

# KNOWSLEY

Town Centre Uses  
Supplementary Planning Document  
June 2016



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# 1. Introduction

## The role of the SPD

**1.1** This document has been prepared by Knowsley Metropolitan Borough Council (KMBC) as a Supplementary Planning Document (SPD). It aims to provide additional guidance in respect of existing policies for retail centres within the Borough, and responds to the growing concerns regarding the degree of clustering and proliferation of non-retail uses within centres. It should be read in conjunction with the Council's adopted Local Plan policies. This SPD has been produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, and the National Planning Policy Framework (CLG, 2012). The guidance in this SPD is a material consideration in determining planning applications. The full range of documents comprising the Local Plan is available online at [www.knowsley.gov.uk/localplan](http://www.knowsley.gov.uk/localplan).

**1.2** This SPD explains the Council's approach to the development of hot food takeaways, betting offices, pay day loan shops and taxi booking office uses, setting out guidance relating to:

- The appropriate proportion of these uses within the Borough's centres;
- The appropriate level of clustering of these uses in centres;
- Protection of residential amenity;
- Hours of operation;
- Control of odours and cooking smells; and
- Waste disposal.

**1.3** The SPD has been prepared to provide clarity to business operators, local residents and planning decision makers, setting out where premises will be considered appropriate for the uses covered and what measures are required to minimise any adverse impacts which may arise. The SPD will be used by the Council when assessing future proposals involving the specific uses covered. The guidance cannot be applied retrospectively to any of these uses already operating or premises with an existing extant planning permission.

**1.4** The Town and Country Planning (Local Planning) (England) Regulations 2012 do not require a Sustainability Appraisal (SA) to be carried out on SPDs. However the potential requirement for a Habitats Regulations Assessment (HRA) and / or Strategic Environmental Assessment (SEA) based upon any environmental concerns introduced or influenced by the SPD must be considered. In response, SA (incorporating) SEA and HRA screening documents have been prepared to accompany the SPD, and conclude that a full HRA and / or SEA assessment is not required.

**1.5** Public consultation on a draft version of this SPD was completed in February and March 2016. The results of this process are set out within the Report of Consultation which accompanies this SPD.

## 2. Policy Context

### National Planning Policy

**2.1** The National Planning Policy Framework (NPPF) was published by the Government in March 2012. At the heart of the NPPF is a presumption in favour of sustainable development, which comprises of three dimensions – economic, social and environmental. The social dimension includes supporting strong, vibrant and healthy communities, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.

**2.2** The NPPF requires planning policies to be positive, promote competitive town centre environments which provide consumer choice and a diverse retail offer and set policies for the management and growth of centres over the Local Plan period. Policies should require main town centre uses to be located in centres as the first priority.

**2.3** A core planning principle of the NPPF (paragraph 17) is to “take account of and support local strategies to improve health, social and cultural wellbeing for all”. In addition section 8 of the NPPF is concerned with promoting healthy communities stating that “the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities”.

**2.4** Finally, paragraph 23 highlights the importance of promoting competitive town centre environments and sustainable services in local areas which provide customer choice and a diverse retail offer.

### Local Planning Policy

**2.5** Knowsley’s Local Plan is set out in a number of different documents which together make up the statutory development plan.

**2.6** The Local Plan comprises documents including a ‘Policies Map’ and a ‘Local Plan Core Strategy’, which sets out a vision, key objectives and strategic planning policies. The Local Plan is also comprised of Saved Policies of the Knowsley Replacement Unitary Development Plan (UDP) and the Merseyside and Halton Joint Waste Local Plan. The Local Plan is supported by a range of other documents including ‘Supplementary Planning Documents’ (SPDs)

**2.7** This SPD is intended to complement the Local Plan. It is consistent with the aims of policies set out in the Local Plan: Core Strategy (including policies SD1, CS2, CS4, CS6, CS7, CS9, CS10, CS12, CS13, CS14, CS19, CS20 and CS26) and the Merseyside and Halton Joint Waste Local Plan (including policies WM0, WM8, and WM9).

**2.8** This guidance also supports saved policies from the UDP (including policies S2, S7, S9, S10, ENV2, and ENV3) incorporating requirements concerning change of use and new developments within retail centres.

**2.9** This SPD provides guidance to help developers interpret and implement these policy requirements when developing proposals. For clarity Policy S2 states:

**2.10** *Policy S2: The Diversification of Uses within existing centres. This policy explains which town centre uses within existing retail centres will be permitted provided that the following criteria are met:*

- *The proposal would be compatible with the scale and role of the centre and would not have detrimental impact on the retail function of the centre;*
- *The proposal would not result in a grouping of uses which would have a negative impact on the character of the centre;*
- *The use would not (by reason of smells, noise, visual intrusion or general disturbance) have a detrimental impact on the environment of the surrounding area; or on the amenity of any neighboring residents; and*
- *The proposal would not cause or exacerbate on-street parking, traffic or amenity problems.*

**2.11** Policy S2 requires all food and drink uses to meet the criteria listed above in relation to other non-retail uses and also the following criteria:

- Any external ventilation and extractor systems which are necessary would be provided without causing harm to the external appearance of the building or street scene and would not harm the amenity of neighboring properties through noise or odour; and
- The proposal will not be permitted in a local centre or in any property (either within or outside and existing centre) that is close to existing or proposed residential uses unless the applicant has submitted convincing evidence that the impact on residential amenity would be acceptable.

### 3. Planning Application Process

**3.1** As the Local Planning Authority, Knowsley Council is responsible for determining all planning applications within the Borough, including those for hot food takeaways, betting offices, pay day loan shops and taxi booking offices. Other individuals, Council departments and external organisations also input into the planning process and influence the final decision on planning applications.

**3.2** Individuals wishing to open a takeaway, betting office, pay day loan shop or taxi booking office are advised to read this SPD and to contact the Council's Planning Service at an early stage through the pre application process for guidance on how to prepare the planning application appropriately. In addition to planning permission, proposals for the above uses may also require other approvals under separate legislation.

**3.3** Where a property currently has permission for one of the above uses, planning permission will not be required for a change to any other use within the same use class. However, the conditions attached to the previous planning permission, such as restrictions on opening hours, will still apply. If a new operator wishes to change any existing restrictions, then a planning application to vary the conditions would be required.

