

<u>APPLICATION NO:</u>	24/00038/COU	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Prescot Town Council
<u>LOCATION:</u>	Self Pick Veg, 66 Eccleston Street, Prescot, Knowsley, L34 5QL		
<u>PROPOSAL:</u>	CHANGE OF USE FROM THE EXISTING CLASS E(A) TO HOT FOOD TAKEAWAY (SUI GENERIS), ALONG WITH THE INSTALLATION OF AN EXTERNAL EXTRACTION FLUE TO THE REAR OF THE PREMISES		

Site Description

The application property is located in Prescot Town Centre which is identified for retail and community uses. The application site is a 20th Century two storey building but is immediately adjacent to Prescot Conservation Area. The parade consists of public house, restaurant, betting shop and other retail uses. The unit was last occupied as a florist.

To the rear of the premises is a service yard accessed via Aspinall Street. Immediately beyond the service yard are residential properties with other residential properties located along Aspinall Street.

A large pedestrian verge fronts the application site.

Proposal

The application proposal seek change of use from Use Class E(A) used as a floristry to hot food takeaway (sui generis) together with the installation of external flue pipe. The installation of external flue pipe will be the only change to the outside appearance of the shop unit.

The proposed development would include customer waiting area, open plan kitchen and preparation and storage area at the rear of the ground floor. To the first floor further storage and 2no.W/C are proposed.

Consultations

Environmental Health – No objection subject to conditions.

Highways Authority – No objection.

Public Health – No objection.

Local Plans – No objection.

Town Centre Manager – No objection

Conservation and Design Officer – No objections. Recommendations made.

Merseyside Policy – No response received.

Merseyside Fire and Rescue – No response received.

Representations

This application has been publicised following consultation by letters to 48 neighbours and advertised by site notice. 1 letter of objection has been received and raises the following concerns:

1. There are several establishments within metres of this location.
2. The area is upcoming and last thing traders need is another takeaway.
3. The noise and pollution that will be created is not needed.
4. Late night takeaways create anti-social behaviour.
5. The service yard to the rear is already full and struggle to accommodate another food outlet.
6. Do not create anything for the local community and let people outside the area to come in.

Turning to the above points whilst there are restaurants nearby the proposed use would be a hotfoot takeaway and there are no takeaways in the immediate vicinity.

A number of points raised are not material to this application and only valid planning matters can be taken into consideration. Although concerns have been raised regarding another hot food takeaway, the development will bring back a vacant unit back into use which will help regenerate the area and increase economic footfall. Thereby it would create an additional facility for members of the community to use should they wish to.

The concerns relating to noise, pollution, residential amenity and service yard are noted and will be assessed in the officer appraisal below.

Planning History

Ref: 74/09702/HIST – Erection of new shop front. Granted 4th September 1986.

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 – Adopted 2016

CS2 - Development Principles
CS6 – Town Centres and Retail Strategy
CS7 – Transport Networks
CS14 – Principal Regeneration Area – Prescott Town Centre
CS19 - Design Quality and Accessibility in New Development
CS20 – Managing the Borough’s Historic Environment
CS26 – Waste Management

Knowsley Unitary Development Plan – Saved Policies Adopted 2006

S2 – Diversification of Uses within Existing Centres
DQ5 – Development in Conservation Areas
ENV2 – Noise and Vibration

The Joint Merseyside and Halton Waste Local Plan – Adopted 2013

WM9 – Sustainable Waste Management Design and Layout of New Development

Supplementary Planning Documents

Ensuring a Choice of Travel SPD – Adopted 2010
Design Quality in New Development SPD – Adopted 2016
Prescot Town Centre Masterplan SPD – Adopted 2016
Town Centre Uses SPD - Adopted 2022

The application site is allocated as a Town and District Centre (Prescot Town Centre) in the adopted Development Plan. The site is located within an established town centre which includes a variety of uses ranges from retail shops, financial and professional services, restaurants and bars. As such, the change of use from Use Class E to a hot food takeaway (Sui Generis) is acceptable in principle subject to compliance with the relevant Development Plan policies referred to above.

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.

Assessment

Principle of Development

Saved Policy S2 and the Town Centre Uses SPD and the Prescot Town Centre

Masterplan SPD support the diversification of uses within the town centre subject to a number of criteria being satisfied. In this regard, the proposed use is considered appropriate for town centre and is sequentially preferable location for the proposed use and therefore a sequential test showing alternative sites are therefore not required.

