

<u>APPLICATION NO:</u>	23/00007/FUL	<u>CASE OFFICER:</u>	Andrew Hunt
<u>WARD:</u>	St Gabriels	<u>PARISH:</u>	
<u>LOCATION:</u>	The Café, 36 Wilson Road, Huyton, Knowsley, L36 6AD		
<u>PROPOSAL:</u>	CHANGE OF USE FROM CAFÉ TO FORM RESTAURANT (USE CLASS E) TOGETHER WITH ERECTION OF A SINGLE STOREY FRONT, SIDE AND REAR EXTENSION		

Site Description

The application site is a small rectangular building set within a square site comprising a grassed area to the northwest, fencing and a seating area to the south. The site is located at the intersection of Wilson Road and Link Road. There are large industrial buildings along the same frontage to the northwest and south east.

Proposal

The proposal is for the change of use of from café to form restaurant use (Class E) together with erection of a single storey front, side and rear extension*.

**The application has been amended to ensure that the permanent built development will not extend further forward than the existing building.*

Consultations

Coal Authority – No objection subject to informative in relation to coal mining.
Environmental Health – No objection subject to conditions in relation to noise, contaminated land, importation of soil/material, construction hours, a construction management plan, odour and smoke prevention, and a grease trap.
Health and Safety Executive – Does not cross any consultation zones.
Highways – No objection subject to a cycle parking condition.
Planning Policy – A restaurant is a main town centre use and therefore a sequential test is required.

Representations

This application has been publicised by letters sent to 38 neighbours. 1 objection has been received consisting of the following main points.

- I am concerned that the business has no parking, and their customers will park on our premises. This was an issue when the café was open.
- We may have a boundary issue which I will check with our solicitor.

Planning History

There have been several applications at the site most of which are not directly relevant to the current application. However, condition 9 of (APP/98/00254 – approved 29/06/98) restricted the use of the site to B8 only.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS4 - Economy and Employment
CS6 - Town Centres and Retail Strategy
CS19 - Design Quality and Accessibility in New Development

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

EC3 - Primarily Industrial Areas

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance

with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

Principle of Development – Employment

Core Strategy Policy CS4 States that Land for employment development* will be made available to ensure that at all times there is a sufficient range of available and deliverable sites and premises by size, location, type and suitability to meet the needs for employment development over the following five year period.

**(defined as B1,B2 and B8 uses).*

The existing use of the site is a Class E (café). The proposed use as a restaurant is also within Class E. Therefore, there would be no loss of employment land. (The change only requires permission due to a previous application restricting uses to B8 only). Therefore, the application is in accordance with this part of Policy CS4.

Principle of Development – Town Centre Uses

Policy CS4 also states that main town centre uses (including offices) will be primarily located within existing town centres in accordance with Core Strategy Policy CS6. A sequential approach will be used.

Policy CS6 states that proposal for retail and other 'main town centre uses' outside the above centres will only be permitted if they would complement regeneration opportunities, avoid significant impact upon the viability and vitality of the town, district and local centres, and comply with the sequential test in Policy CS4: Economy and Employment.

In relation to the current proposal, this would be a minor extension to an existing Class E use rather than a new town centre use. The restaurant would primarily serve the occupants of the business park and would not compete with Huyton Town Centre as it would mostly be accessed on foot or by bicycle due to the lack of specific on-site car parking. It would not have a significant impact on the vitality or viability of any town centres.

Overall, as the proposal is an extension of an existing use and would not directly compete with Huyton Town Centre, a sequential test is not required.

Amenity

Policy CS19 requires that to maintain a good standard of amenity for all existing and future occupants of land and buildings, development proposals will be required to avoid unacceptable impacts on existing residents, business occupiers, and future occupiers.

The proposals would not significantly affect neighbouring/business premises as the nearest building to the site would be over 18 metres away. The site is also located in an industrial area and next to a busy Road (Wilson Road) with no sensitive residential properties nearby. However, a condition will be attached to limit fixed plant noise levels to protect neighbouring occupiers against excessive noise. It is considered that conditions to require restrictions on construction hours and a construction management plan are unnecessary given the size of the scheme at its location next to a busy road in an industrial area.

