

<u>APPLICATION NO:</u>	25/00324/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Whitefield	<u>PARISH:</u>	
<u>LOCATION:</u>	Barclays Bank Plc, St Chads Drive, Kirkby Town Centre		
<u>PROPOSAL:</u>	APPLICATION FOR A CHANGE OF USE FROM A BANK (USE CLASS E) TO A HOT FOOD TAKE AWAY (USE CLASS SUI GENERIS) TOGETHER WITH THE INSTALLATION OF VENTILATION / EXTRACTION EQUIPMENT AND EXTERNAL ALTERATIONS.		

Site Description

The application site is half of an island building located on St Chad's Drive, Kirkby Town Centre. The other half of the building comprises a funeral directors. The overall building has roads to three sides, with St Chad's Drive on the north side, North Parade on the west side and a service road on the south side extending from North Parade. To the east is a paved area. On the opposite side of St Chad's drive is Kirkby Health Centre and an extra care facility is being erected. To the south of the service road is the pedestrianised area of Kirkby Town Centre, with Market Square leading to New Town Gardens. The main town centre car park is to the north. There are double yellow lines to all roads bounding the building, and there is a signal-controlled pedestrian crossing outside the front of unit on St Chad's Drive.

Proposal

The application is for a change of use of the building from bank (Class E) to hot food takeaway (Sui Generis Use) and for the installation of ventilation and odour control equipment together with external alterations to the building.

The front elevation (adjoining the front of the funeral directors) would have the cladding removed and replaced with grey coloured powder coated metal panels. A new aluminium framed glazed door would be installed and the existing windows replaced with a double panelled aluminium shopfront window. A roller shutter box housing a grey roller shutter to extend over the door and window would be installed.

To the side elevation the windows would be replaced with the 5 rearmost windows having vinyl applied over the glazing. This would be the food pre and cold room areas, with the windows to the cold room having boarding fixed behind. The cladding on this elevation (which turn the corner onto the front elevation) would be replaced with grey powder coated metal panels extending round from the front elevation.

To the rear elevation would be air conditioning units and a cold room compressor unit fixed on the rear wall and leading into the unit. A new timber steel plated rear door would be installed. The bin store would be in the rear yard area and would be a metal mesh area on a steel frame above a light well and enclosed by steel uprights with steel horizontals across the top area. Five windows would be installed across the light well with vents to the end windows.

An oven extract duct 1.1m high and an air in roof cowl 0.5m high would be installed

on the roof extending down into the kitchen/ food prep area. The existing roof structures and railings would remain.

Consultations

Highway Authority - No objections in principle but request a condition requiring the provision of a service/short stay lay-by, Delivery and Servicing Plan and cycle parking provision.

Environmental Health - No objections in principle but request conditions relating to odour control, noise minimisation, hours of opening, waste collection times, and requirement for a grease trap.

Local Plan Team - Comment on the application general policy conflicts and compliances.

Public Health - Health Improvement and Health Protection - Object for the following reasons:

1. KTC has 4 takeaways (1 is a pizza takeaway) and also other fast food establishments (including pizza takeaway within Morrisons) within a short walk of the application site. Outside of KTC, off County Road, are a further 2 fast food outlets. As such there is already sufficient choice, including pizza choice.
2. Such food is bad for health and has a high calorific value. Knowsley has obesity issues particularly compared with the rest of the country, exacerbated by fast food establishments and this would contribute to that.
3. The premises would be open from mid-morning and so during school lunchtime hours and at the end of the school day, and as there is a school nearby would be accessible to students.
4. Costs are high and provide little nutritional value. These type of outlets do not support children with opportunities for healthy growth and development.

Representations

This application has been publicised by letters sent to 8 neighbours. It has also been advertised by Site Notice.

There has been 1 letter of objection. The representations are summarised as follows:

1. There is already a disproportionately high number of fast food and takeaway establishments in the town. The overconcentration affects the character of the high street but also discourages healthier and more diverse food options and community focused developments.
2. The addition of another multinational fast food outlet would detract from the aesthetics of the area with branding, signage, and lighting that does not align with the community.
3. Kirkby already suffers from a high obesity rate, and the addition of another fast food outlet runs counter to public health goals and community well-being at a time when healthier eating is being officially promoted.
4. NPPF and other planning guidance promotes healthy communities and permitting the application would undermine this, and local authorities responsibilities to promote such.

