

<u>APPLICATION NO:</u>	24/00647/FUL	<u>CASE OFFICER:</u>	Miss Kim Vo
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Prescot Town Council
<u>LOCATION:</u>	Thomas Lyon And Son, Sovereign Works, Kelly Street		
<u>PROPOSAL:</u>	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		

Site Description

The application relates to a single storey end terraced building located at a corner plot where Kelly Street meets Warrington Road. The building is currently vacant but was formerly used as a memorial and headstone suppliers under Thomas Lyon & Son. The site is mainly accessed to the side via Kelly Street and has existing hard surfacing to the rear.

The application site is located within a Primarily Industrial Area, as shown on the Local Plan Policies Map and defined by Saved Policy EC3 of the Knowsley Replacement Unitary Development Plan (UDP) (Adopted June 2006).

Proposal

The proposal seeks for the change of use of the application building from retail (Class E(a)) to a hot food takeaway (Sui Generis). The proposed opening hours are 12:00pm to 01:00am from Monday to Sundays and Bank Holidays.

The proposed external alterations include the installation of 3.7m high timber cladding to all the front and part of the side elevations. To the front elevation, the existing white uPVC window would be replaced with a dark grey uPVC window and an entrance door. The existing window to the side elevation would also be replaced with a dark grey uPVC window. To the rear elevation, two new personnel doors will be installed, with a small section to have timber cladding to the exterior.

A flue will be installed to the rear roof slope and will have a total height of 1.835m. It would be comprised of a jet cowl, a fan and a silencer. A small section of the existing railings to the front will also be removed to provide access from Warrington Road.

Signages are also proposed. The display of advertisements is subject to a separate advertisement consent process, which has been applied for under application ref: 24/00648/ADV.

Consultations

Environmental Health (24.12.2024): Objects to the proposal and the closing time of 01:00 hours every day. 23:00 hours would be more appropriate given there are residential properties close to the site. There is potential for these residents to be disturbed by noise from customers/delivery drivers and vehicles. The applicant also needs to carry out a risk assessment to determine the control methods they require for smoke and odour and more information is needed on fixed plant associated with the development.

Highway Authority (16.12.2024): Objects to the proposal as the scheme is likely to exacerbate footway parking on Kelly Street and Warrington Road, and create hindrance to the free flow of traffic, to the detriment of highway safety.

Prescot Town Council: No comments received.

Representations

This application has been publicised by letters sent to 23no. neighbours. It has also been advertised by a Site Notice displayed on a nearby lamp post on 10.01.2025.

1no. letter of objection has been received and can be summarised as follows:

- There have been previous incidents of anti-social behaviour in the area;
- Concern relating to increased litter and attraction of vermin to the area;
- The proposed hot food takeaway will exacerbate existing issues with parking;
- The close proximity of bus stops to dwellings and the existing Sweet and Sugar dessert shop currently causes noise nuisance, disturbances and anti-social behaviour issues;
- Suggestion to move bus stop further away, install a car park barrier, security lights, CCTV, a gate and increase boundary wall within objector's property to address current issues being experienced.

Planning History

24/00648/ADV - Display of signage comprising 3no internally illuminated fascia signs and 1no internally illuminated post mounted sign. Awaiting decision.

07/00814/FUL - Erection of single storey building (demolition of existing building) to form reception, office and workshop. Granted, 14 Nov 2007.

03/00860/FUL - Erection of workshop, office and reception area with associated car parking. Granted, 22 Oct 2003.

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 UDP, 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 (January 2016)

Policy CS1: Spatial Strategy for Knowsley

Policy CS2: Development Principles

Policy CS7: Transport Networks

Policy CS19: Design Quality and Accessibility in New Development

Policy CS26: Waste Management

Saved Policies - Knowsley Replacement UDP (June 2006)

Policy EC3: Primarily Industrial Areas

Policy S9: Shop Fronts and Security Shutters

Policy DQ3: Gateway Sites and Corridors

Policy ENV2: Noise and Vibration

Merseyside and Halton Joint Waste Local Plan

Policy WM9: Sustainable Waste Management Design & Layout for New Development

Supplementary Planning Documents (SPDs)

Ensuring a Choice of Travel (September 2010)

Design Quality in New Development (January 2016)

Shopfronts and Signage Design (June 2023)

Town Centre Uses (2022)

National Policies

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Planning Policy for Waste

Other Material Considerations

Department of Health and Social Care – Fingertips: Public Health Profiles

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.

