

APPLICATION

NO:

23/01627/COU

CASE OFFICER:

John Fleming

WARD: Roby

PARISH:

LOCATION:

56 Derby Road, Huyton, Knowsley, L36 9UL

PROPOSAL:

CHANGE OF USE FROM USE CLASS E (RETAIL) TO BAR (SUI GENERIS)

Site Description

The application site is located within Huyton Town Centre and relates to an existing two storey unit within an existing retail block. The ground floor unit subject to this application was last occupied as a charity shop (Barnardos). Surrounding the application property is a mixture of uses comprising of retail, bars and restaurants.

The property is brick facing with a glazed frontage with metal shutters.

Proposal

The application proposals seek consent for the change of use of an existing retail premises (Class E) to a Bar (Sui Generis). The application proposals do not seek to change the existing shop front and are solely related to the change of use together with integral alterations to provide a bar, outside seating area, staff area and W/C facilities.

Consultations

Local Plan Team – No objections raised. Development is in accordance with the Development Plan, Town Centre Uses SPD and Huyton Village Masterplan SPD.

Highways Authority – No objection raised. Request informative to be added to decision notice.

Environmental Health – No objection subject to condition relating to fixed plant noise.

Licensing – No objections to the principle of development.

Major Development Team – No response received.

Asset Management - No response received.

Representations

This application has been publicised by letters sent to 18 neighbours and displayed by site notice. No representations have been received.

Planning History

Ref: 95/00709/APP – Change of use from retail shop to class A2 Use. Application withdrawn.

Ref: 96/00274/APP – Installation of new shop front. Application withdrawn.

Ref: 96/00291/ADV – Display of illuminated fascia and projecting sign. Granted 9th February 1998

Ref: 97/00640/ADV – Retention of 1no. internally illuminated projecting sign. Granted 9th February 1998

Ref: 03/00046/FUL – Relocation of existing entrance doors within the shop front. Granted 5th March 2003.

Ref: 07/00217/FUL – Installation of new door to replace existing window. Granted 20th April 2007.

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.

CS2 - Development Principles

S2 – Diversification of uses within existing centres

CS19 - Design Quality and Accessibility in New Development

CS6 – Town Centres and Retail Strategy

In addition, the Town Centre Uses SPD (2022) and Huyton Village Masterplan SPD (2017) are material considerations for the purposes of this planning application and provides additional guidance on what forms of development are likely to be acceptable within Huyton Town Centre.

The application site is located within Huyton Town Centre which is allocated as Town and District Centre in the adopted Development Plan. The site is located within an established town centre which consists of a variety of uses including retail shops,

restaurants and bars. As such, the change of use from retail premises to a bar (sui generis) is considered acceptable in principle, subject to compliance with local planning policy and guidance.

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

The proposed use is considered appropriate for a town centre use as town centres are sequentially preferable locations for the proposed use and therefore a sequential test is therefore not required. Criterion b) of Saved Policy S2 requires that there would not be a grouping of uses that would have a negative impact on the character or the centre. In this instance, the proposed development would front bars and restaurant's but would not result in a grouping of use which would negatively impact the character and appearance of the town centre as they are interspersed with alternative uses. It is therefore not considered that the introduction of another non-retail use in this location would result in having a detrimental impact on the functioning of the town centre. Instead, it would strengthen the variety of businesses located within the town centre and support night time activities which will help assist in economic growth. Indeed, Policy CS4 seeks to facilitate employment development of the right type and in the right location. The proposed development not only supports job creation but would also bring an existing vacant unit back into use.

The Town Centre Uses SPD seeks to provide guidance on retail centres regarding the clustering of non-retail uses and provides guidance on the approach of hot foot takeaways. However, the applicant has confirmed that the proposed use will not offer hot food services and as such the use does not fall into this category and is not relevant in this instance.

Design, access and crime prevention

The proposed development relates to the principle change of use. The applicant has confirmed that there will be no changes to the shop front with the exception of advertisement which may be subject to separate application. As such, as there are no changes to the shop front which are already there would be no adverse impact to the character and appearance of the street scene.

Notwithstanding the above, the development would involve the setting out of an outdoor seating area to the front of the property. However, the furniture has not yet been selected but would sit in front of the shop front occupying a floor space measuring 3.7m depth and 6.5m width. Following the Covid Pandemic a number of restaurant's have commenced the use of the outside seating areas which are still in operation and as such the proposed seating area would not look out of place in principle. However, a condition should be attached to this decision relating to the operation of seating area ensuring that this area is removed from the front of the premises and stored securely overnight at all times outside of the permitted opening hours in the interests of crime

prevention.

Overall, the proposal would not undermine the retail function and appearance of the town centre and would instead help support the Council's wider regeneration ambitions.

Amenity Impacts

There are no residential properties in proximity to the site given its Town Centre location and the proposed outdoor seating area will therefore not give rise to undue harm to residential amenity through general disturbance having regard to the wider vernacular of the area which contains similar arrangements in nature and scale.

Other issues

Highways

The Highways Authority has been consulted as part of this application and do not raise any objections to the proposed change of use. It is therefore considered that the proposal will not result in any adverse impact upon the flow of pedestrians along the high street or raise any highways issues concerning highway safety. In any event, the operator would require a licence to place tables and chairs on the public highway which is subject to a separate procedure.

Environmental Health

Environmental Health has reviewed the information submitted and raise no objections to the principle of development. However, a number of conditions have been requested. Relating to flue extraction the applicant has confirmed that no hot food will be prepared on site. In addition, a condition relating to fix plant noise was requested. However, the current unit does not accommodate any fixed plant machinery and further planning application would be required in this event. As such, these conditions are not sought.

The proposed opening hours are assumed that this will be the operating hours that they are limited to. However, this would be subject to licensing application and falls outside the remit of the determination of this planning application.

Conclusion

It is considered that the proposal is appropriate and consistent with the site location within an existing Town Centre. It would bring a vacant unit back into use and contribute towards a mix of uses within the town centre supporting both day and night time economy.

There would be no visual impact associated with the development and the application is therefore recommended for approval.

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 chairs, tables and free-standing barriers associated with the seating area shall be removed from the highway and stored securely overnight within the premises, within 30 minutes of the associated premises closing to customers.

Reason: In the interests of minimising crime, disorder and anti-social behaviour and to comply with Policy DQ2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and the National Planning Policy Framework (2023).

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
11.08.2023	AS/347/2022		SITE LOCATION PLAN
11.08.2023	1		EXISTING AND PROPOSED FLOOR PLANS

Signed Case Officer¹: **John Fleming**

Signed Authorising Officer²: **K Foster**

Date: **5 October 2023**

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.

Appendix 1 – Site visit photographs



INFORMATIVES

1. HIGHWAYS

The applicant is advised that the granting of planning permission does not entitle the applicant to place chairs, tables or other equipment in the adopted highway. The placing of such in the highway is an offence unless a Pavement Café licence is granted by the Council, under the provisions set out in S115E of the Highways Act 1980. Contact: Licensing@knowsley.gov.uk for further information.

2. NEED FOR ADVERTISEMENT CONSENT

The proposed change of use may require a separate Express Consent to Display Advertisements. Please contact the Council's Development Control Section (Tel: 0151 443 2381) for further advice).

3. COAL AUTHORITY STANDARD ADVICE (LOW RISK)

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