



Knowsley Council

**REGENERATION AND ECONOMIC
DEVELOPMENT DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Application No: 20/00655/FUL

Name and address of applicant

Tisa Property Ltd
58 Page Moss Lane
Huyton
Liverpool
L14 0LX

Name and address of agent

Jones and Wathen Ltd
46 Queensbury
West Kirby
Wirral
CH48 6EP

Date of Receipt: 29 October 2020

Date Valid: 23 November 2020

Address/Location Of Development

Farmers Arms
Moorfield
Tower Hill
Kirkby
Knowsley
L33 1XD

Nature and Particulars Of Application

CHANGE OF USE OF PUBLIC HOUSE (USE CLASS SUI GENERIS) TO FORM PART CONVENIENCE STORE AND PART HOT FOOD TAKEAWAY (USE CLASS E / SUI GENERIS) TOGETHER WITH THE ERECTION OF A SINGLE STOREY REAR EXTENSION AND THE ERECTION OF A 2.1M HIGH WALL TO THE NORTH AND EAST BOUNDARY, INSTALLATION OF 2 NO. VEHICULAR ACCESS GATES AND THE CONSTRUCTION OF A NEW VEHICULAR ACCESS TO MOSSBOROUGH DRIVE

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **refused** for the carrying out of the development referred to above for the following reasons:-

1. The proposed change of use of the premises to convenience store (Class E) and hot food take away (Class Sui Generis) relates to premises which is in close proximity to residential properties on Moorfield and Mossborough Drive. Due to the proximity of the premises to these residential properties and the operational hours proposed the scheme would unacceptably harm the living conditions of the occupiers of those

dwellings with regard to noise, disturbance and odour. The proposal therefore conflicts with the National Planning Policy Framework; Policies SD1, CS2 and CS19 of the Knowsley Local Plan: Core Strategy adopted January 2016 and saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and the Town Centre Uses SPD.

2. The proposed uses would likely lead to increased crime and anti-social behaviour incidents in an area already blighted by high numbers of such incidents. This would impact severely on the wellbeing of the local residents and the residential amenities that they could reasonably expect to enjoy in their dwellings and the wider area. The application therefore conflicts with the National Planning Policy Framework, Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy and saved Policies H5 and DQ2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.
3. The car parking proposed is substantially and significantly substandard for the uses proposed and would lead to parking on the highway to the detriment of highway safety, particularly during the start and finish times of the nearby school, and the amenity of residents of Moorfield and Mossborough Drive. The application therefore conflicts with the National Planning Policy Framework and Policies CS2, CS7 and CS19 of the Knowsley Local Plan adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006, the Ensuring a Choice of Travel SPD and the Town Centre Uses SPD.
4. The proposed extensions and alterations would be poor design that is unsympathetic to the building and the surrounding area detrimentally affecting its character. The application therefore conflicts with the National Planning Policy Framework, Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Plan adopted June 2006, and the Shopfronts SPD.
5. The shop is a main town centre use and such uses require a sequential test with a town centre first approach, then edge of centre and finally out of centre sites. No such sequential test was provided with the planning application. As such the application conflicts with the National Planning Policy Framework and saved Policies CS4 and CS6 of the Knowsley Local Plan Core Strategy adopted January 2006.

ARTICLE 35 STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.



Executive Director - Regeneration and Economic Development
Date: 4 February 2021

IMPORTANT NOTES FOR YOUR ATTENTION:

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.
- If you want to appeal against your local planning authority's decision, then you must do so within 6 months 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.