

REGENERATION AND ECONOMIC DEVELOPMENT DEPARTMENT

APPLICATION NO: 21/00261/FUL

APPLICANT: Sweet Temptations Ltd

WARD AFFECTED: St Gabriels

DEVELOPMENT: CHANGE OF USE OF FORMER TATTOO PARLOUR (SUI GENERIS) TO A HOT AND COLD FOOD TAKEAWAY

LOCATION OF SITE: 19 Sherborne Square, Huyton, L36 9UR

KNOWSLEY LOCAL PLAN ALLOCATION –

Huyton Town Centre

RELEVANT POLICIES

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS6 - Town Centres and Retail Strategy

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

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

S2 - Diversification of Uses within existing Centres

ARTICLE 35

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.

PLANNING HISTORY

Previous applications were approved for a change of use from jewellers to café/snack bar was approved (74/13669/HIST – approved 07/10/1991), and a change of use from A1 to a tattoo Shop (12/00681/COU – 09/01/2013).

TECHNICAL CONSULTATIONS:

Environmental Health – No objections subject to a condition to ensure a filtration system is installed and maintained.

Highways - No objection.

Town Centre Management – Support application subject to a condition that the counter/"shop" side of the business is operated as a matter of course during the daytime, rather than risk it becoming dead frontage in a daytime retail environment. They applicant may not be able to use the service yard for deliveries. Support closure of front of premises in evening due to anti-social behaviour.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 4 neighbours. One representation has been received consisting of the following points:

- There is already overcrowding of cars in the immediate area. Limited amount of parking spaces and loading for stock.

Cllr Mike Kearns made comments stating no objection to the application.

ISSUES AND ASSESSMENT:

PROPOSAL

The application is for the change of former tattoo parlour (Sui Generis) to a hot and cold food takeaway.

POLICY CONSIDERATIONS

The application site is situated within Huyton Town Centre. The proposed use as a Hot and Cold Food Takeaway use is considered an appropriate use within a Town centre.

The Council's Town Centre uses SPD states that no more than 10% of units within a town centre should be hot food takeaways. Even with the proposed change of use, Huyton Town Centre would be significantly below this threshold.

The use would not have a detrimental impact on the local centre or affect it's vitality. The development is therefore acceptable in principle. The application complies with policies CS2, CS6, CS7 and CS19 of the Knowsley Core strategy and policy S2 of the Unitary Development Plan.

DESIGN, ACCESS AND CRIME PREVENTION

The design of the proposal is acceptable. There would be no external changes to the building as part of the change of use. The application raises no additional anti-social behaviour issues.

AMENITY

The proposal would not significantly harm the amenity of neighbouring premises provided that conditions are attached in relation to the extraction system and grease trap. This is supported by Environmental Health who have no objection to the application subject to conditions.

HIGHWAYS

NPPF para 109 states that a 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 site is located within a sustainable and accessible location with excellent public transport links. The proposal would not cause significant harm to highway safety though lack of parking. This is supported by the council's Highways department who have no objection to the application.

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OTHER MATTERS

In relation to a potential condition to require a shop to be open in the daytime. This would not be necessary or enforceable. It would be unreasonable to attempt to force a business to open merely to comply with a planning condition.

CONCLUSION

The proposal is acceptable in principle and in terms of design and would not harm the amenity of neighbouring premises or highway safety. The application complies with local planning policies and is recommended for approval.

RECOMMENDATION:

That Planning Permission 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) Filtration System

Prior to being discharged to the atmosphere, the emissions from the kitchen shall be controlled using the approved extraction scheme, which for the avoidance of doubt comprises of a fine filtration system followed by a carbon filtration system. It shall be fully installed and operating prior to the development hereby permitted being first brought into use and it shall thereafter be retained and operated to the manufacturer's specification.

Reason: To safeguard the amenity of neighbouring premises from emissions and to comply with Policy CS19 of the Core Strategy.

- 4) Opening Hours

The shop shall not be open to customers (and shall not operate a takeaway service) outside the hours of 08:00 to 23:00.

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

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
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Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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07/06/21	-	-	Filtration confirmation email
24/03/2021	TQRQM210821 82926786	-	Site Plan
24/03/2021	-	-	Proposed Floor Plan
24/03/2021	-	-	Location Plan
24/03/2021	-	-	Photo of Rear of Unit
08/04/2021	-	-	Extraction System Details
08/04/2021	-	-	Fryer Details
08/04/2021	-	-	Supporting Statement

Informatives

1) 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.

Andrew Hunt

7 June 2021

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