

<u>APPLICATION NO:</u>	24/00407/CLD	<u>CASE OFFICER:</u>	Kim Vo
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Prescot Town Council
<u>LOCATION:</u>	67 Eccleston Street, Prescot, Knowsley		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFULNESS FOR PROPOSED CHANGE OF USE OF GROUND FLOOR FROM CLASS E (a) (DISPLAY OR RETAIL OF GOODS OTHER THAN HOT FOOD) TO USE CLASS E (b) (SALE OF FOOD AND DRINK FOR CONSUMPTION (MOSTLY) ON THE PREMISES)		

Site Description

The application relates to the ground floor of a two-storey property at no.67 Eccleston Street. It is currently vacant but has a previous use as a retail pharmacy under Class E(a). The application site is located within the Prescot Town Centre, as defined by Policy CS1, CS6 and CS14 of the Knowsley Local Plan Core Strategy (January 2016), as well as the Prescot Town Centre Conservation Area, as defined by Policy CS20 of the Knowsley Local Plan Core Strategy and Saved Policy DQ5 of the Knowsley Replacement Unitary Development Plan (UDP) (Adopted June 2006).

Proposal

The application seeks a Certificate of Lawfulness under Section 192 of the Town and Country Planning Act 1990 (as amended) for the proposed change of use of the ground floor from a retail pharmacy under Class E(a) (display or retail of goods other than hot food) to a restaurant under Class E(b) (sale of food and drink for consumption (mostly) on the premises). The submitted Design and Access Statement details that the proposed restaurant will open from 08:00am to 14:00pm and 16:00pm to 23:00pm. The food to be served during the daytime will be traditional English breakfasts, along with wraps, sandwiches and jacket potatoes all which can be served with soft drinks, tea and coffee. For the evening, the food served will be items such as lamb shish kebabs, chicken kebabs, pizza, rice and burgers again with soft drinks on the menu.

Consultations

Prescot Town Council: No comments received.

Representations

None received.

Planning History

24/00506/FUL - Installation of an external extraction flue to the rear of the premises. To be determined.

74/03618/HIST - District Office 1 Chapel St Prescot :- Illuminated interior hanging sign to be displayed on Eccleston St elevation. Granted, 27.10.1978.

74/01437/HIST - 65/69 Eccleston St Prescot :- 1) C/Use of 1st floor store 3 to office 2) C/Use of 2nd floor office 3 to store. Granted, 07.05.1976.

74/11280/HIST - Job Centre 67-71 Eccleston Street Prescott :- Division of 1 number ground floor window into 2 small windows. Withdrawn.

Relevant Legislation

Paragraph (1A) under Article 3. (Use Classes) of The Town and Country Planning (Use Classes) Order 1987 (as amended) states that subject to the provisions of this Order, where a building or other land is situated in England and is used for a purpose of any class specified in—

- a) Part B or C of Schedule 1, or
- b) Schedule 2,

the use of that building or that other land, or if specified, the use of part of that building or the other land (“part use”), for any other purpose of the same class is not to be taken to involve development of the land.

Class E under Schedule 2 of The Town and Country Planning (Use Classes) Order 1987 (as amended) identifies all the commercial, business and service uses under Class E which includes:

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises

Assessment

The submitted plans/supporting information details that the previous established use of the application site was for a retail pharmacy under Class E(a). Upon reviewing previous planning history, applications ref: 74/03618/HIST and 74/01437/HIST both had address points for ‘R W Barton Chemist Ltd 65-67 Eccleston Street Prescott Knowsley L34 5QH’. This indicates that the site has had a historical use for a chemist during 1976-1978. Upon reviewing Google Street View images, the application site was also in previous use as a retail pharmacy for ‘Rowlands Pharmacy’ from at least April 2015 to November 2022. This use has since ceased and the site is currently vacant. The Local Planning Authority therefore considers that the previous established use of the site was for a retail pharmacy under Class E(a) and there is no evidence or otherwise to make the applicant’s version of events less than probable.

The proposed use is for a restaurant under Class E(b) and the submitted plans indicate that a customer toilet will be available, as well as tables and seating, which are facilities typical for a café/restaurant use which will allow for the consumption of food and drink within the premises. The application site does not lie within an area covered by an Article 4 Direction, nor is there any previous planning history or conditions that remove permitted development rights, or that restricts the use of the building to a retail pharmacy use only.

As such, the proposed change of use of the application site from a retail pharmacy under Class E(a) to a restaurant under Class E(b) will remain within Class E and is not to be taken to involve development of the land. Therefore, the proposed change of use is considered lawful for planning purposes under Section 192 of the Town and Country Planning Act 1990 (as amended) and thus would not require planning permission and a Certificate of Lawfulness can be granted.

Recommendation

Grant the Certificate of Lawfulness.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
30/09/2024			Location Plan
19/09/2024	01878/SK/01	Rev. A	Existing and Proposed Plans & Elevations
06/11/2024			Design and Access Statement

Signed Case Officer¹: **Kim Vo**

Signed Authorising Officer²: **K Foster**

Date: **7 November 2024**

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