

Regeneration and Economic Development Department

APPLICATION NO: 21/00296/FUL

APPLICANT: MR S jayasekar

WARD AFFECTED: St Gabriels

DEVELOPMENT: INSTALLATION OF A NEW SHOP FRONT AND FLUE EXTRACTION SYSTEM TO SUPPORT THE USE AS COFFEE SHOP, JUICE BAR AND CAFE (USE CLASS E)

LOCATION OF SITE: 34 Seel Road, Huyton, Knowsley, L36 6DH,

KNOWSLEY LOCAL PLAN ALLOCATION –

Primary Residential Development - Primary Residential Development

RELEVANT POLICIES

Knowsley Local Plan Core Strategy (2016):

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

Knowsley Replacement Unitary Development Plan (2006):

H5 - Development within Primarily Residential Areas

DQ2 - Security in the Built Environment

TECHNICAL CONSULTATIONS:

Highway Authority - Objection raised.

Environmental Health – No objection, subject to condition.

Network Rail – No objection, however, please refer to the attached comments from Network Rail.

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 6 neighbours. It has also been advertised by Site Notice and a Press Notice.

There have been 3 letters of objection, 0 letters of support and 1 letter of comment. The representations are summarised as follows:-

Objection:

- Late opening hours
- Noise
- Wrong place for a cafe or coffee shop. This is a residential area not a business area
- Shop has no capacity for customer parking meaning they will park outside my house
- Smell / odour from coffee shop
- I am not happy about the plans for the property at 34 Seel Road. The building is built up to the border with just a house bricks' width between it and the property boundary. With the side and back walls of the building being so close...it will mean the smells of cooking, coffee etc will be permanently around my garden and kitchen door preventing me from having any windows or doors open or enjoying my garden particularly in the summer.
- A cafe will cause litter. With...the Railway embankment we do see the occasional rat, however the cafe and waste food will attract more rats to the area.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

- On the plans submitted the bins will be located next to the fence into...allowing undesirables easy access into...This alleyway is also very narrow and will block the Fire Exit which has been opened into the wall that should be a window for the WC, from the plans.
- I have had to put up with a lot of building noise before and since the application was submitted which will continue and be replaced by noise from the cafe and the extractor fan.
- There is no parking area for that property which will cause problems on the surrounding pavements and grassed area opposite which is needing it's fence repaired as it is. I don't want my driveway blocked by cars whose owners are at the cafe.
- This is a residential area and I don't see the need for a café
- There is no off-road parking for café's patrons. The road already gets clogged with parked cars with parents picking children from LDA. And with the property on a blind bend it will make access to our property by car more difficult with patrons blocking the road and potentially our driveway.
- We don't want cooking smells being blown into...from the extractor fan, funnelled round by the railway embankment. Plus, the noise level of the extractor fan itself being directed around into our...by the Railway embankment too.
- The opening times are a concern too. This is a residential area and this is the only commercial property in this vicinity. Nor are we wanting strangers from outside the locale hanging around the café by our property.
- Catering waste will attract rats down from the Railway Embankment into our gardens. The bins can't be monitored and can attract fly tipping by them. The location where they are to be is narrow and will block the Fire exit that is proposed. There will it also increase the street litter by the improper disposal of rubbish by patrons again, attracting rats into our Front Gardens.
- Does the property have sewage capacity for a café as it has only been need for staff and not for patrons and food preparation etc. in the past with the relocation of the kitchen area.
- They have continued with building work before permission has been granted. Creating a doorway where a window for the WC is indicated on the plans submitted. They have also created brickwork squaring the Frontage up to the apex of the roof and plans have it as already built.
- In addition, we query the property boundaries they have submitted as they have cut through the railways fence by the embankment to create a pathway for the Fire Exit on the left side of the property.

Comments:

- My main concern over the proposed coffee shop/juice bar is lack of parking and highway safety. The shop is situated on a bend and there is very little safe parking. Seel road can be very busy during school term time and especially at the end of the school day. It is also a busy bus route.
- I am concerned that visitors to the shop will start parking on my drive or across it blocking my exit and entrance. It happened frequently when it was a general store. Also customers will park on the "green space" opposite the shop with little concern for the damage/mess that can cause which would obviously spoil the environment for the residents. A fence had been erected previously to stop this happening when the business was a general store, but that rotted through and has never been replaced although it has been reported by a neighbour.
- Also I would not support a coffee shop opening late into the evening. This is a quiet residential area and I and my neighbour have concerns about who it would attract and the anti social behaviour it could bring.

ARTICLE 35

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.

ISSUES AND ASSESSMENT:

PROPOSAL

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

The application is for the installation of a new shop front and flue extraction system to support the use of 34 Seel Road as a coffee shop, juice bar and café (Use Class E).

It should be noted that the existing use of the premises is a printer office including retail/sales and is currently within Use Class E. Under the Town and Country Planning (Use Classes) Order 1987 (as amended), the existing premises can change to any other use within Class E without the requirement for planning permission because it is not development. Therefore, the change of the premises from its current use to a food and drink establishment is permitted development and is not under consideration as part of this planning application.

RELEVANT PLANNING HISTORY

None.

POLICY CONSIDERATIONS

The site is identified as land for primarily residential development. The application complies with policies CS2 and CS19 of the Local Plan Core Strategy (2016) and saved policies H5 and DQ2 of the UDP (2006), together with the Shopfront and Signage Design Supplementary Planning Document (2016) and the Design Quality in New Development Supplementary Planning Document (2016).

These policies and guidance require that new development demonstrates a high standard of design which does not adversely affect the character of the property or street scene; maintains a good standard of amenity for all existing and future occupants; and is designed so as to provide good levels of personal and property security.

