



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 22/00451/FUL

Name and address of applicant

Kalim Asghar
C/o 51 Coleshill Road
Hodge Hill
Birmingham
B36 8DT

Name and address of agent

Architecture & Interior Design Ltd
51 Coleshill Road
Hodge Hill
Birmingham
B36 8DT

Date of Receipt: 22 July 2022

Date Valid: 1 September 2022

Address/Location Of Development:

**Unit 13 - Halewood Shopping Centre
Leathers Lane
Halewood
Knowsley
L26 0AD**

Description of Development:

**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**

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following condition(s):

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 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.

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.

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.

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.

7. Fixed Plant Noise Control

- 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.

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.

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.

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.

11. No sound amplification equipment shall be used on the premises which gives rise to sound levels greater than 60dB(Aeq (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.

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.

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.

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
04/11/2022	1.0	Rev. C	SITE LOCATION PLAN
09/12/2022	5.0	Rev. D	PROPOSED GROUND FLOOR PLAN
16/11/2022	11933/M/001	P1	INDICATIVE COMMERCIAL KITCHEN EXTRACT VENTILATION LAYOUT
09/12/2022	13.0	Rev. D	PROPOSED ELEVATIONS
01/03/2023	-	-	STATUTORY DECLARATION

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance:-

KNOWSLEY LOCAL PLAN: CORE STRATEGY

SD1 - Sustainable Development

CS1 - Spatial Strategy for Knowsley

National Planning Policy Framework

CS2 - Development Principles

CS6 - Town Centres and Retail Strategy

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

S7 - Local Centres and Parades

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 (2016)

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Maxine Wishart on 0151 443 2381)

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.

NOTE FOR APPLICANT:

IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

- 2) This permission is granted subject to conditions, and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
 - a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised, and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached, then you will be liable to a breach of condition notice.

Executive Director - Regeneration and Economic Development

Date: 5 April 2023

IMPORTANT NOTES FOR YOUR ATTENTION:

- 1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.**
- 2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.**
- 3. You should ensure that you understand the requirements of all planning conditions and that you fully comply with their requirements. If you are in any doubt about what a condition requires of you, please ask us for assistance. Planning conditions may require you to submit further information to us and await our approval before you can start your development. A failure to do so could result in your development being unlawful and necessitate the submission of a further planning application. A failure to comply with the conditions of the permission/consent may result in the taking of enforcement and potentially legal action, against you to remedy the breach of planning control.**
- 4. A fee is normally payable to discharge planning conditions in accordance with government regulations.**
- 5. This permission does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by you, including on party boundaries. You should satisfy yourself that the agreement of any adjoining landowners has been given prior to commencing any building works.**
- 6. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works. Knowsley Council's Building Control team are contactable on (0151)-443 2342 and they would be pleased to assist you.**

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.
- As this is a decision for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- 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.