



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 21/00767/FUL

Name and address of applicant

Mr Jeffrey Yates
51 Lyme Close
Huyton
Liverpool
Merseyside
L36 8HP

Name and address of agent

Devaplan Ltd
223 Queens Dock Business Centre
Norfolk Street
Liverpool
L1 0BG

Date of Receipt: 16 September 2021

Date Valid: 28 September 2021

Address/Location Of Development:

64 Eccleston Street
Prescot
Knowsley
L34 5QL

Description of Development:

**CHANGE OF USE FROM RETAIL (USE CLASS E) TO CAFÉ, BISTRO AND BAR
(CLASS E/SUI GENERIS USES) TOGETHER WITH INSTALLATION OF A NEW
SHOPFRONT, EXTRACTION FLUE AT REAR AND SEATING AREA TO
FORECOURT**

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

Reason: For the avoidance of doubt.

2. No customer shall remain on the premises outside of the following hours. :

Monday to Saturday - 08:00 to 00:00

Sunday and Bank/Public Holidays - 10:00 to 23:00

Reason: To safeguard the amenities of nearby residents and to comply with the NPPF (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.

3. a) The development hereby granted permission shall not be brought into use until the equipment, as recommended in the Premier Commercial Kitchens document, submitted on the 4 January 2022, has been installed and is operating correctly.

For the avoidance of doubt the odour control equipment shall include the following 4 stages:

1. High efficiency grease filters
2. G4 Pleated panel filters
3. F7 bag filter
4. OC2 Unit - UVC / ozone injection

b) The stack serving the proposed development shall be installed in accordance with the Premier Commercial Kitchens document submitted on the 4 January 2022.

For the avoidance of doubt the stack shall:

1. Terminate at least 1 metre above the roof eaves via a jet cowl.
2. Be attached to the wall with anti-vibration mountings.
3. Be fitted with the silencer stated in the document.

Once installed the approved ventilation / extraction system shall be operated and maintained in accordance with the manufacturer's recommendations at all times that the use is in operation.

Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour and noise generation, in the interest of visual amenity and having regard to the proximity of the Prescott Town Centre Conservation Area and to comply with the NPPF (2021), Policies CS2, CS19 and CS20 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policies DQ5, CS2 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted, June 2006.

4. Fixed plant and equipment associated with the development 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.

Reason: In the interests of safeguarding local residents from noise and disturbance and to comply with the NPPF (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.

5. The drainage from the kitchen area shall incorporate a 7kg grease trap and dosing system, as described in the email from Steve Chapmen, dated 24 December 2021. This system shall be installed correctly and be operating prior to the premises being brought into use. It shall thereafter be retained and operated in accordance with the manufacturer's recommendations at all times that the premises are in operation as a café / bistro.

Reason: To prevent pollution of the water environment and to comply with the NPPF (2021) Policy CS2 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

6. The windows to the ground floor front elevation hereby approved shall not be opened outside the hours of 10:00 and 20:00 on any day that the approved use is in operation.

Reason: To safeguard the amenities of nearby residents and to comply with the NPPF (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.

7. No construction work shall take place outside the hours of:

08:00-18:00 hours Monday to Friday;
08:00-13:00 hours Saturday; and
not at all on Sundays/Public Holidays

Reason: To safeguard the amenities of nearby residents and to comply with the NPPF (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.

8. Empty bottles shall only be loaded into bins in the external designated waste storage area between the hours of 08.00 and 20.00 hours on any day.

Reason: To safeguard the amenities of nearby residents and to comply with the NPPF (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. Deliveries to the premises and refuse collections from the premises and associated external areas shall only take place between the hours of:

08:00 to 18:00 Monday to Saturday and
9:00 to 18:00 Sundays and Public / Bank Holidays.

Reason: To safeguard the amenities of nearby residents and to comply with the NPPF (2021) Policies 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 June 2006.

10. No public access or egress (except in an emergency) shall take place from the rear of the premises.

Reason: To safeguard the amenities of nearby residents and to comply with the NPPF (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.

