

<u>APPLICATION NO:</u>	24/00506/FUL	<u>CASE OFFICER:</u>	Miss Kim Vo
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Prescot Town Council
<u>LOCATION:</u>	67 Eccleston Street, Prescot, Knowsley		
<u>PROPOSAL:</u>	INSTALLATION OF AN EXTERNAL EXTRACTION FLUE TO THE REAR OF THE PREMISES.		

Site Description

The application relates to a two-storey property at no.67 Eccleston Street. The ground floor was previously used as a retail pharmacy under Class E(a) however, a recent Certificate of Lawfulness (ref: 24/00407/CLD) has established its proposed lawful use for a restaurant (Class E(b)). The first-floor area is currently vacant but has been previously used for commercial purposes. Works have since commenced to facilitate the proposed restaurant.

The application site is located within the Prescot Town Centre, as defined by Policy CS1, CS6 and CS14 of the Knowsley Local Plan Core Strategy (January 2016), as well as the Prescot Town Centre Conservation Area, as defined by Policy CS20 of the Knowsley Local Plan Core Strategy and Saved Policy DQ5 of the Knowsley Replacement Unitary Development Plan (UDP) (Adopted June 2006).

Proposal

The proposal seeks permission to install an external flue and extraction equipment within the rear yard. The extraction system will comprise of a carbon filter, a fan, a flue, a silencer and a stack.

Consultations

Environmental Health (08.11.2024, 12.12.2024, 18.12.2024 and 19.12.2024): The submitted information has been reviewed and there are no objections to the proposed development. Conditions are requested to secure mitigation measures as outlined within the Odour Assessment; for the installation of a grease trap; and noise level restrictions for fixed noise plant. An informative is also requested to advise the applicant that the business will need to register with the Environmental Health and Consumer Protection Service as a food business.

Prescot Town Council: No comments received.

Representations

This application has been publicised by letters sent to 15no. neighbours. It has also been advertised by a site notice and amendment neighbour letters were sent on 04.12.2024.

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

- The proposed flue within a small courtyard, which will result in increased smell/odours to neighbouring businesses.

Planning History

24/00407/CLD - Certificate of lawfulness for proposed change of use of ground floor

from Class E (a) (display or retail of goods other than hot food) to Use Class E (b) (sale of food and drink for consumption (mostly) on the premises). Granted, 07.11.2024.

74/03618/HIST - District Office 1 Chapel St Prescott :- Illuminated interior hanging sign to be displayed on Eccleston St elevation. Granted, 27.10.1978.

74/01437/HIST - 65/69 Eccleston St Prescott :- 1) C/Use of 1st floor store 3 to office 2) C/Use of 2nd floor office 3 to store. Granted, 07.05.1976.

74/11280/HIST - Job Centre 67-71 Eccleston Street Prescott :- Division of 1 number ground floor window into 2 small windows. Withdrawn.

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 (January 2016)

Policy CS1: Spatial Strategy for Knowsley

Policy CS2: Development Principles

Policy CS6: Town Centres and Retail Strategy

Policy CS14: Principal Regeneration Area – Prescott Town Centre

Policy CS19: Design Quality and Accessibility in New Development

Policy CS20: Managing the Borough's Historic Environment

Saved Policies - Knowsley Replacement UDP (June 2006)

Policy DQ5: Development in Conservation Areas

Policy ENV2: Noise and Vibration

Supplementary Planning Documents (SPDs)

Design Quality in New Development (2016)

Prescot Town Centre Masterplan (2016)

National Policies

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

The main considerations for this application are:

- Principle of Development;
- Neighbouring Amenities;
- Design and Visual Amenity/Heritage Assets.

Principle of Development

The application relates to a new restaurant business and the flue and extraction equipment is required for the kitchen operations. As the site is within the Prescott Town Centre, there are several existing food service businesses nearby. Given this and the fact that the restaurant use has been established as lawful, the principle of development is considered acceptable, in accordance with Policy CS1, CS6 and CS14 of the Local Plan, the Prescott Town Centre Masterplan and the NPPF.

Neighbouring Amenities

An objection has been received raising concern that the proposed flue within a small courtyard will result in increased smell/odours to the neighbouring businesses. The first floor of the application property is currently vacant. However, it is in non-residential use and has a previous commercial use. There are also existing neighbouring businesses adjoining the site at ground floor, with some office/recreational uses at first floor.