Street Scene

Policy CS19 (Design Quality and Accessibility in New Development) in the Core Strategy sets out several criteria that developments will be expected to conform to so that they enhance local distinctiveness and the identity and accessibility of new places.

The NPPF identifies that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

The proposal has been subject to amendments which now mean that the built extension will not project further forward than the existing building. Only the temporary seating and retractable awning would project beyond the front of the existing building. As these are temporary, small scale and removable elements, this is considered to be acceptable. The bicycle store would also be located at the front, however, as it is a minor piece of street furniture, this is considered acceptable.

Overall, the proposal will not result in harm to the street scene.

Highway Safety

NPPF para 111 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 would be severe.

The absence of dedicated car parking is considered acceptable in this instance due to the existing lack of car parking for a similar café use and the intention to serve business occupiers of the wider industrial estate. There is also some existing off-road parking on Link Road which can be used. Cycle parking has been provided on site and this will be secured via a condition.

Overall, the proposal would not lead to significant harm to highway safety compared to the previous café use. This is supported by the views of the council's highways department who have no objection to the application.

Conclusion

The proposal would be acceptable in principle and in relation to Neighbour amenity and highways. The application complies with local planning policies and is

recommended for approval.

Recommendation

That planning permission be granted subject to the following conditions.

- 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 following approved plans and documents :-
 - a. Proposed Plans – 002 (received 30/06/2023)
 - b. Site Location Plans - 003 (received 09/01/2023)

Reason: For the avoidance of doubt.

Pre Commencement

- 3) **Contamination**

A Phase I site investigation shall be submitted for written approval prior to works commencing on the extension in order to establish whether there are any concerns of contamination from the current or previous use of the site or adjacent sites. This report shall include the results of a desk study, site walkover, and human health and environmental risk assessment.

If identified as necessary by the desk study a Phase 2 site investigation and remediation proposals shall be submitted for approval prior to works commencing. In any event the applicant/developer is requested to contact the Council's Environmental Protection Unit (Tel: 0151 443 4712) as soon as is practicable should previously unsuspected contamination be encountered during the development of the site. A site completion report shall be submitted for written approval prior to occupation confirming that encountered site conditions were as expected and detailing any necessary remedial actions.

Reason: In order to avoid harm to human health from contamination.

Pre Occupation

- 4) **Cycle Parking**

The proposed development shall not be brought into use until precise scheme detail of the proposed cycle storage highlighted on Site Plan (Received 30/06/2023) has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as agreed before any part of the development has been brought into use. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles.

Reason: In order to ensure adequate cycle parking.

5) Odour Assessment

No part of the development hereby granted permission shall be occupied until an assessment has been carried out in accordance with the Defra document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems". The outcome of the assessment shall be submitted to, for approval in writing, the Local Planning Authority.

The information submitted must include;

- a. Details of the equipment that will be installed to control odour and smoke;
- b. The siting of any external ventilation stack; and,
- c. Details of any measures which are necessary to attenuate noise from the ventilation stack;

The approved scheme shall be fully installed and operating prior to the development hereby permitted being first brought into use. It shall thereafter be retained and operated to the manufacturer's specification.

Reason: In order to prevent harmful odours affecting human health.

6) Grease Trap

The drainage from the kitchen area shall incorporate a grease trap of a design which has been approved in writing by the local planning authority before its connection to any private or public sewer. The trap shall be installed and operating prior to the premises being brought into use. It shall thereafter be retained and operated in accordance with the approved specification at all times that the premises are in operation as a cafe.

Reason: In order to avoid grease impacting the sewer network.

Other Conditions

7) Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the

Reason: In order to avoid harm to human health from contamination.

No topsoil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

9) Fixed Plant Noise

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006

The building shall not be open to public outside the hours of

- Reason: In order to control the hours of operation of the building.

Signed Authorising
Officer: K Foster

Date: 8 August 2023

Informatives

1) Coal Mining

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

Appendix 1 – Site Photographs