**3.4** External building works or alterations that materially change the appearance of premises such as the building of an extension or installation of a new shop front to the premises will usually require planning permission. Pre-application advice can be sought from the Council, likewise for signage changes.

**3.5** Planning permission will also be required for any external shutters and grilles. When placed on shop fronts these can have a significant impact on the appearance of the premises and its locality. Further guidance about appropriate designs for shutters, shop fronts and signage can be obtained from the Council's Shop Front and Signage Design SPD.

**3.6** Separate advertisement consent is sometimes required if it is intended to display shop advertisements. For example, consent would be required for signs above fascia level, including projecting signs or banners, and illuminated signs of any kind. Pre-application advice can be sought from the Council.

**3.7** Further information is available from the Council's Planning Service via the following website:

<http://www.knowsley.gov.uk/residents/building-and-planning/planning-permission.aspx>

## 4. Use Classes

**4.1** The Government's Town and Country Planning (Use Classes) Order 1987 (as amended) subdivides different uses of buildings and land into separate classes. Planning permission is not normally required for change of use of a building or other land from one use to another within the same class. However, permission is normally required to change from a use in one class to a use in another class, unless the change is specifically identified as being permitted under the Government's Town and Country Planning (General Permitted Development) (England) Order 2015. Both the Use Classes Order and the General Permitted Development Order were changed in 2015.

**4.2** This section of the SPD provides further detail on which uses within Knowsley's centres require further guidance, in order to assist in the delivery of a mix of uses to complement the retail offer and enhance the vitality and viability of centres in line with Local Plan: Core Strategy Policy CS6.

### Hot Food Takeaways

**4.3** In planning use class terms, there is a distinction between a shop (Class A1), a restaurant or café (Class A3), a drinking establishment (Class A4) and a hot food takeaway (Class A5).

**4.4** Establishments whose primary business is for the sale of hot food for consumption off the premises fall within use class A5.

**4.5** The proposed layouts of such premises often provide a clear guide as to whether the use will fall into the A3 Class or the A5 Class. In determining the dominant use of the premises, consideration will be given to:

- The proportion of space designated for food preparation and other servicing in relation to designated customer circulation space; and
- The number of tables or chairs to be provided for customer use<sup>1</sup>.

**4.6** Any operator who wishes to change the use of their premises will be expected to demonstrate that their proposed use will be their primary business activity. Table 1 below provides examples for distinguishing between shop types that would either fall into A5 use class or another use class. Please note this list is not exhaustive:

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<sup>1</sup> When tables and chairs within proposal cover more than 15% of overall floorspace in unit the use class will be deemed as A3 use rather than A5.

Table 1: Examples of uses within and not within the A5 Class

Examples of uses falling within the A5 Class	Examples of uses <b>NOT</b> within the A5 Class
Chicken Shops	Bakeries
Fish and Chip Shops	Sandwich Shops
Pizza Shops	Restaurants/Cafes
Chinese, Indian or other Takeaway Shops	Public Houses
Kebab Shops	Wine Bars
Drive through premises	Night Clubs

### Betting Offices and Pay Day Loan Shops

**4.7** Historically betting offices and pay day loan shops have been designated within the A2 Financial and Professional Services Use Class, which meant that many of the premises within retail centres could be converted into betting offices without the granting of planning permission, including restaurants and cafes (Class A3), drinking establishments (Class A4) and hot food takeaways (Class A5).

**4.8** Following changes to the Use Classes Order mentioned in paragraph 4.1, as of 15 April 2015, betting offices and pay day loan shops have now been re-classified in planning terms as use class “Sui Generis ‘Pay Day Loans and Betting Offices’”. This means that they no longer are categorised as Class A2 uses. Sui Generis uses do not have permitted development rights for use class change, meaning any proposed change of use would require a planning permission.

**4.9** Betting offices require a premises licence under the Gambling Act (2005), which is administered by the Council (which is separate from the requirement for planning permission). Under licence terms, the definition of a betting office is normally that the primary activity on the premises must be betting services. The licence will be valid for an indefinite period once granted, and can only be repealed if the proprietor breaks the terms and conditions of the licence.

**4.10** Apart from traditional over the counter betting activities, betting shops are able – under licensing laws - to have up to four gaming machines of category B, C or D. Machines are defined by categories depending on the maximum stake and prize available<sup>2</sup>. It should be noted that Fixed Odd Betting Terminals (FOBT) may contain

<sup>2</sup> B1 machines – max stake £2 and max prize £4,000; B2 machines -max stake £100 and max prize £500; B3 machines -max stake £2 and max prize £500; B3A machines -max stake £1 and max prize £500; B4 machines max stake £1 and max prize £250. C machines -max stake £1 and max prize £70; D (non-money prize other than crane grab machines) machines -max stake 30p and max prize £8; D

three categories of games: category B2 or ‘casino games’; category B3 or ‘slot games’ and category C. FOBT is a term used historically when these particular machines fell outside the scope of previous gambling regulation. However, today in practice, a FOBT is often referred to as a category B2 machines (the highest stake and prize machine permitted in betting shops) and it may also include category B3 and C machine games.

### **Taxi Booking Offices**

**4.11** In planning use class terms, taxi booking offices and other taxi businesses are designated “Sui Generis” Use Class. As a result, taxi booking offices do not have any permitted development rights for use class change, meaning any proposed change of use would require planning permission.

**4.12** Private Hire Operators also require a Private Hire Operator’s license under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, which is administered by the Council.

### **Use Classes: General Advice**

**4.13** Any proposed change of use, other than for permitted changes and changes where both uses fall within the same use class, will constitute a material change of use and require planning permission.

**4.14** Any individual, who wishes to change the use of their premises and is unsure about the General Use Classes Order, should contact the Council’s Planning Service for written advice. The Council encourages prospective applicants to take full advantage of the pre-application service before a formal planning application is submitted. Early dialogue with the Council can have considerable benefits, including improving the standard of application and the possibility of a successful outcome for a planning application.