Assessment

The main considerations for this application are:

- Principle of Development
- Neighbouring Amenity
- Design and Visual Amenity
- Highways, Parking and Access
- Waste
- Crime and Community Safety
- Other Matters

Principle of Development**Principle of Development - Location**

Policy CS1 of the Local Plan states that the spatial development for Knowsley will be achieved by, amongst others, focusing development within existing urban areas, with emphasis upon areas that are within or easily accessible from areas in need of

regeneration.

Saved Policy EC3 of the Knowsley Replacement UDP states that Primarily Industrial Areas are identified on the Proposals Map and are appropriate locations for Business (Class B1); General Industry (Class B2); and Storage and Distribution (Class B8) uses. Proposals for development for other uses in these areas will only be permitted where they would:

- a) Be complementary to and compatible with the surrounding employment uses;
- b) Be consistent with any approved regeneration strategy for the area;
- c) Preserve or enhance the image of the industrial area; and
- d) Avoid causing an unacceptable loss of land available for industrial development.

The application site is located within the settlement boundary of Prescott, with good access to Prescott railway station, local bus routes, major road networks and local services and amenities. It is therefore sustainably and appropriately located in accordance with Policy CS1 of the Local Plan. The proposal is also broadly compatible with the surrounding industrial area, given the proposed commercial use. It would not conflict with any regeneration strategy (as there is none allocated for the site) and would not be a use that would cause unacceptable harm to the image of the industrial area. Additionally, due to the small-scale size of the site, the loss of land for industrial development would not be to an unacceptable degree. The proposal would, therefore, comply with the criterion set out under Saved Policy EC3 of the Knowsley Replacement UDP.

Principle of Development - Proposed Hot Food Takeaway Use

The Town Centre Uses SPD provides guidance stating that planning permission for a hot food takeaway within town, district, major or medium local centres, or local shopping centres / parades will not be granted if it causes an unacceptable grouping of hot food takeaways which would have a negative impact on the character of the centre.

Paragraph 97 of the NPPF states that local planning authorities should refuse applications for hot food takeaways and fast-food outlets:

- a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or
- b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.

The application site does not fall within any centres identified within Appendix 2 of the Town Centre Uses SPD, being distanced over 220m (metres) from the Prescott Town Centre boundary. As such, the 'Guidance for Appropriate Concentration of Hot Food Takeaways in Retail Centres' of the Town Centre Uses SPD is not applicable.

Nonetheless, the latest version of the NPPF now includes Paragraph 97, which states that local planning authorities should refuse applications for hot food takeaways and fast-food outlets based on two factors. The first factor under criterion a) relates to sites within walking distances to schools and other places where children and young people congregate - unless the location is within a designated town centre. At present, neither the NPPF, nor the NPPG provides definition or further clarification on what constitutes as "walking distance".

Current guidance includes the Department for Transport's 'Manual for Streets' (2007) which defines walkable neighbourhoods as having facilities within 10 minutes' (up to

800m) walking distance. The National Design Guide (2021) mirrors this and suggests that a walkable distance is no more than 10 minutes' (800m). The Chartered Institution of Highways and Transportation's 'Planning for Walking' (2015) report details that walking neighbourhoods typically have facilities within 10 minutes' walking distance (around 800m), with 400m traditionally regarded as a cut-off point for bus stops and up to 800m for railway stations. Active Travel England's 'Standing Advice Note' (2024) suggests that local amenities should be within 800m walking distance, and that most buildings should be within 400m of a bus stop, or 800m of a rail/light station or tram stop. Saved Policy T5 of the Knowsley Replacement UDP states that for major developments, a safe and convenient walking distance to public transport facilities is no more than 400m from a bus stop and/or 800m from a rail station/Merseytram stop. Finally, Public Health England's 'Using the planning system to promote healthy weight environments' (2020) report details that 400m is recognised as a reasonable walking distance, which equates to a 5-minute walking time, with 400m exclusion zones being an accepted standard across local planning policies seeking to restrict hot food takeaways near schools.