11. Any amplified sound from the premises (including music / PA systems) shall not be audible at the façade of any residential properties.

Reason: To safeguard the amenities of local residents from noise and disturbance and to comply with the NPPF (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. No external umbrellas / parasols; heater appliances; lighting; or litter bins shall be installed / located within the area demarcated for outside seating associated with the approved use unless, prior to their installation, details of such have first been submitted to and agreed in writing by the Local Planning Authority.

For the avoidance of doubt the scheme details shall have regard to the Council's Pavement Café Policy (November 2020); shall demonstrate a high quality of design having regard to the location's context and should avoid bright distracting colours.

Details shall include, but not be limited to:

- a.Details of umbrella/parasol arrangement which shall not overhang the cordoned enclosure and remain closed in periods of high winds.
- b.Details of any heater appliance - including their siting; (if powered by gas the connections, including the regulator, hose and clips must be fit for purpose and checked on a regular basis).
- c.Precise details of any external lighting.
- d.Litter bins -dimensions, design, colour/finish.

The development shall thereafter only be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity and having regard to the proximity of the Prescott Town Centre Conservation Area and to comply with the NPPF (2021) Policies CS2, CS19 and CS20 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policies DQ5 and S2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

13. The chairs, tables and free standing barriers and any additional outdoor equipment agreed pursuant to condition 12 of this permission associated with the outdoor seating area shall be removed from the front of the premises and stored securely overnight within the premises at all times outside of the permitted opening hours.

Reason: In the interests of minimising crime, disorder and anti-social behaviour and to comply with the NPPF (2021), Policies CS2, CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policy DQ2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
28/02/2022	1484-01	-	Existing Plans / Location Plan

04/01/2022	-	-	Odour Control Risk Assessment - Processed by Premier Commercial Kitchens
28/02/2022	-	-	Bolero Ash Flip Top Square Bistro Table Detail
28/02/2022	-	-	Bolero Aluminium and Ash Chair Detail
28/02/2022	-	-	Tile Sample - (Lampas Moonlight)
28/02/2022	1484-05	Rev. D	Proposed Elevations
28/02/2022	1484-04	Rev. D	Proposed Plans
28/02/2022	1484-06	Rev. B	Proposed Section

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:-

National Planning Policy Framework

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS6 - Town Centres and Retail Strategy

CS7 - Transport Networks

CS14 - Principal Regeneration Area - Prescott TC

CS19 - Design Quality and Accessibility in New Development

CS20 - Managing the Borough's Historic Environment

CS26 - Waste Management

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

S2 - Diversification of Uses within Existing Centres

S9 - Shop Fronts and Security Shutters

T10 - Access for the Less Mobile

DQ2 - Security in the Built Environment

DQ5 - Development in Conservation Areas

ENV2 - Noise and Vibration

THE JOINT MERSEYSIDE AND HALTON WASTE LOCAL PLAN

WM9 - Sustainable Waste Management Design and Layout of New Development

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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.

NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments;

1 Pavement Licence

Prior to the outside seating area hereby permitted first being installed the applicant must have applied for and obtained a pavement café licence (or pavement licence) from the Council to ensure the pavement café is authorised for placement on adopted highway. Details of how to apply for a pavement café licence or pavement licence can be found on the council website at: <https://www.knowsley.gov.uk/business/apply-for-alicence/licensing-act-2003>.

2 Merseyside Police

The applicant's attention is drawn to the comments of Merseyside Police Architectural Liaison Office :

With regard to the licencing side the applicant may wish to seek accreditation for Licensing SAVI (Security and Vulnerability Initiative). Full details can be found at www.licensingsavi.com

3 Advertisement Consent

This permission does not authorise the display of any advertisements on the application site a separate application for which may be required which should be made to the Local Planning Authority in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

Please contact the Council's Development Control Section (Tel: 0151 443 2381) for further advice).

Executive Director - Regeneration and Economic Development
Date: 8 April 2022

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.
- 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.