Planning History

K/APP/15213 - ALTERATIONS TO FRONT ELEVATION AND INSTALLATION OF BARCLAYS BANK CASH DISPENSER. Granted: 24.09.1993.

00/00416/ADV - DISPLAY OF 2 NO. INTERNALLY ILLUMINATED FASCIA SIGNS,

ONE TO FRONT AND ONE TO SIDE ELEVATION WITH 1 NO. INTERNALLY ILLUMINATED PROJECTING GLOBE SIGN TO FRONT ELEVATION. Granted: 08.09.2000.

03/00207/ADV - DISPLAY OF 1 NO. NON-ILLUMINATED ATM BOX PANEL SIGN AND 1 NO. INTERNALLY ILLUMINATED PROJECTING SIGN. Granted: 16.04.2003.

12/00326/ADV - DISPLAY OF 2NO. INTERNALLY ILLUMINATED FACIA SIGNS, 1NO. INTERNALLY ILLUMINATED PROJECTING SIGN, 1NO. BRANCH NAMEPLATE & 1 NO. SIGN WITHIN ATM FASCIA. Granted: 31.07.2012.

21/00567/FUL - REMOVAL OF EXISTING FASCIA/PROJECTING SIGNAGE TOGETHER WITH THE REMOVAL OF ATM AND MAKING GOOD OF ELEVATION WITH BRICK. Granted: 12.11.2021.

25/00376/ADV - DISPLAY OF ADVERTISEMENT SIGNAGE COMPRISING OF - 1NO. INTERNALLY ILLUMINATED FASCIA SIGN TO FRONT ELEVATION, 1NO. INTERNALLY ILLUMINATED LOGO SIGN TO SIDE ELEVATION, 3NO. WINDOW VINYL SIGNS TO SIDE ELEVATION AND 1NO. DIGITAL WINDOW POSTER TO THE FRONT ELEVATION. Current application.

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
CS4 - Economy and Employment
CS6 - Town Centres and Retail Strategy
CS19 - Design Quality and Accessibility in New Development

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

S1 - Retail and Town Centre Development Strategy

S4 - Kirkby Town Centre Action Area
S9 - Shop Fronts and Security Shutters
ENV2 - Noise and Vibration

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

Policy CS10 of the Core Strategy seeks to address existing retail deficiencies and diversifying the uses, services and facilities within Kirkby Town Centre by encouraging a wider mix of town centre uses and directing new retail development and other town centre uses toward the existing town centre. Whilst the proposal is for a hot food takeaway in the town centre and there are existing hot food takeaways (HFT) and fast food restaurants and so could be considered to not widen the use mix in the town centre, the unit has been empty since 2021 and the use is recognised as suitable for town centres and these factors carry considerable weight. The Town Centre SPD - 'Guidance for Appropriate Concentration of Hot Food Takeaways in Retail Centres' section seeks to ensure the over concentration of HFTs does not occur within town, because an over proliferation of them can undermine the role and function of retail centres through unattractive vacant frontages during the daytime when HFTs are closed. Kirkby Town Centre has 4 hot food takeaways (HFT); the number of HFT doesn't account for fast-food restaurants because these have seating areas and are classified as a restaurant, whilst the pizza takeaway within Morrisons is not included as that is a small area part of the much larger overall supermarket. Kirkby Town Centre has 113 units and the 4 HFTs equate to 3.5% of the total, whilst the addition of the proposed unit would bring the total HFTs to 4.4% of units, below the threshold of 5% in the SPD guidance.

The proposed use is defined as a main town centre use in the NPPF and the Core Strategy. Taking this, and the above factors, into consideration the principle of development is acceptable subject to design, policy compliance plus amenity and highway safety considerations.

Design and Visual Amenity Considerations

The proposed elevation changes are acceptable. Whilst the vinyl over some of the windows it is considered acceptable as where proposed is the cold store and kitchen area. The changes on the whole would modernise and uplift the existing unit. Whilst the front of the unit would have a Traffic Grey colour roller shutter installed for security, the colour to tie in with the overall colour scheme of the unit. In the interests of visual amenity, and to ensure that the unit would not give a closed off feel when down details of the roller shutter should be agreed prior to installation. As such provided a suitable design of roller shutter being agreed and installed the proposed use, including with the roller shutter, would not give the unit a closed off feel from the town centre with a base period of operations is 11am through to 11pm. The proposal

therefore would integrate the unit into the functioning town centre for most of the day that retail use operates and right through the evening into the night, lending to the night time economic activity. The ventilation and odour control units are acceptable in appearance, are discretely positioned (rear wall and roof top) and modest in scale.