Based on the above, a reasonable walking distance ranges from 400m to 800m, with reasonable walking times being from 5 to 10 minutes. The Local Planning Authority therefore considers that taking the lower distance of 400m would be a suitable starting point in assessing the proposed development against criterion a) of Paragraph 97 of the NPPF.

The application site is not within a designated town centre. However, it is approximately 350m (all measurements as the crow flies) / 7 minutes' walk from the main entrance gates of the Prescott Primary School and approximately 385m / 8 minutes' walk from the main entrance gates of the Evelyn Community Primary School. Additionally, other places where children and young people would likely congregate include the 'Kids in Bloom' nursery (100m / 2 minutes' walk away), the Prescott Shopping Centre (300m / 6 minutes' walk away) and Prescott Town Centre (240m / 6 minutes' walk away). Both primary schools, the nearby nursery, shopping centre and town centre are within 400m of the application site and are less than a 10 minutes' walk away. The Local Planning Authority therefore considers that the application site is within reasonable walking distance to these places. On this basis, the principle of the development is unacceptable, as the proposal would meet criterion a) of Paragraph 97 of the NPPF to refuse the application for a hot food takeaway.

With regards to criterion b) of Paragraph 97 of the NPPF, the Council's 'Knowsley Retail Centres Survey Report' showed that in 2023, 4.4% of units were occupied as a hot food takeaway within Prescott Town Centre. Following the approval of another unit at no.66 Eccleston Street (ref: 24/00038/COU), the total number of hot food takeaway units is now 5% (rounded down from 5.06%). The Town Centre Uses SPD stipulates that within town centres, no more than 5% of units shall be exceeded. Prescott Town Centre has therefore reached the maximum concentration of hot food takeaways as permitted by the SPD.

Upon a review of other hot food takeaways/fast food outlets within 400m radius of the site, there are approximately 7no. units. Majority of these are concentrated in the Prescott Town Centre boundary (Lou's; Uno Pizza; Chicken Barbeque and Snack Bar; and no.66 Eccleston Street). With the remaining units (Lucky Jade Chippy, Big Chippy and McDonalds) distanced over 200m away. There are no hot food takeaways/fast-food outlets within 200m radius of the site. As such, the local planning authority does not consider that there is an over-concentration of hot food takeaways causing adverse impacts on local health, pollution or anti-social behaviour within the immediate vicinity. On this basis, criterion b) of Paragraph 97 of the NPPF

is not wholly applicable. However, it is acknowledged that that the nearby Prescott Town Centre is currently at its maximum threshold for hot food takeaway units.

Principle of Development – Health and Wellbeing

Policy CS2 of the Local Plan seeks to reducing economic, environmental, education, health and other social inequalities between Knowsley and other parts of the UK and providing opportunities for positive lifestyle choices and health improvement for people of all ages.

Paragraph 96 of the NPPF seeks to enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – e.g. through access to healthier food.

The Department of Health & Social Care provides a [‘Fingertips’ data collection service for Obesity Profiles](#). It shows that in 2022-2023, the prevalence of adults (18+ years) within Knowsley being overweight/obese was 73.9%. Compared to other local authorities across England, this is the third highest figure. In 2023-2024, the prevalence of obesity/severe obesity for children in reception (aged 4-5 years) was 13.6%, with this being the third highest figure in England. In 2023-2024, the prevalence of obesity/severe obesity within Knowsley for children in Year 6 (aged 10-11 years) was 30.2%, with this being the second highest figure across England. In particular, the application site is within the Prescott North Ward, where from 2021-2024, the prevalence of obesity/severe obesity for children in reception was 16.2%. This being the second highest figure across all the wards within Knowsley. From 2021-2024, the prevalence of obesity/severe obesity for children in Year 6 was 25.8%. Whilst this is the fifth lowest figure across all the wards in Knowsley, it is still higher than the national figure of 22.7% for England.

The [2019 Index of Multiple Deprivation \(IMD\)](#) rank of average summary measure also indicates that Knowsley is positioned as the third most deprived local authority across England. The application site itself is within the ‘Knowsley 007’ Lower-layer Super Output Area (LSOA) which is amongst the 10% most deprived neighbourhood in the country.