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(non money crane grab machine) machines – max stake £1 and max prize £50; D money prize machine – max stake 10p and max prize £5; D (combined money and non-money prize other than coin pusher or penny falls machines) machines – max stake 10p and max prize £8 (of which no more than £5 may be a money prize); and D (combined money and non-money prize coin pusher or penny falls machine) machines – 10p max stake and £15 (of which no more than £8 may be a money prize)

## 5. Hot Food Takeaways

### The Issues

**5.1** Hot food takeaways have become increasingly common within centres over recent decades. Such uses can complement the shopping function of a centre, contributing to the vitality and viability of centres by ensuring a mix of day and evening uses. However, an over concentration of such uses can undermine the primary retail function of centres and it is recognised that hot food takeaways have a greater potential than retail uses to have a detrimental impact on residential amenity, environmental quality and the health of the local population.

### Health Issues

**5.2** Hot food takeaways are becoming a key concern amongst health professionals as they tend to sell food that is high in fat and salt, and low in fibre, fruit and vegetables<sup>3</sup>. Over consumption of this sort of food can lead to a range of health conditions and rising levels of excess weight and obesity.

**5.3** The majority of people in England are now deemed either overweight or obese. Obesity is recognised as an increasing threat to the health of individuals and communities. Excess weight is a leading cause of heart disease, stroke and high blood pressure and can also have negative effects on mental wellbeing and quality of life. The cost of the rising numbers of people being overweight and obese to society and the economy has been estimated at almost £16bn (2007 figure). If the rise in obesity rates continue unchecked, there is the potential for the costs to reach just under £50bn by 2050<sup>4</sup>.

**5.4** In Knowsley, obesity is a significant issue, with 37% of residents being overweight whilst 22% are obese. In addition, rates of childhood obesity in year 6 students are 24.1%, much higher than both North West (19.8%) and National (19.1%) rates<sup>5</sup>.

**5.5** In addition, research<sup>6</sup> conducted by Knowsley Council in 2011 found that local takeaway food contained extremely high levels of fat, saturated fat, salt and sugar; with portions containing up to two or three times the recommended daily amounts for adults. A consumer behaviour survey<sup>7</sup> found that 26% of those asked visited independent hot food takeaways at least once a week or more; and this rose to 43% in 16-24 year olds, compared with 7% in over 65 year olds.

<sup>3</sup> Public Health England (March 2014) Obesity and the environment: regulating the growth of fast food outlets

<sup>4</sup> Department of Health (2011) Healthy Lives, Healthy People: A Call to Action on Obesity in England

<sup>5</sup> Public Health Annual Report Statistical Compendium 2015

<sup>6</sup> Knowsley Public Health Team (2011) Nutritional Sampling of Takeaway Food in Knowsley

<sup>7</sup> Knowsley Public Health Team (2012) Knowsley Tracker Survey: Analysis of Takeaway Questions

**5.6** Whilst hot food takeaways cannot be held solely responsible for national and local obesity problems, people who regularly eat meals from hot food takeaways are more vulnerable to eating foods which are higher in fat, sugar, salt and calories than would be contained in the average British meal, and so are at an increased risk of obesity and associated health problems.

**5.7** Evidence<sup>8</sup> also shows a strong association between deprivation and the density of fast food outlets, with more deprived areas having a higher proportion of fast food outlets per head of population than others. There is also a strong correlation between deprivation and poor diet, highlighting the importance of ensuring that hot food takeaways are not a predominant source of food within town centres and that policy focuses around creating a health promoting environment within these areas.

**5.8** The Government White Paper *Healthy Lives, Healthy People: Our strategy for Public Health in England* (2010) highlights the role of Councils in taking action to improve public health, including regulating the development of new fast food restaurants in their role as local planning authority. It states *“To make a reality of localism and local democracy, local government must have the freedom to decide what action is needed to take in order to shape their environments. For example, local planning authorities already have the ability to regulate the development of fast food restaurants, and to impose conditions on such development, for example, to specify operating hours.”*

### **Concentration of Hot Food Takeaways in Centres**

**5.9** Retail centres are currently facing many challenges as a result of changing shopping patterns and behaviour, including reduced levels of spending following the recession, increasing levels of internet shopping, and the role of large supermarkets in meeting local needs. Due to these changes in shopping patterns, many retail centres in England are suffering with high proportions of vacant units. Filling these units with non-A1 retail uses including hot food takeaways can benefit a centre by bringing the units back into use.

**5.10** However, an over proliferation of non-A1 units, including hot food takeaways, could potentially have an adverse impact on the centre’s vitality and viability. Vitality refers to how busy a centre is at different times of the day, whilst viability is about the centre’s capacity to attract new investment. Hot food takeaways are often closed in the daytime which can result in the appearance of “dead” frontages and thus have a negative impact on the character and vibrancy of a centre. This is particularly apparent where there is a concentration of takeaways, i.e. two or three such uses located close together.

**5.11** In 2013 Knowsley town, district and local centres (as defined in appendix B of the Knowsley Local Plan: Core Strategy) had a mixed vacancy rate and a diverse offer. The overall vacancy is 12% rate for units within the Borough’s retail centres.

<sup>8</sup>National Obesity Observatory (2012) *Obesity and the Environment: Fast Food Outlets*, [http://www.noo.org.uk/uploads/doc/vid\\_15683\\_FastFoodOutletMap2.pdf](http://www.noo.org.uk/uploads/doc/vid_15683_FastFoodOutletMap2.pdf) (accessed 03.09.2015)

However, four centres within Knowsley have a higher rate of vacant units than the national average of 16.3%<sup>9</sup>. This demonstrates the need for the Borough to carefully manage its centres to ensure an appropriate mix of uses is provided.

**5.12** Across Knowsley's 32 retail centres, currently 24 contain 1 or more hot food takeaway within it. Some of the centres have a much higher percentages of hot food takeaway uses in them than others with four of the centres having over 15% of their units currently in use for hot food takeaway businesses. Table 2 shows the number of hot food takeaways in the Borough's retail centres<sup>10</sup>.

**5.13** Hot food takeaways also have the potential to raise residential amenity and anti-social behaviour issues, as well as health concerns. This is because such uses can generate levels of noise, traffic, odours and litter which are detrimental to residential amenity.