DESIGN

New signage and glazing is proposed to the front elevation of the premises and the proposed extraction system would incorporate a flue which would extend approximately 0.35m from the south elevation of the building and would be situated 2.2m above ground level. The proposed shop front and extraction system would be of a standard design and is not considered to be detrimental to the character of the street scene. The design of the proposal is also not anticipated to give rise to any crime or anti-social behaviour issues. The proposed development would comply with Policies H5 and CS19.

RESIDENTIAL AMENITY

The building is located adjacent to several residential properties which sit to the west of the site along Seel Road. The new shop front is not considered to adversely affect the amenity of surrounding neighbouring properties.

As set out above, the change of use is not development so it, and the impacts associated with it are not relevant to the determination of this application. Notwithstanding this noise and odours from the proposed flue should be given due consideration.

Environmental Health have reviewed the information submitted in support of the flue and they have recommended that its operation would be unlikely to cause an unacceptable level of noise provided that it is installed and maintained correctly. A condition which requires that the noise from the flue does not exceed a level where harm could be caused to residential amenity will be attached to this decision to ensure residential amenity is not affected by undue noise and disturbance caused by the flue.

With regard to odour, the flue itself would not generate any odours, rather it would extract and neutralise odours that are generated by the café. As the operation of the café does not require planning permission there are no planning powers that can be used to prevent this or odours that may be generated by its use. Notwithstanding this, a condition shall be attached to the permission which requires all windows on the building to be non-openable and all external doorways to have a self-closing mechanism to prevent any odours escaping insofar as possible. Should odours generated by

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

the café become a problem then Environmental Health would be able to investigate any complaints and a new extraction system may be necessary.

Subject to the condition regarding the noise of the flue and odour control, the proposed development would not have a detrimental impact on residential amenity and would accord with policies CS19 and H5.

HIGHWAYS

The Council's Highways Engineer has objected to the proposed development, however, the grounds for objection are not material considerations in the assessment of this application. The objection raised is based on the change of use of the premises from a printer office to a food and drink establishment, however as highlighted previously, the new operation of the premises as a cafe can be carried out without the requirement for planning permission and this change is not under consideration in the assessment of this application - the application solely relates to a proposed new shop front and extraction system.

Consequently, it is considered that the proposed shop front and extraction system would not give rise to any highways issues, with regard to traffic, parking provision or highways safety. Any existing highways issues within the area is not considered to be made worse by the proposed development.

OTHER ISSUES

Neighbour comments

Comments received in relation to noise generated by the proposed extraction system have been addressed above under the separate 'Residential Amenity' section of the report. Similarly concerns raised regarding highways issues has also been addressed above under the separate 'Highways' section.

Other concerns have been raised which relate to the hours of operation, the location of the café in a residential area, litter/waste attracting vermin, the location of bin stores, anti-social behaviour and drainage capacity. These concerns pertain to the change of use of the premises to a food and drink establishment which does not require planning permission and is not under consideration in the assessment of this application. These issues do not therefore form material planning considerations.

Comments relating to odour issues are also associated with the operation of the premises as a café. However, once again, the change of use to a cafe is not a material consideration. Notwithstanding this, when a new café is proposed as part of a planning application, we would not usually require a high level of odour and smoke control to be implemented based on the type of food and beverages typically served at such establishments. As discussed above, a condition will be attached to the permission to require all windows to be non-openable and external doorways to have a self-closing mechanism to protect amenity. Should there be any issues with future emissions from the premises, Environmental Health have a duty to investigate and establish whether or not a statutory nuisance exists and they will take the necessary action required to resolve these issues.

Comments have been received relating to disturbance associated with ongoing construction on site, but the proposed development is of a minor nature and it would not cause unacceptable harm. It is also alleged that construction on site has commenced without planning permission. If works on site have commenced which relate to the current proposal, there is no law against starting works without planning permission, however, permission must be in place once these works have been completed otherwise, the applicant could be liable to enforcement action. In terms of the creation of a doorway where a window is shown on the proposed plans, this is an element that is not under consideration in this application which is for a new shop front and extraction system.

In terms of the query raised regarding the boundary of the application site with Network Rail, Network Rail have been consulted on the application and have no objection to the application and they have also not raised any issues regarding boundaries.

CONCLUSION

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

The proposal would be acceptable in terms of design, residential amenity and highways. The proposal also complies with the relevant Core Strategy, Replacement UDP policies and guidance in the NPPF and 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 kitchen extraction fan associated with the use shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for Rating and Assessing Industrial and Commercial Sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property.

Reason: To safeguard local residents from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 4) Notwithstanding the details submitted, all windows shown on drawing no. '2' received 5 April, shall be non-openable and all external doorways shall have a self-closing mechanism which shall be installed prior to the first use of the premises and retained as such thereafter.

Reason: To safeguard local residents from odours and to comply with CS19 of the Knowsley Local Plan Core Strategy adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
05/04/2021	1	-	LOCATION PLAN
05/04/2021	2	-	EXISTING AND PROPOSED FLOOR PLANS AND ELEVATIONS
05/04/2021	-	-	FLUE EXTRACTION TECHNICAL DETAILS
05/04/2021	-	-	FLUE EXTRACTION DETAILS (GENERAL INTERNAL ARRANGEMENT)

Document Reference PS/DC/OP04/05	Document Issue Number 003	Document Issue Date 23/9/02
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Informatives

- 1 NOTE FOR APPLICANT: The applicant's attention is drawn to the comments from Network Rail attached.

Chloe Roberts

28 May 2021

Alan Kilroe
28 May 2021

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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