



Knowsley Council

**REGENERATION AND ECONOMIC
DEVELOPMENT DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Application No: 21/00913/FUL

Name and address of applicant

Mr A Hassan
5 Merrivale Road
Halewood
L25 5NA

Name and address of agent

Mat Design
17 Brookside Avenue
Eccleston
St. Helens
WA10 4RN

Date of Receipt: 1 December 2021

Date Valid: 17 December 2021

Address/Location Of Development

**L25 Fitness
Merrivale Road
Halewood
L25 5NA**

Nature And Particulars Of Application

**CHANGE OF USE OF FITNESS STUDIO TO HOT FOOD TAKE AWAY AND
INSTALLATION OF EXTRACTION EQUIPMENT TO THE REAR**

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **refused** for the carrying out of the development referred to above for the following reasons:-

1. The proposal would lead to an unacceptable concentration of hot food take aways which would undermine the mix of uses in a locally important parade, which has the primary function of providing local service provision. As such the proposal would be contrary to the National Planning Policy Framework (2021); Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and saved Policies H5, S2 and S7 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and the Town Centre Uses SPD (2016).
2. The proposed use of the premises as a hot food takeaway by reason of the odours, noise and disturbance likely to be created by the proposed operations and activity generated, particularly during the late evening, would be unduly detrimental to the

amenities of the occupiers of nearby dwellings, and particularly the first floor flats above the premises. As such the proposal would be contrary to the National Planning Policy Framework (2021); Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016; and Saved Policies H5, S2, S7 and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and the Town Centre Uses SPD (2016).

3. The application fails to demonstrate that a suitable external flue, which would adequately address fume extraction without resulting in an unduly intrusive feature to the detriment of visual amenity would be achieved. As such the proposal would be contrary to the National Planning Policy Framework (2021); Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and saved Policies H5, S2 and S7 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and the Town Centre Uses SPD (2016).

ARTICLE 35 STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.



Dale Milburn
Executive Director - Regeneration and Economic Development

Date: 14 June 2022

IMPORTANT NOTES FOR YOUR ATTENTION:

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.