### **Recent Trends in Planning Applications for Hot Food Takeaways in the Borough**

**5.14** In the period 1 April 2010 – 1 April 2015, 16 planning applications for a change of use to a hot food takeaway were submitted to Knowsley Council. Of these:

- 4 applications were approved
- 8 applications were refused
- 4 applications were withdrawn

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<sup>9</sup> Colliers National Retail Barometer - October 2012

<sup>10</sup> Data will be updated annually as part of the Knowsley Retail Centre Healthcheck, published within the Local Plan Monitoring Report

Table 2: Hot food takeaways in Knowsley<sup>11</sup>

<b>Retail Centre</b>	<b>Type of Centre</b>	<b>No of HFT Uses</b>
Kirkby Town Centre	<b>Town Centre</b>	<b>3</b>
Huyton Town Centre	<b>Town Centre</b>	<b>1</b>
Prescot Town Centre	<b>Town Centre</b>	<b>5</b>
Liverpool Road / Page Moss Centre	<b>District Centre</b>	<b>3</b>
Halewood Shopping Centre	<b>District Centre</b>	<b>1</b>
Stockbridge Village Centre	<b>District Centre</b>	<b>1</b>
Cables Retail Park, Prescot	<b>Retail Park</b>	<b>0</b>
Greenes Road, Whiston	<b>Local Centre</b>	<b>2</b>
Pilch Lane, Huyton	<b>Local Centre</b>	<b>0</b>
Kingsway Gentwood, Huyton	<b>Parade</b>	<b>3</b>
Glovers Brow, Kirkby	<b>Local Centre</b>	<b>2</b>
Hillside Road, Huyton	<b>Local Centre</b>	<b>1</b>
Park Brow Drive, Kirkby	<b>Local Centre</b>	<b>2</b>
Bewley Drive, Broad Lane Kirkby	<b>Parade</b>	<b>2</b>
Tarbock Road, Huyton	<b>Local Centre</b>	<b>1</b>
Old Rough Lane, Kirkby	<b>Local Centre</b>	<b>1</b>
Copple House Lane, Fazakerley	<b>Local Centre</b>	<b>1</b>
Page Moss Parade, Huyton	<b>Parade</b>	<b>3</b>
Rimmer Avenue	<b>Local Centre</b>	<b>0</b>
Baileys Lane, Halewood	<b>Local Centre</b>	<b>0</b>
Mackets Lane, Halewood	<b>Local Centre</b>	<b>0</b>
Longview Drive, Huyton	<b>Local Centre</b>	<b>1</b>
Admin Road/South Boundary Road, Kirkby	<b>Parade</b>	<b>0</b>
Manor Farm Road, Huyton	<b>Local Centre</b>	<b>1</b>
Molyneux Drive, Prescot	<b>Local Centre</b>	<b>2</b>
Dragon Drive, Whiston	<b>Local Centre</b>	<b>1</b>
Hampton Drive, Cronton	<b>Local Centre</b>	<b>0</b>
Moorfield, Kirkby	<b>Local Centre</b>	<b>1</b>
Sugar Lane, Knowsley Village	<b>Local Centre</b>	<b>1</b>
Swanside Parade, Huyton	<b>Parade</b>	<b>1</b>
Warrington Road, Whiston	<b>Local Centre</b>	<b>3</b>
Acacia Avenue	<b>Parade</b>	<b>0</b>

<sup>11</sup> Local Plan Team Retail Centre Healthcheck: 2015

## The Guidance

**5.15** This section of the SPD provides guidance for applications seeking planning permission for a hot food takeaway use within Knowsley's centres.

### **Guidance for Appropriate Concentration of Hot Food Takeaways in Retail Centres**

**1. Planning permission for a hot food takeaway within a town, district or local centre and parade will not be granted if it causes an unacceptable grouping of uses which would have a negative impact on the character of the centre.**

**2. In operating this requirement, the following thresholds should not be exceeded:**

- a) More than 10% of units within town centres being hot food takeaways;**
- b) More than 20% of units within district centres, local centres and shopping parades being hot food takeaways;**
- c) More than two directly adjoining hot food takeaways in a single centre's frontage; and**
- d) Less than two non-hot food takeaway units between individual or groups of hot food takeaway units**

## Justification

**5.16** Whilst it is recognised that hot food takeaways can provide a popular service for local communities and add to the diversity of uses within centres, it is important to ensure that hot food takeaways do not detract from the primary retail function of a centre in line with saved UDP Policy S2 Diversification of Uses. The above guidance is based upon the existing levels of A5 uses within centres and the future levels of A5 uses in which the Council deems acceptable and appropriate.

**5.17** Clustering of takeaways can lead to unattractive vacant frontages during the daytime and can displace retail units, undermining the retail function and general attractiveness of a centre. They can also collectively impact upon the amenity of the surrounding area to the detriment of local residents, contrary to the aims of Local Plan Core Strategy Policy CS19 Design Quality and Accessibility in New Development.

**5.18** This SPD therefore seeks to control the concentration and clustering of hot food takeaways in the Borough's designated town, district and local centres as identified in the adopted Local Plan: Core Strategy. The purpose of the guidance is to protect the vitality and viability of centres, and ensure an appropriate mix of uses within centres which is consistent with Core Strategy Policy CS6: Town Centres and Retail Hierarchy and saved UDP Policy S2 and S7: Local Centres and Parades.

### **Guidance for Hot Food Takeaways: Protecting Residential Amenity**

**1. In order to protect residential amenity, the Council will apply the following guidance in considering applications for new hot food takeaways:**

- a) Proposals within close proximity to residential premises will only be allowed where there will be no detrimental impact on residential amenity in terms of odour, noise, visual intrusion or general disturbance, for example connected with vibrations, traffic or parking disturbances, litter or hours of operation resulting from the proposed use.**
- b) Applications for hot food takeaways are unlikely to be approved if a party wall is shared with a residential dwelling.**
- c) If there is a residential flat above the premises, planning permission will not be granted unless the operator can demonstrate that the flat will be used in relation to the hot food takeaway.**

### **Justification**

**5.19** There is a clear need to consider the potential detrimental impact on the living conditions of any residents living near to proposed hot food takeaway uses, including properties above the proposed use. This is supported in clause 2 of Policy CS19: Design Quality and Accessibility in New Development in the Knowsley Local Plan: Core Strategy and Saved UDP Policy S2 clause 1 c).

