning Authority which details the means by which sound levels will be controlled to protect adjacent residential accommodation.

Reason: To safeguard the amenity of neighbouring residents and to comply with the National Planning Policy Framework (2021), Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and saved Policies S2 and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

Grease Trap

- 12. The drainage from the kitchen areas shall incorporate a grease trap(s) of a design which has previously been submitted to and approved in writing by the

Local Planning Authority before its connection to any private or public sewer. The trap(s) shall be installed and operating prior to the unit first coming into use. The trap(s) shall thereafter be retained and operated in accordance with the approved specification at all times that the unit is in operation for the approved use.

Reason: In the interests of amenity and to comply with the National Planning Policy Framework (2021), Policies CS2 and CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

External Filter Detail

13. Any air take filter fixed to the external elevation shall be coloured white.

Reason: In the interest of visual amenity and to comply with the National Planning Policy Framework (2021) and Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

Cycle Parking Provision

14. Prior to the development hereby permitted first coming into use precise scheme details of cycle parking shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented as approved before any part of the development is brought into use and retained as such thereafter at all times that the use is in operation.

Reason: In the interest of sustainable transport provision to encourage travel to/from the site by sustainable modes and to comply with the National Planning Policy Framework (2021), Policies CS2, CS7 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and saved policy T7 in the Knowsley Replacement Unitary Development Plan, adopted 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
01/03/2023	-	-	STATUTORY DECLARATION
09/12/2022	5.0	Rev. D	PROPOSED GROUND FLOOR PLAN
09/12/2022	13.0	Rev. D	PROPOSED ELEVATIONS
16/11/2022	11933/M/001	P1	INDICATIVE COMMERCIAL KITCHEN EXTRACT VENTILATION LAYOUT
04/11/2022	1.0	Rev. C	SITE LOCATION PLAN

Signed Case Officer¹: M Wishart

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

**Signed Authorising
Officer²:**

K Foster

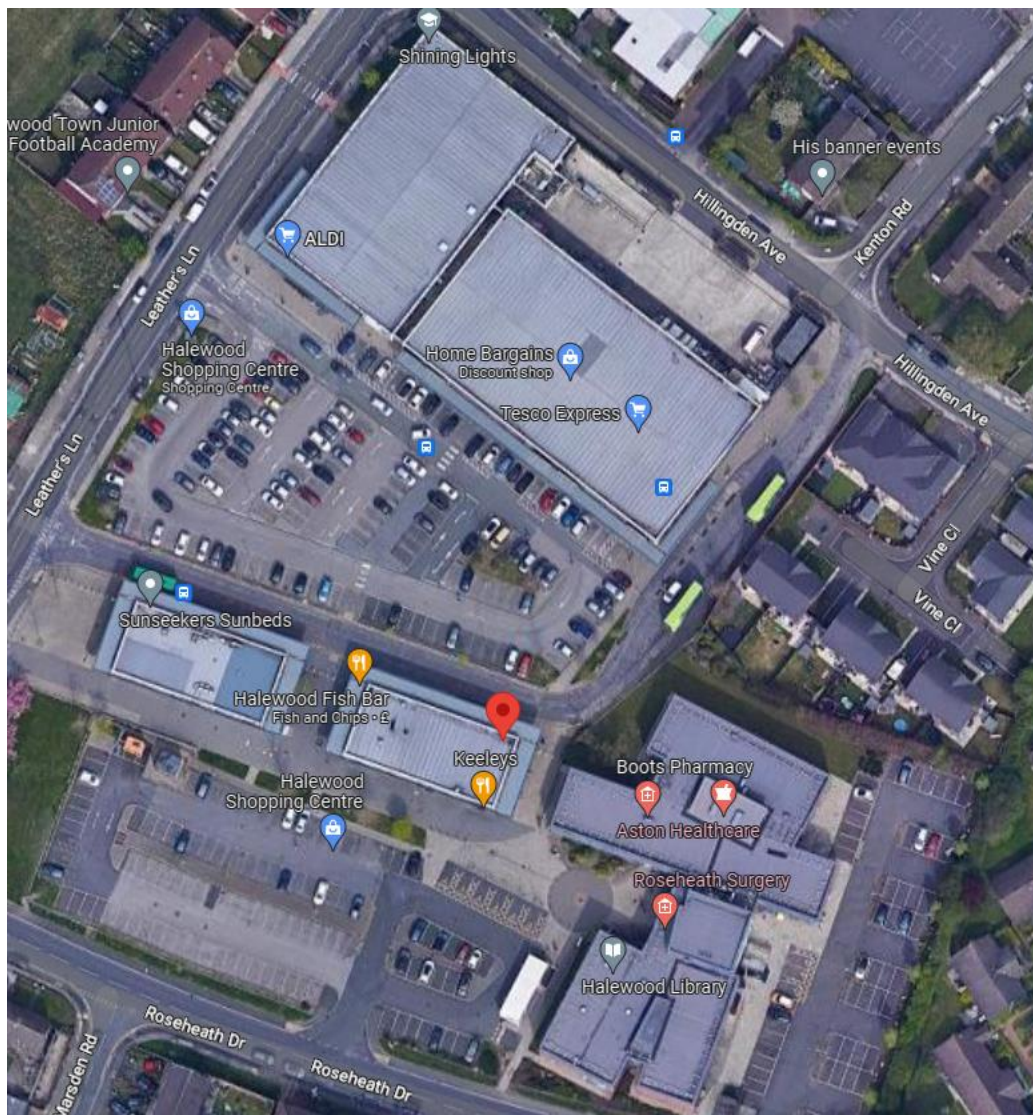
Date:

5 April 2023

Informatives

None.

Appendix 1 – Site Photographs



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



APPLICATION PREMISES



ADJACENT / NEARBY UNITS