An Odour Assessment Control Plan, prepared by A.Esilini, received 19.12.2024 has been provided, as well as additional information of the equipment to be installed. These have been reviewed by Environmental Health who have confirmed they have no objections, subject to conditions to secure the mitigation measures as outlined within the Odour Assessment; for the installation of a grease trap; and for restrictions of the noise level for fixed noise plant. An informative is also requested to advise the applicant that the business will need to register with the Environmental Health and Consumer Protection Service as a food business. The submitted information also details that carbon filters, grease filters, periodic deep hygiene equipment cleanings and regular maintenance will be used/implemented to reduce odour smells. Moreover, the proposed flue and stack will be set at least 1m above the existing first floor windows, which ensures that any odours will terminate into the atmosphere, away from the existing openings. Silencers will also be fitted to reduce the noise impact of the proposed equipment. As such, on balance, it is considered that the applicant has provided sufficient information to demonstrate that the proposal will have an acceptable impact in terms of noise and odour. The proposal is also deemed to have an acceptable relationship with the existing neighbouring properties surrounding the site, in accordance with Policy CS2 and CS19 of the Local Plan Core Strategy, Saved Policy ENV2 of the Knowsley Replacement UDP and the NPPF.

Design and Visual Amenity / Heritage Assets

The application site is located within the Prescott Town Centre Conservation Area boundary. However, the proposed flue and extraction equipment will be situated at

the rear and would not be highly visible from public vantage points, due to an existing high yard boundary wall which extends up to the roof. It is therefore considered that the proposed development would not result in any, unacceptable, harmful impacts upon the character or appearance of the Prescott Town Centre Conservation Area. The proposal is also not considered to be out of character with the wider commercial, service and business uses, where there are similar existing flues/extraction equipment to the rear of several premises nearby. The flue and extraction equipment will also be simply and functionally designed and by reason of its size, scale and siting to the rear, it would not appear as a conspicuous addition.

As such, the proposal is considered acceptable regarding its impact upon design, the street scene and visual amenity, and would have a neutral impact upon the Conservation Area, in accordance with Policy CS2, CS19 and CS20 of the Local Plan, Saved Policy DQ5 of the Knowsley Replacement UDP and the NPPF. In coming to this conclusion, the local planning authority has undertaken its statutory duty as required by the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

The principle of the proposal is considered acceptable. The proposed development would have an acceptable impact upon neighbouring amenities and design and visual amenity. Additionally, the proposal would not result in any, unacceptable, harmful impacts upon the character or appearance of the Prescott Town Centre Conservation Area. On this basis, the proposal complies with all relevant local and national planning policies and guidance.

Recommendation

That Planning Permission 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) No materials shall be used on the proposed development other than those referred to on the approved plans / supporting documentation.

Reason: In the interests of visual amenity and to comply with Saved Policy DQ5 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006), Policy CS19 and CS20 of the Knowsley Local Plan Core Strategy (Adopted January 2016), the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Area) Act 1990.

- 4) The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out within the submitted Odour Assessment Control Plan, prepared by A.Esilini, received 19.12.2024, and 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 the interests of protecting the amenities of neighbouring occupiers, in accordance with 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) and the National Planning Policy Framework.

- 5) Grease trap(s) shall be installed and operating prior to the development hereby permitted being first brought into use. It shall thereafter be retained and operated in accordance with the manufacturer's specification at all times.

Reason: In the interests of protecting the amenities of neighbouring occupiers, in accordance with Policy CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016) and the National Planning Policy Framework.

- 6) Noise from any fixed plant and machinery associated with the development hereby approved shall not exceed a level of 5dB(A) below the existing background noise level (LA90), when measured or calculated at 1m from the closest affected window of the nearest noise sensitive property. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014. Any tonal, impulsive and/or irregular noise shall also be addressed by imposing a penalty as per the methodology set out in BS 4142: 2014+A1:2019.

Reason: In the interests of protecting the amenities of neighbouring occupiers, in accordance with Policy CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016) and the National Planning Policy Framework.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
23/09/2024	-	-	Location Plan
23/09/2024	01878/SK/101		Existing & Proposed Plans & Elevations
04/12/2024	-	-	Proposed Canopy, Duct Pipe, Carbon Filter and Fan Plan
04/12/2024	-	-	Canopy and Machine Position Plan
04/12/2024	-	-	Helios Gigabox Centrifugal Fans Product Specific Information [Brochure]
17/12/2024	-	-	Pizza Canopy and Stack Detail [Document]
17/12/2024	-	-	Airclean Kitchen Odour Reduction Unit [Brochure]
18/12/2024	-	-	Airclean Kitchavent 2000/3000/4000 Complete Grease, Smoke and Odour Control System [Brochure]
19/12/2024	-	-	Odour Assessment Control Plan
19/12/2024	-	-	Powerbox3 Performance Evolved Supply and Extract Ventilation Solutions [Brochure]

Signed Case Officer¹: **Kim Vo**

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

**Signed Authorising
Officer²:**

K Foster

Date:

20 December 2024

Informatives

- 1) Please note this business will need to register with the Environmental Health and Consumer Protection Service as a food business prior to opening.

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