**5.20** Noise and odours caused by hot food takeaways can have an extremely detrimental impact on the quality of the local environment. This is supported further by Principle 4 Policy CS2: Development Principles in the Knowsley Local Plan: Core Strategy and Saved UDP Policy ENV2: Noise and Vibration.

**5.21** Noise in hot food takeaways is generally caused by plant equipment, which if located incorrectly can cause significant local disturbance, especially when operating hours are late into the evening. This is supported further by Principle 4 Policy CS2: Development Principles in the Knowsley Local Plan: Core Strategy and Saved UDP Policy ENV2: Noise and Vibration.

**5.22** Any planning application submitted for a new hot food takeaway development would have to demonstrate how odour, noise, visual intrusion or other general disturbance will be mitigated as to not adversely impact on residential amenity. Examples of how this could be achieved include the careful design and siting of kitchen equipment for extraction purposes and consideration of waste facilities and operating hours. This is supported further by Principle 4 Policy CS2: Development Principles in the Knowsley Local Plan: Core Strategy and Saved UDP Policy ENV2: Noise and Vibration.

**5.23** Further guidance on the mitigation of the impact of odours and cooking smells is provided in the section Guidance for Hot Food Takeaways: Odours and Cooking Smells.

### **Guidance for Hot Food Takeaways: Highway Safety**

**1. In determining proposals for new hot food takeaways, the Council will consider the impact on the safety of pedestrians and road users with regard to:**

- a) The existing or previous use of the site;**
- b) Existing traffic conditions;**
- c) The accessibility of the site by public transport, cycling and walking;**
- d) The availability of public parking provision in close proximity to the premises, including on street parking and provision for staff parking if the premises offer a delivery service;**
- e) Proximity to traffic controls, junctions and crossings;**
- f) The availability of safe and legal loading areas in close proximity to the premises;**

### **Justification**

**5.24** The potential impact of a hot food takeaway on highway safety will be an important consideration in the determination of planning applications. A high proportion of customers who visit hot food takeaways to purchase and collect food orders travel via car and require short stay parking, often at peak times such as lunch time and evenings. Delivery vehicles associated with takeaways can also add to this peak time vehicle activity. All vehicle movements have potential to interrupt traffic flows on the nearby road network and to increase demand for on street parking, especially where there is insufficient local parking. This can create nuisance for those using the highway network and pedestrian routes, as well as neighbouring occupiers and adjacent residential dwellings. This approach is supported by Knowsley's Local Plan: Core Strategy Policies CS2 and CS7 and UDP Saved Policy T5, which in particular aims to enhance road safety and improve the health and wellbeing of local people.

**5.25** The Council's Highways Development Management officers will be consulted on all applications for takeaways and will advise on the acceptability of the proposal.

### Guidance for Hot Food Takeaways: Hours of Operation

1. When determining the appropriate hours of opening for hot food takeaways regard will be had to:
  - a) The likely impacts on residential amenity;
  - b) The existence of an established late night economy in the area;
  - c) The existence of a primary or secondary school within close proximity of the proposal; and
  - d) The character and function of the immediate area.
2. Within an area that is primarily residential in character, all new hot food takeaway hours of opening will normally be restricted to closing time of 23.00 Monday to Saturdays, with no opening 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.

### Justification

**5.26** In comparison to other uses within retail centres, it is acknowledged that hot food takeaways often need to operate later than normal daytime opening times for retail uses. It is recognised that evening opening hours are often required to ensure the commercial success of the hot food takeaway business model. In the Borough's retail centres where there is a greater emphasis on commercial activity, takeaways can complement the other establishments and form part of an evening economy. However, it is essential that late opening hours do not adversely impact on residential amenity. In comparison to other retail uses, hot food takeaways can generate a higher degree of noise and disturbance, which would be contrary to the aims of Local Plan Core Strategy Policy CS19: Design Quality and Accessibility in New Developments.

**5.27** Accordingly, in order to minimise the adverse impacts on residential amenity from longer operating hours, it is important to ensure that such uses are located in areas where there is minimal harm. Where planning permission is granted, the Council will use planning conditions to place restrictions on opening hours having regard to the criteria outlined in the above guidance, in line with Knowsley Local Plan: Core Strategy Policy CS19: Design Quality and Accessibility in New Developments.

**5.28** The proposed hours and days of opening should be specified as part of the planning application for the proposed hot food takeaway.

### **Guidance for Hot Food Takeaways: Odours and Cooking Smells**

**1. All new hot food takeaways must provide appropriate extraction systems to effectively disperse odours. Such systems must:**

- a) Be designed so as to minimise their impact on visual amenity, including in terms of their location and external finish;**
- b) Be acoustically insulated;**
- c) Not have an unacceptable impact on the amenity of neighbouring occupiers, for example by virtue of vibration or odour;**
- d) Be properly operated and maintained;**
- e) Be installed within the building wherever practicable. This is particularly important where the proposal is within a Conservation Area, Registered Historic Park or Garden or within the setting of a Listed Building.**
- f) Minimise physical impacts to the appearance or physical fabric of any Listed Building, historic buildings within a Conservation Area or a Registered Historic Park or arden.**

### **Justification**

**5.29** Cooking smells from hot food takeaways can cause amenity problems, particularly where such premises are located in close proximity to residential properties. An effective system for the extraction and dispersal of cooking odours must be provided.

**5.30** The design of the fume extraction/ventilation equipment should ensure that odours, fumes, or noise cause no nuisance or disturbance to nearby properties. Regular cleaning and maintenance will be necessary to any equipment, including the flue stack, to prevent the possibility of fires due to grease build up and also to prevent the generation of smoke from the flue. This is in line with Knowsley Local Plan: Core Strategy Policy CS2: Development Principles and Saved UDP Policy ENV3: Light Pollution.

**5.31** Consideration must also be given to the visual impact of flues and care should be taken to design and locate them where they will not appear prominent. The Council will take into account issues of visual amenity in deciding whether or not a proposed extraction system is acceptable, particularly relating to properties within or adjacent to Conservation Areas or where the work affects a Listed Building or its setting. In such cases flues should be designed and located sensitively in accordance with Local Plan: Core Strategy Policy CS20.

**5.32** Applicants must submit details of the size, design, siting finish, acoustic treatment and odour abatement techniques of the flue extraction system with all planning applications for hot food establishments. This is supported further by Saved UDP Policy ENV2: Noise and Vibration. For further information on the suitability of extraction systems please contact the Council's Environmental Health Department.