One of the points raised by the objector is that the operating use of the unit would detract from the aesthetics of the area with branding, signage, and lighting that does not align with the community. It should be noted that the proposal would be for a national franchise company found in town centres nationally and it is considered that the proposal would not impact detrimentally on the town centre environs.

All in all the proposed development would modernise the appearance of the building and would not be detrimental to the visual appearance of this part of the town centre or the wider area. Overall and suitably conditioned the application complies with Policies CS2, CS6 and CS19 of Core Strategy and with the shopfront SPD.

General Amenity

The unit would open 11am through to 11pm daily. Whilst there is an extra care facility being constructed adjacent the Medical Centre it is considered that the proposed opening times are acceptable and would not cause unacceptable noise and disturbance given the town centre location and the hours of operation of other nearby units (supermarket, fast food restaurants, supermarket etc.). However it would be prudent to condition the hours of opening to ensure that the unit did not open beyond 11pm as that could cause disturbance issues with regards the residents of the extra care facility.

The submitted odour control details are acceptable and the operation of the system during opening hours would ensure that odour and smells from the unit did not cause issues for the residents of the extra care facility, or impact on the general amenity of this part of the town centre. Environmental Health have no objections to the proposal in principle but to ensure that noise from fixed plant to be installed within / on the unit such as air conditioning, ventilation and odour control, and the cold room did not cause noise nuisance for the residents of the extra care facility and did not impact detrimentally on the general ambiance of this part of the town centre.

The application suitably conditioned complies with Policies CS2, CS6 and CS19 of the Core Strategy and Saved Policy ENV2 of the UDP.

Highways Considerations

Whilst the Highways Engineers do not object to the proposal, they have noted concerns that they have regarding the proposal and impact on the highway. They note the proximity of the signal controlled pedestrian crossing and state that a hot food takeaway use typically generates a high turnover of short-stay trips by both customers and delivery drivers, who seek immediate, convenient parking. They comment that without dedicated parking provision there is a high risk of indiscriminate stopping and waiting on St Chads Drive, including within the waiting restrictions and zig-zag markings which would severely compromise forward visibility and pedestrian safety.

Whilst the Highways Engineer acknowledges the applicant's commitment that their own delivery drivers would park and wait responsibly, they state that there will also be third party delivery drivers and customer collections that cannot be controlled by the applicant, which reinforces the need for dedicated layby provision and a Delivery

and Service Management Plan.

As such they comment that whilst there are no in principle objections to the proposal a Delivery Management Plan to manage parking and waiting for delivery vehicles and customers ensuring no stopping in the zig-zags area fronting the premises should be required. They also note that secure and covered cycle parking provision for staff and customers should be provided. They also state that consideration of formal parking or a loading bay with associated TRO to manage on-street parking fronting the premises should be required.

However it must be recognised that there is no parking allowed around the site due to the double yellow lines and the pedestrian crossing. Therefore there is provision to stop on-road parking in the vicinity of the unit by enforcing the restricted parking and ticket motorists flaunting the parking restrictions.

It should also be noted that there is a main town centre car park to the front of the nearby Morrison's supermarket, with the nearest part of the car park approximately 57m to the north west of the unit. There are public cycle stands adjacent the south west end of the front elevation of the supermarket (the side of the supermarket closest to the unit). A hot-food take-away is a town centre use as recognised by the Government in the NPPF, and the unit would not take the number of hot-food takeaway over the 5% threshold for hot-food take-aways in terms of the town centre units, the threshold in the SPD.

The applicant has noted 2 appeal decisions, Rochester (Appeal Ref: APP/A2280/W/22/3294730) and Lichfield (Appeal Ref: APP/K3415/W/21/3272941). With regards the Rochester appeal the Inspector noted: -

"The use of the appeal site as a hot food takeaway may result in an increase in the number of customers and delivery personnel who would visit the site during evening hours than compared with that which may have occurred when the premises was in use as a butchers and post-office. However, convenience stores and takeaways frequently open into the evening, and I have been presented with no cogent evidence to suggest that this is not the case with respect of at least some of the existing commercial units within the parade."