The above evidence reveals a major health issue for adults within Knowsley, with 73.9% of adults classed as overweight or obese. It also details concerning child obesity issues, with Knowsley having the third and second highest figure for obese/severely obese children in reception and Year 6 (respectively). These issues are coupled with high levels of deprivation within the borough and the Prescott North Ward. Subsequently, an approval for an additional hot food takeaway within Prescott, which has a town centre already at maximum capacity for hot food takeaway units, has the potential to cause unacceptable harm to the health of residents and exacerbate adult and child obesity issues within the Borough.

Whilst it is acknowledged that healthy meals can be offered as part of some hot food takeaways, the Town Centre Uses SPD explains that foods sold are typically high in fat and salt, low in fibre, fruit and vegetables and provide little nutritional value for the calories it contains. Hot food takeaways are also generally noted as being significant contributors to poor health and obesity. As such, by limiting new hot food takeaways, this would reduce the opportunities for adults and children/young people to have access to such establishments. In turn, this would promote healthier lifestyles and better food choices. A refusal of this application would therefore meet the goals of Policy CS2 of the Local Plan and Paragraph 96 of the NPPF, which both seek to support healthy lives, reduce health inequalities and promote good health.

Neighbouring Amenity

Policy CS19 of the Local Plan seeks to maintain a good standard of amenity for all existing and future occupants of land and buildings by, amongst others, requiring proposals to avoid unacceptable impacts on existing residents, business occupiers, and future occupiers.

Saved Policy ENV2 of the Knowsley Replacement UDP states that development that will either cause an unacceptable increase in noise or vibration levels or itself be subject to unacceptable noise or vibration from an existing source will not be permitted.

Paragraph 135 of the NPPF seeks to maintain a good standard of amenity for all existing and future occupants of land and buildings.

The Town Centre Uses SPD states that proposals close to residential properties will only be allowed where there will be no detrimental impact in terms of odour, noise, visual intrusion or general disturbance. Regarding hours of operation, consideration should be given to the impacts on residential amenity; the existence of an established late-night economy in the area; the existence of a primary or secondary school within close proximity; and the character and function of the immediate area. Within an area that is primarily residential in character, all new hot food takeaway hours will normally be restricted to close at 11pm Monday to Saturdays, with earlier closing hours on Sundays and Bank Holidays. Extended hours will only be permitted where it can be clearly demonstrated that there would be no unacceptable impact on residential amenity.

Amenities of Neighbouring Properties

The application site is within a Primarily Industrial Area, with the industrial buildings of the Sovereign Works located to the west, and the Ashley Business Centre located to the north. The site is also surrounded by Primarily Residential Areas to the east and south, with apartments at no.1 to no.11 Derby Square located to the east and 4no. first/second floor flats at no.126A Warrington Road to the south (approved under application ref: 19/00697/PDC). The approved plans for this application indicate that there are two flats to the closest side elevation with the site, with one of these flats having two first floor bedroom windows and a second-floor lounge window to the front elevation, and the other flat having a first-floor bedroom window to the rear elevation.

The proposal includes new windows/doors to all the elevations. However, these will all be replacements to already existing openings and will have no greater, significant impact in terms of loss of privacy or direct overlooking.

The proposed opening hours for the hot food takeaway are 12:00pm to 01:00am from Monday to Sundays and Bank Holidays. It is noted that the flats at no.126A Warrington Road do not directly share a party wall with the application building. However, as detailed previously, there are habitable room front/rear windows near to the closest side elevation with the site. There are also two nearby windows at no.1 to no.11 Derby Square facing towards the southwest. Having regard to the close proximity of these openings to the site, it is considered that the occupiers of these dwellings would be subject to undue disturbance and noise levels arising from the proposed use. Noise and disturbance may likely include slamming of car doors, revving of vehicle engines, and customers chatting or laughing outside while they eat, or are waiting for food to be made. As such, the likely comings and goings of customers/delivery drivers late at night until 01:00am, when residents would ordinarily be relaxing or sleeping, would lead to noise and disturbance to neighbouring occupiers. This harm would be most prevalent in summer months, when residents are likely to have windows open at night. It is reasonable for

residents to expect peace and quiet, particularly during the night, when more people are asleep and when noise and disturbance becomes more noticeable.