### **Guidance for Hot Food Takeaways: Waste Disposal and Litter**

**1. Proposals for new hot food takeaways must identify the location for commercial and customer waste, including:**

- a) Bins for customer waste should be located inside or outside the premises and must be emptied on a regular basis.**
- b) Bins for commercial waste must where possible be contained within the premises. Where this is not possible, secure structures should be provided on site and bins should be stored so as to:
 
  - i. Not cause odour nuisance**
  - ii. Be convenient for refuse collection**
  - iii. Be sited in concealed location or if this is not possible, suitably screened to protect visual amenity****
- c) Bin stores must be designed and managed in such a way as to enable them to be kept clean and free from vermin and pests.**
- d) Grease traps are installed on all drains for takeaways to prevent sewer blockages and potential flooding.**

### **Justification**

**5.33** Hot food takeaways can generate a significant volume of litter and waste, and disposal of this will be a consideration in all planning applications. Inadequate facilities for the storage and disposal of litter and waste can result in harm to visual amenity and can pose a risk to public health. It is therefore important to ensure that there is sufficient physical space to accommodate commercial bins in particular and enable safe collection by licensed operators. Consideration must be given to providing bins that are of a suitable size, appropriately sited to meet local requirements for refuse collections and to the protection of visual amenity. Any screening required must be of an appropriate design taking into account the character of the locality.

**5.34** Hot food takeaways can generate large amounts of litter in their immediate vicinity and further afield. Litter is unsightly, can detract from the appearance of an area and can raise concerns in respect of attracting pests and vermin. Although proprietors have little control over where customers drop litter, they can act to reduce its occurrence through the provision of litter bins within or adjacent to their premises. It is the business owners' responsibility to ensure bins are emptied and maintained.

**5.35** The disposal of fat and grease can block the local drains and potentially the wider sewer system. The installation of grease traps is therefore considered necessary to avoid leaking of foul sewage and flooding. All the above justifications are supported by Local Plan: Core Strategy Policy CS26: Waste Management and Merseyside and Halton Joint Waste Local Plan Policies WM8 & WM9.

**Guidance for Hot Food Takeaways: Crime and Anti-Social Behaviour**

- 1. In determining any application for a new hot food takeaway, the Council will consider any issues concerning community safety, crime and disorder.**
- 2. Proposals for new hot food takeaways which, on the advice from Merseyside Police, would adversely affect personal safety will be restricted in their opening hours and/or will be required to provide or contribute to deterrent measures.**

**Justification**

**5.36** Crime or anti-social behaviour, or the fear of this, can be a material consideration in the determination of planning applications. Whilst the majority of takeaways operate without any problem, in some cases hot food takeaways attract gatherings of people and can become hot-spots for anti-social behaviour, especially at night. Where there are concerns over crime and anti-social behaviour in the area in which the proposal is to be located, the applicant may be asked to contribute towards safety and security measures or install safety and security measures such as CCTV systems. This is in line with Local Plan: Core Strategy Policy CS19: Design Quality and Accessibility in New Development and with the Design Quality and New Development SPD.

## 6. Betting Offices and Pay Day Loan Shops

### The Issues

**6.1** Many retail centres in low income areas across England are affected by the prevalence of betting offices and pay day loan shops. As there is a restriction on the number of fixed odd betting terminals allowed under the licensing laws per betting office, local retail centres are experiencing increasing numbers of betting offices opening.

**6.2** This SPD aims to address the social, economic and health impacts of betting offices and pay day loan shops on places and people. The guidance seeks to encourage a mix of retail centre uses by controlling the unrestricted proliferation of betting offices and pay day loan shops, and promote healthy and sustainable communities.

### Health and other issues

**6.3** In the UK there are an estimated 8,400<sup>12</sup> betting offices and the Government estimates that there are approximately 250,000 problem gamblers<sup>13</sup>. The proliferation of fixed odd betting terminals in betting offices is therefore seen as a factor in the increasing rate of problem gambling. Gambling addiction has been linked to a range of health and social problems including alcoholism, substance abuse and crime. Rates of depression and attempted suicide among problem gamblers are twice the national average<sup>14</sup>.

**6.4** Knowsley Public Health Team recently led on the commissioning of Liverpool Public Health Observatory to undertake research into the impact of problem gambling in the Liverpool City Region. Problem gamblers interviewed reported a wide range of negative health and social impacts including on family life, relationships and employment, as well as financial impacts<sup>15</sup>.

**6.5** Robust local evidence relating to problem gambling is difficult to obtain. Using national figures, it is estimated that there are around 545 problematic gamblers in Knowsley, with a further 4,490 at risk of harm from their gambling behaviour<sup>16</sup>. Average mental wellbeing is below that of the North West region (27.66) and was third lowest out of nine local authority areas in Cheshire & Merseyside during 2012/13.

<sup>12</sup> Gambling Commission – September 2012

<sup>13</sup> NHS. Gambling addiction. Available online at:

<http://www.nhs/Livewell/addiction/Pages/gamblingaddiction.aspx>

<sup>14</sup> NHS. Gambling addiction. Available online at:

<http://www.nhs/Livewell/addiction/Pages/gamblingaddiction.aspx>

<sup>15</sup> Liverpool Public Health Observatory, 2014,

<http://www.liv.ac.uk/media/livacuk/instituteofpsychology/publichealthobservatory/Problem,gambling,and,FOBT,use,across,the,Liverpool,City,Region.pdf>

<sup>16</sup> Knowsley Council Public Health Intelligence Team, 2013

**6.6** Similar to betting offices, the UK's centres now have an increasing amount of pay day loan shops within them and according to research there is at least one short-term loan shop for every seven banks and building societies.<sup>17</sup> Further research conducted for the Royal Society for Public Health found that the public's opinion of payday loans found that the majority of people believe that they discourage healthy choices and have a negative impact on mental wellbeing.<sup>18</sup>

### Concentration Issues within Centres

**6.7** As of 31 March 2015, there were 41 betting shops operating within Knowsley's retail centres, containing at least 137 Fixed Odds Betting Terminals. The Council considers that the proliferation of betting offices needs to be carefully managed as to not cause any detriment to the vitality and viability of the Borough's retail centres and protect the health of its residents.

