



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 21/00864/FUL

Name and address of applicant

Mr Baris Coskuncay
126 Hunts Cross Avenue
L25 8SQ

Name and address of agent

Evolve Design Develop
12 Holmefield Ave
Mossley Hill
Liverpool
L19 3PL

Date of Receipt: 15 November 2021

Date Valid: 6 January 2022

Address/Location Of Development:

9 Baileys Lane
Halewood
L26 2XB

Description of Development:

CHANGE OF USE FROM BETTING SHOP (USE CLASS SUI GENERIS) TO FORM RESTAURANT (USE CLASS E) TOGETHER WITH ERECTION OF A SINGLE STOREY REAR EXTENSION

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following condition(s):

1. 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.

2. No part of the development hereby granted permission shall be commenced until evidence has been submitted to the local planning authority (LPA) and confirmation, in writing, has been obtained from the LPA, that:

a. The equipment, as recommended in the EMAQ Kitchen Odour Guidance, and in accordance with the Interior Design Project drawing Dated: 01.2022 (Layout 1,2 and 3), has been installed and is operating correctly.

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

1. ESP 4500E Unit
2. Carbon filtration system

b. The stack serving the proposed development shall be installed in accordance with the Interior Design Project drawing Dated: 01.2022 (Layout 1,2 and 3),

For the avoidance of doubt the stack shall:

1. Terminate at least 1 metre above the roof eaves via a high velocity discharge hat.
2. Be attached to solid structures using anti-vibration mountings.
3. Be fitted with an acoustic silencer on both the input and output face of the box fan, as stated in the document.

Once installed the approved ventilation / extraction system shall be operated and maintained in accordance with the manufacturer's recommendations.

Reason: In order to control odour emissions.

3. 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 control odour emissions.

4. Waste shall only be stored securely in designated bins, and empty bottles shall only be loaded into the bins, in the external designated waste storage area, between 08.00 and 20.00 hours on any day.

Reason: To reduce noise impacts on neighbours.

5. Refuse collections from, and deliveries to the premises, shall only take place between the hours of 08:00 to 18:00 Monday to Saturday and between the hours 9:00 to 18:00 Sundays and bank holidays.

Reason: To reduce noise impacts on neighbours.

6. No outdoor tables, seating areas or furniture shall be erected within the outside areas of the site.

Reason: To prevent noise impacts on residents from outdoor seating.

7. The Premises shall not be open to the public outside the hours of 09:00 - 23:00.

Reason: To reduce noise impacts on residents late at night.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
15/11/2021	006	-	LOCATION PLAN
16/03/2022	005	-	PROPOSED ELEVATIONS
16/03/2022	PROPOSED GROUND FLOOR PLAN	-	PROPOSED GROUND FLOOR PLAN
15/11/2021	PROPOSED FIRST FLOOR PLAN 004	-	PROPOSED FIRST FLOOR PLAN
16/03/2022	MANAGEMENT POLICY	-	MANAGEMENT POLICY
16/03/2022	EXTRACTION SYSTEM	-	EXTRACTION SYSTEM
16/03/2022	-	-	ROOF PLAN

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance: -

KNOWSLEY LOCAL PLAN: CORE STRATEGY

SD1 - Sustainable Development

CS2 - Development Principles

CS3 - Housing Supply, Delivery and Distribution

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

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

H5 - Development within Primarily Residential Areas

ENV2 - Noise and Vibration

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Andrew Hunt on 0151 443 2204)

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.

NOTE FOR APPLICANT:

IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
- 2) This permission is granted subject to conditions and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
 - a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached, then you will be liable to a breach of condition notice.

- 2 There may be rats and foxes in close proximity to the site which may require pest control measures.

Executive Director - Regeneration and Economic Development

Date: 16 June 2022

IMPORTANT NOTES FOR YOUR ATTENTION:

- 1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.**
- 2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.**
- 3. You should ensure that you understand the requirements of all planning conditions and that you fully comply with their requirements. If you are in any doubt about what a condition requires of you, please ask us for assistance. Planning conditions may require you to submit further information to us and await our approval before you can start your development. A failure to do so could result in your development being unlawful and necessitate the submission of a further planning application. A failure to comply with the conditions of the permission/consent may result in the taking of enforcement and potentially legal action, against you to remedy the breach of planning control.**
- 4. A fee is normally payable to discharge planning conditions in accordance with government regulations.**
- 5. This permission does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by you, including on party boundaries. You should satisfy yourself that the agreement of any adjoining landowners has been given prior to commencing any building works.**
- 6. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works. Knowsley Council's Building Control team are contactable on (0151)-443 2342 and they would be pleased to assist you.**

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.