Environmental Health have raised an objection, also noting that the proposed closing time of 01:00am has the potential to cause noise and disturbance. The Environmental Health Officer considers that a closing time of 23:00pm is more appropriate. These comments were put forward to the applicant's agent. However, no response has been received and they have not provided any demonstration that the proposed opening hours past 23:00pm would have no unacceptable impact upon residential amenities. Additionally, the site is not within an area that has an established late-night economy and as set out earlier, there are two primary schools within walking distance to the site. As such, the proposed late opening hours to 01:00am would likely result in harm to residential amenities, with the proposed use considered to result in substantial, adverse impacts in terms of potential noise and disturbance. This is contrary to Policy CS19 of the Local Plan, Saved Policy ENV2 of the Knowsley Replacement UDP, the guidance contained within the Town Centre Uses SPD and Paragraph 135 of the NPPF.

A flue is also proposed to the rear. Environmental Health have noted that there is limited information submitted for the fixed plant associated with the development. The applicant will need to demonstrate that there is space to install the relevant equipment and that the chimney is of an appropriate height. The EMAQ guidance used by Environmental Health states that for hot food takeaways, a stack should be 1m above the ridge height of any building within 15 metres and would fail to meet this requirement. The applicant also needs to carry out a risk assessment to determine the control methods needed for any noise, smoke and odour mitigation, together with a scheme detailing the control systems that will be installed. Given that the principle of the development is not considered acceptable, these details have not been sought and in any case, if the application was to be approved, a pre-commencement condition would be attached, requiring the submission of this information. However, the local planning authority would note that whilst such condition could mitigate the impact in terms of noise, smoke and odour from the fixed plant equipment, it would not fully lessen the proposal's harmful impact in terms of disturbance or from other uncontrollable noise sources.

Design and Visual Amenity

Policy CS2 of the Local Plan seeks to promote good quality design and ensure that development respects its setting taking into account relevant design requirements, and best practice. Policy CS19 of the Local Plan requires new developments to respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment. Policy EC3 of the Local Plan states that proposals for development for other uses in Primarily Industrial Areas should, amongst others, preserve or enhance the image of the industrial area.

Saved Policy S9 of the Knowsley Replacement UDP requires proposals for new or altered shopfronts to relate well to the street scene in terms of materials, form and proportions and provide good access for all members of the community. Saved Policy DQ3 of the Knowsley Replacement UDP requires new development proposals which are within or adjacent to, or visible from, any gateway sites and corridors to enhance the visual appearance of the route.

Paragraph 135 of the NPPF requires planning policies and decisions to ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The Design Guide SPD sets out the design standards for new development and provides detailed guidance on specific development issues. The Shopfront and Signage Design SPD provides guidance that relate to the design of and alteration to shopfronts and signage. The Town Centre Uses SPD states that all new hot food takeaways must provide appropriate extraction systems to effectively disperse odours with regard to criterion a) to f).

The proposal involves the replacement of the existing white uPVC openings, with grey uPVC frames. The surrounding area includes properties with window/doors of various colours that include white, black and dark brown. The proposed replacement openings would therefore appear in keeping with the varied colours of the neighbouring window/door frames and would have an acceptable impact upon design and visual amenity.

The proposal also includes the installation of 3.7m high timber cladding to all the front and part of the side elevations, as well as the installation of a flue to the rear. The application building is of a modest size/scale due to its single storey height. However, it is located on a prominent corner plot and is adjacent to the key gateway corridor of the A57 (Warrington Road). As such, the proposed timber cladding and flue would be highly visible from public vantage points along Warrington Road and Kelly Street.

With regards to the proposed timber cladding, this would wrap around to the front and side. Due to the height (3.7m), this would conceal the existing form of the application building and significantly alter its current traditional and simple appearance, to one which would appear incongruous with the surrounding area. There are no examples of neighbouring properties which feature timber cladding to principal elevations. As such, the proposed material and height of the timber cladding is considered unacceptable and would appear overly dominant and intrusive within the street scene.

It is acknowledged that the site is allocated within a Primarily Industrial Area and is adjacent to an industrial building to the north, which features metal corrugated sheets to its elevations. However, the use of this material appropriately reflects this building's industrial use within an industrial area, where this building is of a larger, detached size within its standalone plot. Whereas the application site is visually seen in context with the neighbouring traditional red-brick buildings of which it adjoins onto. The proposal should, therefore, appear complementary and sympathetic to these buildings, rather than with the industrial units, which are physically separated from the application site via the highway of Kelly Street.