**6.8** Knowsley has some of the most deprived areas in the UK. Evidence suggests that the growth in betting offices is particularly prominent in areas which have high levels of social and economic deprivation<sup>19</sup>. Figures compiled by the Campaign for Fairer Gambling show that, in 2013 there were 2,691 betting offices in the 55 most deprived boroughs of the country, compared with 1,258 betting offices in the 115 least deprived boroughs, containing a similar population. The same figures also show that out of the 632 parliamentary constituencies in the UK, only 50 other areas have more betting shops and FOBTs than the Knowsley parliamentary consistency (which covers most but not all of the local authority area)<sup>20</sup>. This is considered to be a significant issue in Knowsley, in which 40.7% of the total population struggles with debt<sup>21</sup>, making it the area with the 4<sup>th</sup> highest level of household debt in England.

<sup>17</sup> <http://www.theguardian.com/money/datablog/2014/mar/12/payday-lending-shops-boom-in-uk-the-full-data>

<sup>18</sup> [http://www.rsph.org.uk/filemanager/root/site\\_assets/our\\_work/campaigns/health\\_on\\_the\\_high\\_street/hoths/final\\_hohts.pdf](http://www.rsph.org.uk/filemanager/root/site_assets/our_work/campaigns/health_on_the_high_street/hoths/final_hohts.pdf)

<sup>19</sup> Geofutures, Britain's High Street Gamble. Available at:

<http://www.geofutures.com/2012/07/channel-4-dispatches-geofutures-data/>

<sup>20</sup> <http://www.theguardian.com/society/2014/feb/28/englands-poorest-spend-gambling-machines#channel=f2314a8a562f3a&origin=http%3A%2F%2Fwww.theguardian.com>

<sup>21</sup> MAS (2013) <https://www.moneyadviceservice.org.uk/files/indebted-lives-the-complexities-of-life-in-debt-november-2013-v3.pdf>

## The Guidance

**6.9** This section of the SPD provides guidance for applications seeking planning permission for a Betting Offices or Pay Day Loan Shops within Knowsley's centres.

### **Guidance for Appropriate Concentration of Betting Offices or Pay Day Loan Shops in Retail Centres**

**1. Planning permission will only be granted for a betting office or pay day loan shop within an existing town, district or local centre and parade and will not be granted if it causes an unacceptable grouping of uses which would have a negative impact on the character of the centre.**

**2. In operating this requirement, the following thresholds should not be exceeded:**

- a) More than 10% of units within town centres being betting offices or pay day loan shops;**
- b) More than 20% of units within district, local and shopping parades being betting offices or pay day loan shops;**
- c) More than two adjoining betting offices or pay day loan shops in a frontage; and**
- d) Less than two non-betting office or pay day loan shop units between individual or groups of betting offices or pay day loan shops.**

## Justification

**6.10** The prevalence of betting offices and pay day loan shops displaces other high street uses and has the potential to impact on the vitality of designated retail centres within the Borough. The proliferation and clustering of these uses within the centres may lead to social, economic and health implications for centres and surrounding communities.

**6.11** Consequently, to ensure that designated retail centres are diverse and balanced, applications for betting offices and pay day loan shops will be assessed for their cumulative impact using the thresholds in the above guidance box. Planning permission will normally be refused where these thresholds are exceeded. This is consistent with Saved Policy S2 clause 1b) of the UDP, which aims to prevent groupings of uses which would have a negative impact on the character of the centre being formed. The above guidance is based upon the existing levels of betting offices or pay day loan shops uses within centres and the future levels which the Council deems acceptable and appropriate.

**Guidance for Betting Offices and Pay Day Loan Shops: Crime and Anti-Social Behaviour**

- 1. In determining any application for betting offices or pay day loan shops, the Council will consider any issues concerning community safety, crime and disorder.**
- 2. Proposals for new betting offices or pay day loan shops which, on the advice from Merseyside Police (when deemed appropriate) would adversely affect personal safety will be restricted in their opening hours and/or will be required to provide or contribute to deterrent measures.**

**Justification**

**6.12** Crime or anti-social behaviour, or the fear of this, can be a material consideration in the determination of planning applications. Whilst the majority of betting offices and pay day loan shops operate without any problem, in some cases these uses attract gatherings of people and have been known to become hot-spots for anti-social behaviour, especially at night. Where there are concerns over crime and anti-social behaviour in the area in which the proposal is to be located, the applicant may be asked to contribute towards safety and security measures or install safety and security measures such as CCTV systems. This is supported by Local Plan: Core Strategy Policy CS19: Design Quality and Accessibility in New Development alongside relevant guidance within the adopted Design Quality and New Development SPD.

## 7. Taxi Booking Offices

### The Issues

**7.1** Taxi booking offices are integral to facilitating an important form of transportation and a major source of employment for the Borough; however their late evening and in some cases 24-hour use means that some locations of booking offices or taxi ranks could cause disruption for the residential amenity of local residents.

**7.2** The major issues caused by taxi booking offices are the impacts of the use of a retail unit, dwelling or part of a dwelling as a base for private hire vehicles (including highways and parking issues), the impact on visual and residential amenity from extending or altering nearby business premises, and erecting satellite antennae to dwellings or other buildings.

**7.3** Issues can also be caused by taxi operators parking in public car parks near to booking offices, which reduce the supply of parking for visitors/shoppers.

**7.4** The guidance in this document gives advice on issues to be considered when submitting planning applications related to taxi booking office operations.

