



Knowsley Council

**REGENERATION AND ECONOMIC
DEVELOPMENT DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Application No: 24/00647/FUL

Name and address of applicant

Mr Fatih Gumusgoz
Sovereign Works
Thomas Lyon and Son
Kelly Street
Prescot
Knowsley
L34 5PG

Name and address of agent

AWE architectural design consultancy Ltd
25 Falkner Street
Liverpool
L8 7PU

Date of Receipt: 2 December 2024

Date Valid: 4 December 2024

Address/Location Of Development

Thomas Lyon And Son
Sovereign Works
Kelly Street
Prescot
Knowsley
L34 5PG

Nature And Particulars Of Application

CHANGE OF USE FROM THE EXISTING CLASS E(A) TO HOT FOOD TAKEAWAY
(USE CLASS SUI GENERIS) ALONG WITH THE INSTALLATION OF FLUE AND
TIMBER CLADDING TO THE FRONT AND SIDE EXTERNAL FACADES

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 application site is located within walking distance (400m and less than a 10 minutes' walk) to Prescot Primary School and Evelyn Community Primary School. It will also be within walking distance to the 'Kids in Bloom' nursery, the Prescot Shopping Centre and Prescot Town Centre, which are places where children/young people would likely congregate. The proposal therefore meets criterion a) of Paragraph 97 of the National Planning Policy Framework to refuse the proposed hot

food takeaway. The proposal also has the potential to cause unacceptable harm to the health of residents and exacerbate existing obesity issues, contrary to Policy CS2 of the Knowsley Local Plan Core Strategy (Adopted January 2016) and Paragraph 96 of the National Planning Policy Framework, which both seek to support healthy lives, reduce health inequalities and promote good health.

2. The proposed hot food takeaway and late opening hours to 01:00am would generate increased activities and noise and disturbance that would have a harmful, unacceptable impact upon the residential amenities for the occupiers within the first/second floor flats at no.126A Warrington Road and no.1 to no.11 Derby Square, contrary to Policy CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006), the Town Centre Uses SPD and Paragraph 135 of the NPPF.
3. By reason of its materials, size and design, the proposed timber cladding and flue would result in overly prominent, harmful additions which would dominate and appear incongruous within the street scene. They would fail to reflect the character of the original building and of the surrounding area, where the visual impact and prominence of these developments will be further exacerbated by the site's location on a corner plot, next to the key gateway corridor of the A57 (Warrington Road). The proposal is contrary to Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), Saved Policy DQ3 and S9 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006), the Design Guide SPD, the Shopfront and Signage Design SPD, the Town Centre Uses SPD and Paragraph 135 of the NPPF.

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 discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.



Executive Director - Regeneration and Economic Development

Date: 11 February 2025

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.
- 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.