With regards to the proposed flue, whilst it will be sited to the rear and will be partially visible from Warrington Road, it would be fully visible from public vantage points along Kelly Street. The proposed flue will have a total height of 1.835m and will comprise of a large jet cowl, silencer and fan. In comparison with the small, modest size of the application building (which has a total height of 4.2m), the proposed flue will appear as a bulky, prominent and overly dominant feature. The proposal, therefore, fails to incorporate a design which would minimise its impact upon visual amenity.

In summary, by reason of its materials, size and design, the proposed timber cladding and flue would result in overly prominent and harmful features 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 therefore contrary to Policy CS2 and CS19 of the

Local Plan, Saved Policy DQ3 and S9 of the Knowsley Replacement UDP, the Design Guide SPD, the Shopfront and Signage Design SPD, the Town Centre Uses SPD and Paragraph 135 of the NPPF.

Highways, Parking and Access

Policy CS7 of the Local Plan states that new development will be required to be, amongst others, located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport, and incorporate access for private vehicles.

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios

The Ensuring a Choice of Travel SPD provides the parking standards for each land use type. The Town Centre Uses SPD states that in determining planning applications for new hot food takeaways, the Council will consider the impact on the safety of pedestrians and road users with regard to criterion a) to g).

An objector has stated that the proposed hot food takeaway will exacerbate existing parking issues. No off-street parking provision is proposed as part of this application. The Local Highway Authority has been consulted and has raised an objection, noting that the scheme is likely to exacerbate footway parking on Kelly Street and Warrington Road, and create hindrance to the free flow of traffic, to the detriment of highway safety. These concerns were put forward to the applicant's agent, who has stated that scooter delivery drivers will be mostly attending the site. They also note that the site is already sufficiently large so that on-site parking areas can be created if necessary and on-street parking is therefore, not required.

Appendix A of the Ensuring a Choice of Travel SPD requires 1no. parking space per 5sq.m. of public floor area for restaurants, cafés/snack bars, fast food & drive through uses. These are the closest uses to hot food takeaways and these parking requirements will be applied as a starting point. The proposed use will have a total public floor area of 7.6sqm and requires 2no. parking spaces. Whilst no proposed parking plan has been provided, the site has a large hard surfaced area to the rear which could accommodate off-street parking for at least 2no. vehicles. A dropped kerb along Kelly Street also exists, which would allow vehicular access into the site. The applicant's agent has also indicated that on-site parking is possible. Therefore, should the application be approved, a planning condition would be attached to ensure that a scheme for parking provision for at least 2no. vehicles is provided prior to the hot food takeaway being first brought into use. The Local Planning Authority considers that this condition would reduce the need for parking on the adopted highways and would address the concerns raised by the Local Highway Authority. It is also noted that whilst the proposal may increase the turnover of trips to the site, customers to a takeaway would stay for a shorter period. Subject to this condition, it is considered that the development would have no severe impacts upon access, highway safety or parking and would accord with Policy CS7 of the Local Plan, the Ensuring a Choice of Travel SPD, the Town Centre Uses SPD and the NPPF.

Waste

Policy CS26 of the Local Plan sets out that the Council will promote sustainable forms of waste management in accordance with the waste hierarchy through, amongst others, encouraging good design in new development in order to minimise waste, promote the use of reclaimed and recycled materials and to facilitate the collection and recycling of waste.

Policy WM9 of the Merseyside and Halton Waste Local Plan requires, amongst others, that the design and layout of new built developments facilitates the collection and storage of waste and provide sufficient access to enable waste and recyclable materials to be easily collected and transported for treatment.

The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities.

The Town Centre Uses SPD provides 'Guidance for Hot Food Takeaways: Waste Disposal and Litter' at page 33.

No waste storage arrangements or details have been provided as part of this application. However, the submitted plans demonstrate that there is extensive hard surfacing to the rear which could sufficiently accommodate the storage of commercial waste bins to serve the business. The siting of bins to the rear would also ensure it is not highly visible from public vantage points along Warrington Road. Access to Kelly Street is also available via an existing gate, which is wide enough to allow for the movement of waste bins to the adopted highway on collection days. However, should the application be approved, a planning condition would be attached to ensure that details are provided for the provision and management of the commercial waste storage and for customer litter bins. An additional condition will also be imposed, to ensure that grease traps are installed on all drains to prevent sewer blockages, in accordance with the Town Centre Uses SPD. Subject to these conditions, the proposal would be acceptable in terms of waste management, in accordance with Policy CS26 of the Local Plan, Policy WM9 of the Merseyside and Halton Waste Local Plan, the Town Centre Uses SPD and the National Planning Policy for Waste.