### The Guidance

#### **Guidance for Taxi Booking Offices: Residential Amenity**

- 1. In assessing planning applications for taxi booking offices, the Council will:**
  - a) Seek to protect residential amenity by considering the impact of the proposal on the visual amenity of the area (particularly Listed Buildings and Conservation Areas) and on nearby residential premises for example by reason of noise, late night operation or general disturbance;**
  - b) Ensure that any radio equipment required is sited and designed so as not to be detrimental to the amenity of adjacent dwellings or the surrounding area.**

### Justification

**7.5** In assessing applications for taxi booking offices consideration will be given to the potential detrimental impact on the living conditions of residents in close proximity to the proposed use, as supported in clause 2 of Policy CS19: Design Quality and Accessibility in New Development in the Knowsley Local Plan: Core Strategy. Saved UDP Policies S2 and Policy T11 also support this

**Guidance for Taxi Booking Offices: Highway Safety**

- 1. In determining proposals for taxi booking offices, the Council will consider the impact on the safety of pedestrians and road users with regard to:**
  - a) Existing traffic conditions and impact from the proposal on local highway network;**
  - b) Provision of appropriate parking facilities;**
  - c) The implications for the amenity of the surrounding area (particularly if predominately residential).**

**Justification**

**7.6** The potential impact of a taxi booking office on highway safety will be an important consideration in the determination of planning applications. The taxi booking office will lead to a high increase of vehicles, often at peak times such as lunch time and evenings. All vehicle movements have the potential to interrupt traffic flows on the nearby road network and to increase demand for on street parking, especially where there is insufficient local parking. This can create nuisance for neighbouring occupiers and adjacent residential streets.

**7.7** In assessing applications for taxi booking offices consideration will be given to Policy CS7: Transport Networks in the Knowsley Local Plan: Core Strategy.

## Appendix 1: Glossary

**Betting Office** - an establishment licensed to handle bets on races and other events

**Conservation Area** - an area defined in the Planning (Listed Buildings and Conservation Areas) Act 1990 as “an area of special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance.”

**Density** - a measurement of how intensively land is occupied by built development. For housing, this is measured in dwellings per hectare (dpa).

**Design and Access statement (DAS)** - a short report accompanying and supporting a planning application. They provide a framework for applicants to explain how a proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users.

**Fixed Odds Betting Terminal** - a type of electronic gaming machine on which players may bet on the outcome of various simulated games and events (such as roulette, blackjack, bingo, and horse races), the odds offered being fixed from game to game.

**Hot Food Takeaway** - a restaurant or shop selling cooked food to be eaten elsewhere. In planning terms, there is a distinction between a shop (Class A1), a restaurant or Café (Class A3), a drinking establishment (Class A4) and a hot food takeaway (Class A5).

**Listed Building** - Buildings included in the statutory list of buildings of special architectural or historic interest. Listing decisions are made by the Secretary of State for Culture, Media and Sport and the listing system is administered by Historic England.

**Local Plan** - the plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. The Local Plan includes "Development Plan Documents" adopted under the Planning and Compulsory Purchase Act 2004. In Knowsley, this includes Local Plan Core Strategy, Local Plan Site Allocations and Development Policies and Merseyside and Halton Joint Waste Local Plan, accompanied by a Local Plan Proposals Map Policies Map. While these documents are being finalised, the Local Plan also includes the Saved Policies of the Knowsley Replacement Unitary Development Plan (2006).

**Local Plan: Core Strategy** - a document which forms the central part of the Knowsley Local Plan and sets out the long term spatial vision, objectives and strategic policies for the Borough. The Local Plan Core Strategy has the formal status of a Development Plan Document, and will be joined by further Local Plan documents.

**Merseyside and Halton Joint Waste Local Plan** - prepared jointly on behalf of six local authorities, this plan sets out waste management policies for the sub-region. The policies include site allocations and development management policies. The document forms part of the Local Plan for each local authority in Merseyside and Halton.

**Pay Day Loan Shop** – a shop which provides a service to lend relatively small amounts of money at a high rate of interest on the agreement that it will be repaid when the borrower receives their next wage.

**National Planning Policy Framework (NPPF)** - introduced by the Government in 2012, this replaced the majority of adopted national planning policy, including most Planning Policy Statements and Planning Policy Guidance notes. The NPPF is supplemented by remaining guidance, and a number of other policy statements. The NPPF sets out national priorities for delivering sustainable development and economic growth, including a very wide range of policies and guidance, relating to themes such as housing, environment and economy, and procedural matters (such as plan-making and decision-taking). The policies of the NPPF will be applied alongside those in Knowsley's Local Plan (and the supplementary guidance in this SPD).

**National Planning Policy Guidance** - online guidance which replaced the majority of pre-existing planning guidance and should be read alongside the NPPF. The guidance is intended to be updated when the Government reviews its planning guidance.

**Strategic Environmental Assessment (SEA)** - European Directive 2001/42/EC (the SEA Directive) requires a formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment, known as Strategic Environmental Assessment. To meet the requirements of the directive, a body must prepare an environmental report in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and geographical scope of the plan, are identified, described and evaluated. This is incorporated in the form of a Sustainability Appraisal for the Knowsley Local Plan, with a separate screening opinion accompanying this SPD to assess the need for an individual assessment relative to this document alone.

**Sui Generis** – Uses which do not fall within the specified use classes as defined below.

**Supplementary Planning Document (SPD)** - a planning policy document which provides supplementary information in respect of the policies contained in the Local Plan, and which focus on particular issues or places. They are subject to consultation, but are not subject to an independent examination.

**Sustainability Appraisal (SA)** - an assessment of the economic, environmental and social effects of a plan or programme from the outset of the preparation process to allow decisions to be made that accord with sustainable development. For the Knowsley Local Plan, this covers the requirements of Strategic Environmental Assessment (SEA). A screening opinion accompanying this SPD determined that an SEA assessment specific to the document was not required as the guidance only expands upon policies within the adopted Knowsley Local Plan: Core Strategy, Merseyside and Halton Joint Waste Local Plan and saved policies of the Knowsley Replacement Unitary Development Plan.

**Sustainable Drainage Systems (SuDS)** - these systems provide an alternative to the traditional methods of dealing with water drainage, aiming to mimic the natural

movement of water from a development, slowing run-off, reducing flood risk, improving water quality and potentially providing attractive features.

**Taxi Booking Office** - Premises used to accept bookings for four or more taxis or Private Hire Cars. Drivers are also required to hold a separate Taxi or Private Hire Car Driver's Licence. Each licence issued is subject to standard conditions. In addition to the standard conditions, a licence may also contain special conditions

**Use Class** - The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. This Order is periodically amended, the most recent amendment comprising The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

**For more information log on to**  
**[www.knowsley.gov.uk/LocalPlan](http://www.knowsley.gov.uk/LocalPlan)**

You can also get this information in other formats.  
Please phone Customer Services on 0151 443 4031  
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