Criterion 1(b) of Policy S2 requires that there would not be a grouping of uses that would result in a negative impact to the character or the centre. This is reiterated within the Town Centre Uses SPD 2022. An 'unacceptable grouping' occurs when there are more than 5% of the non-residential ground floor units are in use as a hot food takeaway. The Local Planning Authority's monitoring records dated August 2023 confirms that there were 7 units occupied by hot food takeaways within Prescott Town Centre and the addition of 1no. hot food takeaway would increase the concentration to 8 units equating to 5.06%. The guidance however stipulates that when applying the threshold they should be rounded down resulting in 5% and is therefore within the threshold.

Public Health were consulted as part of the application and raised no objection to the proposed development although suggested consideration should be given to closing the unit at times when school children are being collected due to the proximity to Our Lady's Catholic Primary School located .2 miles away. However, securing this via condition is not considered necessary as .2 miles is an acceptable distance particularly as it relates to a primary school as opposed to a secondary school whereby parents will be responsible for collecting children as opposed to secondary school children who may frequent the establishment.

On the basis of the information the proposal will not exceed the 5% threshold and therefore does not result in an 'unacceptable' grouping of uses which would have a negative impact on the character of the centre.

Heritage and Design

The application proposals were consulted with the Conservation and Design Officer. Their response highlights the importance of Prescott's heritage asset but notes that during period of slum clearance there a number of mid-to-late 20th century buildings such as the application property along Eccleston St.

The application site is a mid to late 20th Century shop which sits within a parade fronting Prescott Town Centre Conservation Area. The parade is constructed of brickwork and concrete with a canopy extending along the entire front elevation. The application site features a glazed shopfront to the ground floor which sit behind a roller shutter.

The application property does not propose any alteration with regards to the shop front and the only external alteration relates to the installation of an external extraction flue to the rear of the building. The external extraction flue would be sited 167mm above the roof of the application property but would not be visible from the street scene. From a heritage perspective there would be no objection to the change of use as there is limited impact to the character and appearance of the conservation area. However, it is requested that the external extraction flue to the rear is painted black as a means to minimise any visual impact on local amenity. This alteration is to be secured via condition.

Policy CS19 and CS20 seek to preserve or enhance the Borough's historic and architectural assets. The application site abuts the conservation area but does not fall within it. The impacts that therefore need to be considered is that of the 'setting of the conservation area' Given that the only difference would be that relating to the external

flue which would only project 167mm and would not be visible from the public highway on Eccleston Street results in no harm to the designated heritage asset.

Overall, subject to condition referred to above, there would be no materially noticeable change in the appearance of the shop front. However, it would bring back a vacant retail unit back into use and therefore creates a more attractive appearance in terms of activity found within the street scene and helps support the Local Planning Authority's ambitions concerning the wider regeneration strategy at Prescott Town Centre. Accordingly, the development is acceptable in terms of design.

Amenity Impacts

The closest residential properties to the application site are located at the rear beyond an existing service yard area. These take the form of apartments within Meribel Square, a converted church, with further residential properties located in flats at the junction of Aspinall Street and Eccleston Street further along Aspinall Street.

Noise

Given the nature of development there is potential for noise disturbance. Saved Policy ENV2 of the Knowsley Unitary Development Plan seeks to ensure that new or existing developments are protected from new or existing noise sources and that, where necessary, the effective mitigation measures are secured.

The hours of opening would be controlled by way of a suitable planning condition if planning permission is granted.

Environmental Health Officers also recommend a condition relating to limit the noise level of any fixed plant associated with the development to protect sensitive properties.

Given the town centre location and subject to conditions it is considered that the development would not give rise to unacceptable impact on the amenity of neighbouring properties from noise.

Although concern has been raised regarding anti-social behaviour of such establishments no comments have been provided by Merseyside Police nor have any noise related issues been raised by Environmental Health. The unit would operate as a hot food takeaway and hours of operation are secured by condition which will help reduce potential anti-social behaviour.

Fume extraction and odour filtration.

There is potential that exits from odour associated with the use and detrimental impact on surrounding residents and the area in general.

The application is supported by an odour control risk assessment. Environmental Health were consulted as part of the application and raised concern due to the unknown nature of cooking equipment and what effects this could have on ventilation. The applicant has confirmed that details are still being finalised and has agreed to the conditions put forward by Environmental Health. Subject to these conditions the proposed development is considered acceptable.

In conclusion, the proposal would not be detrimental to the amenity of the occupiers of existing properties found locally. The proposal, subject to appropriate planning conditions, complies with the National Planning Policy Framework; Policies CS2 and

CS19 of the Knowsley Local Plan Core Strategy (adopted 2016) and Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan (adopted 2006).

Other Issues

Waste Facilitation

Policy CS26(c) requires that new development facilitate the collection and recycling of waste. Policy WM9 of the Merseyside Waste Local Plan seeks to ensure that adequate measures are provided for the facilitation of storage and collection of waste and recyclable material.

The area to the rear would be used for waste storage within the yard to the rear. That area falls outside the scope of the red edge area.