"I accept there is a high level of parking stress within the area, and note that the appellant has provided no information on likely trip generation. However, and although the premises is currently vacant, it could be brought back into use within Class E without requiring planning permission. Such action would undoubtedly add to the existing level of parking stress within the area, and could lead to the obstruction of the free-flow of traffic within the highway whilst customers park or seek to park."

"Demand for short term customer and delivery parking associated with the proposal would be likely to be relatively high during the hours the business is open. However, it has not been demonstrated that such demand would be materially different from that which would arise from the use of the premises as a convenience store or other use within Class E, where frequent comings and goings may be reasonably anticipated. I cannot therefore conclude that the proposed development would lead to a demonstrable increase in harm to highway safety in the area."

With regards the Lichfield appeal the Inspector noted: -

“The local centre is sited on a junction. I accept that customers will try to park as close as possible to the proposed takeaway. Vehicles parked near to the junction could obscure visibility. However, this could potentially arise in connection with the existing use of the appeal site and the local centre. There is adequate car parking in the general area around the appeal site providing opportunities to park in locations where highway safety issues would not arise.”

NPPF para.116 states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

Given that the previous use of the unit was a bank, the unit could be brought into any Class E use without the need for planning permission. Taking this into account, together with the restricted parking in the environs of the unit which could be enforced with ticketing, and that there is a main town centre car park in close proximity to the unit, it is considered that the use proposed would not cause unacceptable impact on the highway or have severe impact on the road network. The application therefore would not conflict with para.116 of the NPPF or Policy CS2 of the Core Strategy.

With regards cycle parking the proposed lease does not include external areas, and the yard area is extremely small. Due to the constraints of the site cycle parking cannot be provided, although parking stands which can be used by customers are nearby. Given the constraints and that the unit could be used for Class E use without the need for planning permission and cycle parking provision, cycle parking is not proposed to be required by condition.

Whilst the Highways Engineers have concerns with regards the application taking the above into account and in the planning balance the application is acceptable in overall highways grounds, particularly when the fall back use position is taken into consideration. The application is acceptable and generally does not conflict with the NPPF and Policy CS2 of the Core Strategy.

Other Issues

The Council's Public Health Officer objects to the proposals on the following grounds:

1. KTC has 4 takeaways (1 is a pizza takeaway) and also other fast food establishments (including pizza takeaway within Morrisons) within a short walk of the application site. Outside of KTC, off County Road, are a further 2 fast food outlets. As such there is already sufficient choice, including pizza choice.
2. Such food is bad for health and has a high calorific value. Knowsley has obesity issues particularly compared with the rest of the country, exacerbated by fast food establishments and this would contribute to that.
3. The premises would be open from mid-morning and so during school lunchtime hours and at the end of the school day, and as there is a school nearby would be accessible to students.

4. 4. Costs are high and provide little nutritional value. These type of outlets do not support children with opportunities for healthy growth and development.

Point 1 has been responded to in the Principle of Development section of the report above.

With regards to point 2 there is no specific planning policy restricting hot-food takeaways other than the limiting such use to a 5% of town centre units threshold, which does not include fast-food restaurants with take-away element. Therefore whilst it is recognised that the Borough does have such issue refusing a hot-food take-away in a town centre which would not raise the number of such uses above 5% of units would be unreasonable and should be discounted.

The unit is located in the town centre and as such it is entirely reasonable that it should open during the day. As such this point should be discounted as there is no reasonable or feasible way to restrict daytime operating hours of a unit in a town centre, and the use of the unit is a recognised town centre use.

With regards point 4 pricing is an economic and company decision based on costs, operating margins, profit yield and the market. Pricing is not a planning issue and cannot be taken into consideration.

The objector objects to the application on the following grounds:

1. There is already a disproportionately high number of fast food and takeaway establishments in the town. The overconcentration affects the character of the high street but also discourages healthier and more diverse food options and community focused developments.
2. The addition of another multinational fast food outlet would detract from the aesthetics of the area with branding, signage, and lighting that does not align with the community.
3. Kirkby already suffers from a high obesity rate, and the addition of another fast food outlet runs counter to public health goals and community well-being at a time when healthier eating is being officially promoted.
4. NPPF and other planning guidance promotes healthy communities and permitting the application would undermine this, and local authorities responsibilities to promote such.

