

REGENERATION AND ECONOMIC DEVELOPMENT DEPARTMENT

APPLICATION NO: 21/00825/FUL

APPLICANT: Mr Dennis Zhao

WARD AFFECTED: Halewood North

DEVELOPMENT: INSTALLATION OF VENTILATION / EXTRACTION SYSTEM, EXTERNAL STAIRCASE TO REAR AND REFUSE STORAGE AREA

LOCATION OF SITE: 12 Mackets Lane, Halewood, Knowsley, L25 0LQ

KNOWSLEY LOCAL PLAN ALLOCATION –

Primary Residential Area
Mackets Lane, Halewood – (Medium) Local Centre

RELEVANT POLICIES

KNOWSLEY LOCAL PLAN: CORE STRATEGY

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

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

H5 - Development within Primarily Residential Areas

ARTICLE 35

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.

PLANNING HISTORY

A previous application for a change of use from A1 to A5 was withdrawn on the 23/10/19. (19/00417/FUL). An application for a change of use from A1 to A5 and extraction system was refused (08/07/2020).

TECHNICAL CONSULTATIONS:

Environmental Health – We are unable to comment on the change of use to restaurant. No Objection subject to conditions in relation to fume extraction, fixed plant, waste and empty bottles, waste collection and delivery times.

NEIGHBOUR NOTIFICATION:

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This application has been publicised by letters sent to 20 neighbours. Four Objections have been received consisting of the following main points:

- It will create more traffic chaos at all hours of the day and evening,
- It will not be conducive to a healthier Knowsley.
- This application of ventilation appears to be the first step of installing a takeaway restaurant. A previous application at this address was turned down due to the impact on the neighbourhood-how can you possibly approve now.
- There is already significant traffic issues at the moment in the area, which will be made worse by the development.
- The area is also recognized by both Knowsley and Liverpool councils for the waste generated from these shops that is strewn over the adjacent roads. The litter in the area is already horrendous.
- Within a 1 mile radius of this location there are at least 10 takeaway restaurants. We don't want or need another takeaway.

ISSUES AND ASSESSMENT:

SITE AND PROPOSAL

The application site relates to a commercial premises in the Mackets Lane Local Centre, the premises forms part of a terrace which has commercial uses on the ground floor and residential properties above.

This application is for the installation of ventilation/extraction system, external staircase to rear and refuse storage area.

STREET SCENE

The extraction equipment would be minor in scale, would be typical for a local centre location and would not harm the street scene due to its location at the rear of the premises. The scale of the chimney has been reduced through amendments during the application. A condition will be imposed to ensure that the extraction equipment is painted black. The proposed rear staircase will also be at the rear of the building and would not have an effect on the character and appearance of the area. Overall, the development complies with Core Strategy Policy CS19.

NEIGHBOUR AMENITY

In relation to the potential use of the property as a takeaway. The application form states that the property is to be used as a café/restaurant. The unit which appears to have been last used as a florist and a change to a restaurant would not require planning permission because a shop and a restaurant both fall under Use Class E and planning permission is not required to change between uses that fall under the same Use Class. Therefore, the principle of development is not able to be considered. However, if the applicant wished to have permission for the permanent use of a takeaway, this would require a separate planning permission.

The proposed extraction equipment will not adversely affect neighbour amenity. In addition, the refuse storage area would also not cause harm to residents. This is supported by the views of the council's Environmental Health department who have no objection subject to conditions. The proposal would not increase litter in the area.

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The proposed staircase at the rear would be used to gain access to the first floor flat above the property, it is not considered that the use of the staircase would unduly affect amenity in the local area.

Overall, the development complies with Core Strategy Policy CS19.

OTHER MATTERS

There are no highway implications associated with the development because the proposed use does not require planning permission.

Environmental Health have requested conditions relating to waste storage and collection but these fall outside the scope of the application so can not be imposed on the applicant. Furthermore, the 'trigger' for the extraction equipment can not state upon first use of the restaurant.

CONCLUSION

The proposal is acceptable and would not cause harm in relation to the appearance of the area or the amenity of local residents. The application complies with local planning policies and is recommended for approval.

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) Odour and Smoke Prevention – Ventilation and Fume Extraction

Prior to the first use of the extraction equipment, evidence (including photographs) that the odour control equipment, as detailed in the Purified Air Report (dated 17 March 2022) and the extraction system, as detailed in the Kitchen Ventilation Report (dated 18 March 2022), has been installed as detailed in the reports, shall be submitted to the local planning authority, for approval in writing.

For the avoidance of doubt the odour control equipment will include the following 2 stages:

1. ESP 4500E Unit
2. Carbon filtration system (18 carbon filters)

For the avoidance of doubt the stack shall:

1. Terminate via a high velocity discharge hat.
2. Be attached to solid structures using anti-vibration mountings.

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3. Be fitted with an acoustic silencer on both the input and output face of the box fan, as stated in the report.

Once installed, the approved extraction system and odour control system shall be operated and maintained in accordance with the manufacturer's recommendations.

Reason: In order to avoid harm to the amenity of neighbouring properties.

4) Fixed plant

a. Fixed plant and equipment associated with the development 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.

b. Where possible, all fixed plant shall be turned off when the premises closes.

Reason: In order to avoid harm to the amenity of neighbouring properties.

5) Extraction Equipment Painting

The rear extraction equipment shall be painted black.

Reason: In order to ensure an acceptable appearance for the equipment.

Informatives

N/A

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
23/03/2022	W.20/88/03A	Rev A	Proposed Floor Plans
23/03/2022	W.20/88/04A	Rev A	Proposed Elevations
10/02/2022	W.20/88/05A	Rev A	Proposed Sections
09/02/2022	-	-	Ducting Details
24/01/2022	-	-	Refrigeration Specification
24/01/2022	-	-	Air Filtration Info
24/01/2022	-	-	Box Fan Specification
23/03/2022	-	-	Kitchen Ventilation Report
23/03/2022			Specification & EMAQ Report
22/10/2021	-	-	Extraction Diagram
22/10/2021	-	-	Fan Details
21/10/2021	W.20/88/00	-	Location Plan
21/10/2021	-	-	Ventilation Statement

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Andrew Hunt
25 April 2022

Alan Kilroe
28 April 2022

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