This area has been historically used to support the storage of bins and aerial imagery supports this as does application history relating to neighbouring uses found within the parade. Whilst this does not establish that the applicant can legitimately use the yard for the storage of waste, the unit does not have any outside space available for waste storage and objection on these grounds would stymie any re-use of the application site. Given that there appears to be an ad-hoc agreement serving the wider parade it is unlikely that the development would have a detrimental impact on the amenities of the area.

Although the development does not fully accord with Policy WM9, given that outside storage would frustrate any future uses of development and that the parade units have collectively operated successfully for a number of years without any known waste related issues it is considered on balance that the overall impact is outweighed by the benefits of the scheme which brings back a vacant unit back into use.

Grease Trap

Given the proposed use grease associated with the development requires control to be in place. No scheme has been put forward by the applicant concerning grease trap associated with the drainage system but Environmental Health Officer's are satisfied that this can be controlled via condition to ensure compliance is adhered to at all times that the proposed development is in use.

Highways

The application site is within the defined town centre where adequate parking is available within the locality. Paragraph 115 states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highways Authority were consulted as part of the application and advised that whilst patrons arriving by motor vehicle may park on Eccleston Street, the impact could not be considered as severe. Notwithstanding this, if patrons were to park in this location it would be enforceable by the Council's civil parking enforcement officer's.

The site does not benefit from significant passing trade owing to the pedestrianised area and one way system in operation in the vicinity of the site and it is likely that patrons will use the establishment when visiting the Town Centre.

Taking the above into consideration, there would be no adverse impact on highways safety.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways (subject to condition attached). The proposal also complies with the relevant Core Strategy, Replacement UDP policies and guidance in the NPPF and is therefore recommended for approval subject to conditions.

Recommendation

That planning permission will be granted 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 extraction vent shall be finished in black paint to reduce the visual impact of the development.

Reason: In the interests of visual amenity and to comply with Saved Policy H8 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006, Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

- 4) 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
09:00 to 18:00 Sundays and Public/Bank Holidays

Reason: To safeguard the amenities of nearby residents and to comply with the NPPF (2023); 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.

- 5) 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 (2023), 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.

- 6) The hot food takeaway shall not be open to customers (and shall not operate a takeaway service) outside the hours of 10:00 to 23:00 Monday – Friday, 10:00 to 23:00 Saturdays and 16:00 to 23:00 Sundays.

Reason: In order to reduce the potential for anti-social behaviour within the Town Centre.

- 7) Notwithstanding the submitted Odour Control Risk Assessment, prior to the development hereby permitted being brought into use, details of the systems that will be installed to control the smoke, odour and grease from the kitchen shall be submitted to the Local Planning Authority for their approval in writing. The system shall be based on the risk assessment submitted, which demonstrated that the development has a high impact risk with regards to kitchen emissions.

The information submitted shall include:

- a. Details demonstrating that the equipment installed to control odour, smoke and grease will do so effectively and in accordance with the manufacturer's recommendations;
- b. The siting of any external ventilation stack, including the location of the fan and silencers; and
- c. Details of any measures which are necessary to attenuate noise from the ventilation stack.

The system shall be retained and operated in accordance with the details provided whilst the permitted development is operational.

Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour and noise generation, in the interest of residential amenity and to comply with Policies CS2 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 8) 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 at 14-23 Meribel Square

Where possible, all fixed plant shall be turned off when the premises closes.

Reason: In the interests of safeguarding local residents from noise and disturbance and to comply with the NPPF (2023), 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) The drainage from the kitchen area shall incorporate a grease trap of a design which has been approved in writing by the local planning authority before its connection to any private or public sewer. The trap shall be installed and operating prior to the premises being brought into use. It shall thereafter be retained and operated in accordance with the

approved specification at all times that the permitted development is operating.

Reason: To prevent pollution of the water environment and to comply with the NPPF (2023), Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
29.01.2024	2466-01		LOCATION PLAN
29.01.2024	2466-02		BLOCK PLAN
01.02.2024	2466-07A		PROPOSED SECTIONS
01.02.2024	2466-06A		PROPOSED ELEVATIONS
01.02.2024	2466-04A		PROPOSED FLOOR PLANS
01.02.2024	--		ODOUR CONTROL RISK ASSESSMENT

Signed Case Officer¹: **John Fleming**

Signed Authorising Officer²: **K Foster**

Date: **17 April 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.

INFORMATIVES

FOOD BUSINESS REGISTRATION

Please note that this business will need to register with the Environmental Health and Consumer Protection Service as a food business prior to opening.

ADVERTISEMENT CONSENT

This permission does not authorise the display of any advertisements on the application site a separation 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 information).

COAL AUTHORITY

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024

Appendix 1: Site visit photos