Point 1 is covered in the Principle of Development section of the report above.

Point 2 is covered in Design and Visual Amenity Considerations section of the report.

With regards to Points 3 and 4 the site is a town centre use within a town centre, and the 5% threshold is not exceeded. As such in terms of use and principle of development it would be unreasonable to refuse the proposal on use grounds. Whilst there is a promotion of healthier eating and communities planning guidelines and principles also need to be followed.

Conclusion

The proposal both in terms of use and visual appearance is acceptable in this town centre location. Whilst Highways have concerns, with the parking restrictions around (which can be enforced by ticketing offenders) the site and the proximity of a main town centre car park, and considering the fall back Class E use of the unit it is considered that the proposal would not lead to a demonstrable increase in harm to highway safety or impact the road network severely. Overall the proposal complies with policy and taking account the planning balance it is recommended that planning permission be granted.

Recommendation

That planning permission be granted subject to the following conditions: -

- 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).

- 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.

- 3) The development shall be carried out in accordance with the details of the extraction and odour control system as set out in the document submitted by Canopy Uk.com, dated 7th April 2025. The approved extraction system shall be installed prior to the commencement of the use hereby permitted and maintained and operated thereafter at all times the use is in operation in accordance with the manufacturers recommendations.

Reason: To control odour and ventilation in the interest of amenity and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 4) Fixed plant and equipment associated with the development hereby permitted shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. 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.

Unless otherwise unable to for operational purposes all fixed plant shall be turned off when the premises closes.

Reason: In the interests of amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 5) The use hereby permitted shall not operate outside the hours of 09.00 to 23:00 Monday to Sunday and including Public Holidays.

Reason: To prevent noise disturbance in the interests of amenity and to comply with Local Plan Core Strategy and Saved Policy ENV2 of the Knowsley replacement Unitary Development Plan adopted June 2006.

- 6) Waste shall be stored securely at all times. and waste collections shall only take place between 07:00 and 19:00 Monday to Saturday, and/or between 09:00 and 19:00 on Sundays and Public Holidays.

Reason: To prevent undue noise and disturbance in the interests of amenity and to comply with Local Plan Core Strategy and Saved Policy ENV2 of the Knowsley replacement Unitary Development Plan adopted June 2006.

- 7) The drainage system from the kitchen area shall incorporate a grease trap of sufficient size and capacity to effectively manage kitchen waste grease before connection to any private or public sewer. The grease trap shall be installed and fully operational prior to the premises being brought into use and shall be retained and maintained in accordance with the manufacturers recommendations while the premises is operating and written confirmation of such together with the make and model of the grease trap shall be submitted to the Local Planning Authority prior to the use hereby permitted first becoming operational.

Reason: For protection of the water system, prevention of odour nuisance and in the interests of amenity and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 8) The use hereby permitted shall operate only in accordance with the submitted Delivery Driver and Customer Management Plan received 17 October 2025.

Reason: To mitigate impact on the highway in the interests of highway safety and traffic flow and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 9) Prior to installation details / drawing of the roller shutter to the front elevation shall be submitted to and agreed in writing, and only the agreed roller shutter type shall be installed. For the avoidance of doubt a solid roller shutter or similar, such as small perforations which would still give an appearance of solidity, would not be acceptable.

Reason: In the interests of visual amenity and to comply with Policies CS2, CS6 and CS19 of the Local Plan Core Strategy adopted January 2016 and Saved Policy S9 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
05/06/2025	10128-SD-XX-00-P-A-00001	(R02)	LOCATION PLAN

05/06/2025	10128-SD-XX-00-P-A-00002	(R02)	BLOCK PLAN
05/06/2025	10128-SD-XX-P-A-11001	(R03)	PROPOSED FLOOR PLANS
05/06/2025	10128-SD-XX-00-E-A-13001	(R03)	PROPOSED ELEVATIONS
28/07/2025	-	-	ODOUR CONTROL AND VENTILATION SYSTEM DETAIL (CANOPYUK.COM)
17/10/2025			DELIVERY DRIVER AND CUSTOMER MANAGEMENT PLAN

Signed Case Officer¹:

Lee Osbourne

Signed Authorising Officer²:

Jo Sheridan

Date:

24/10/2025

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