Crime and Community Safety

Policy CS19 of the Local Plan seeks to, amongst others, minimise crime, fear of crime and anti-social behaviour.

Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The Town Centre Uses SPD provides 'Guidance for Hot Food Takeaways: Crime and Anti-Social Behaviour' at page 34.

Fear of crime is a material planning consideration, although case law indicates that the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur (*Smith v First Secretary of State & Mid-Bedfordshire District Council [2005]* and *West Midlands Probation Committee v Secretary of State for the Environment, Transport and the Regions [1997]*). The Courts held that any fear and concern must have a reasonable basis, and the object of fear and concern must be the use, in planning terms, of the land, rather than assumptions unsupported by evidence, as to the character of the occupiers.

An objector has noted that there have been previous incidents of anti-social behaviour in the area. It is appreciated that there is a genuine concern about the potential for an increase in anti-social behaviour. However, no assumptions can be made about how the proposed hot food takeaway would operate, nor about the

behaviour of the customers who would visit the premises. As such, it is not possible to attribute the hot food takeaway, or its customers to any future incidents of crime, as there is no evidence to support these assumptions. Crime data from [Police.uk](https://www.police.uk) also indicates that there have been no reported crimes or incidences at Kelly Street or at the application site from December 2021 to November 2024. Therefore, the proposals impact upon crime and community safety is considered to be limited and would accord with Policy CS19 of the Local Plan, the Town Centre Uses SPD and the NPPF.

Other Matters

A neighbour representation has expressed that the close proximity of bus stops to dwellings and the existing Sweet and Sugar dessert shop currently causes noise nuisance, disturbances and anti-social behaviour issues. A suggestion was also made to move the bus stop further away, install a car park barrier, security lights, CCTV, install a gate and increase boundary wall within objector's property to address current issues being experienced. The local planning authority would note that these appear to be existing problems with other sites/areas unrelated to this application and will not be assessed any further.

The objector has also raised concern regarding increased litter and the proposal causing attraction of vermin. However, as noted previously, should the application be approved, a condition would be attached to ensure the provision of business waste and customer litter bins. It also cannot be assumed that the proposed use would directly cause the presence of vermin to increase. Notwithstanding this, if such issues do occur, then pest control services should be utilised to ensure their removal.

Conclusion

The proposal would meet criterion a) of Paragraph 97 of the NPPF to refuse the proposed hot food takeaway, as it is within walking distance (400m and less than a 10 minutes' walk) to two primary schools, a nursery, Prescott Shopping Centre and Prescott Town Centre. Evidence shows that there are high levels of obesity within Knowsley, as well as high levels of deprivation. Accordingly, the proposed hot food takeaway has the potential to cause unacceptable harm to the health of residents and exacerbate existing obesity issues. The principle of the development is therefore unacceptable. The proposed use and the late opening hours to 01:00am will also likely result in substantial, adverse impacts in terms of increased noise and disturbance, causing harm to the residential amenities of the occupiers within the flats at no.126A Warrington Road and no.1 to no.11 Derby Square. Additionally, the proposed timber cladding and flue would not reflect the character of the street scene, or of the application building and would appear as incongruous development, which would be harmful and prominent in terms of its materials, size and design. The application is therefore, recommended for refusal.

Recommendation

That Planning Permission be refused for the following reason(s):-

1. The application site is located within walking distance (400m and less than a 10 minutes' walk) to Prescott Primary School and Evelyn Community Primary School. It will also be within walking distance to the 'Kids in Bloom' nursery, the Prescott Shopping Centre and Prescott 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
02/12/2024	PP-13599984v1	-	Location Plan
04/12/2024	-	-	Site Plans
04/12/2024	-	-	Proposed Elevation
02/12/2024	-	-	Proposed Plan

Signed Case Officer¹: **Kim Vo**

Signed Authorising Officer²: **K Foster**

Date: **11 February 2025**

Informatives

1. This decision relates to the plans and documents listed in Schedule 1.

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