

<u>APPLICATION NO:</u>	24/00168/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Roby	<u>PARISH:</u>	
<u>LOCATION:</u>	Royal Mail Ground Floor, 76 Derby Road, Huyton		
<u>PROPOSAL:</u>	INSTALLATION OF A FUME EXTRACTION SYSTEM INCLUDING EXTERNAL STACK		

Site Description

The application site relates to an existing town centre unit. The property is located north-east of Griffith's Road and the end of Derby Road, the pedestrianised road providing the main spine of Huyton Village and provides one of the principal entrances into it. The unit is independent of the remaining retail premises found to the south and east of the application property. The buildings were/ are currently used as the public Post Office and Royal Mail delivery office. The Post Office is within a shop unit on the opposite side of Derby Road to the south-east of the building. The vacant former Post Office is undergoing works to operate as a restaurant.

The property is largely brick facing with concrete accents and white timber fascia together with glazed UPVC windows in white to the principal elevation.

Proposal

The application is for the installation of a ventilation and fume extraction unit to serve the restaurant, with planning permission being required for the external stack of the system which will run up the rear of the Royal Mail building. The external stack would come through the flat roof of the rear single storey element of the Royal Mail building starting at a height of approximately 2.8m and extending 6.1m, ending 1m above the roof of the two-storey element of the Royal Mail site building. The stack would have a diameter of 0.2m widening to 0.3m near the top before narrowing back to 0.2m.

Consultations

Environmental Health - No objections but request conditions controlling fixed plant noise control and information regarding odour control.

Representations

This application has been publicised by letters sent to 31 neighbours. No representations have been received.

Planning History

13/00021/FUL - INSTALLATION OF ACCESS RAMP. Granted: 21.03.2013.

23/01646/KMBC1 - EXTERNAL ALTERATIONS INCLUDING INSTALLATION OF NEW SHOPFRONT, ROLLER SHUTTERS, TILED STALL RISERS, TILING TO FIRST FLOOR, NEW LIGHTING, SERVICE ACCESS DOOR AND ALTERATIONS TO SIDE ELEVATIONS AND ASSOCIATED WORKS. Granted: 28.09.2023.

23/01647/ADV - 2NO. FIRST FLOOR LEVEL SIGNS PROVIDING SIGNAGE FOR HUYTON VILLAGE/DERBY ROAD. Granted: 28.09.2023.

23/01646/NMA - NON-MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 23/01646/KMBC1 (EXTERNAL ALTERATIONS INCLUDING INSTALLATION OF NEW SHOPFRONT, ROLLER SHUTTERS, TILED STALL RISERS, TILING TO FIRST FLOOR, NEW LIGHTING, SERVICE ACCESS DOOR AND ALTERATIONS TO SIDE ELEVATIONS AND ASSOCIATED WORKS) AMENDMENT SOUGHT FOR CHANGE OF REPOSITIONING OF MAIN ENTRANCE. Granted: 21.03.2024.

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

CS2 - Development Principles

CS19 – Design Quality and Accessibility in New Development

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

S2 - Diversification of Uses within Existing Centres

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 proposal is for the ground floor unit to operate as a restaurant within Huyton Village. The use does not require planning permission as both the previous use as public Post Office and the proposed use as restaurant fall within Class E of the Town and Country Planning Use Classes Order 1987 as amended. The proposed use is a town centre use and therefore associated development to allow operations is to be expected. The proposal is therefore acceptable in principle.

Design and Visual Amenity Considerations

The design of the proposed stack is typical of such installations, and it has been sited on the rear of the building as the kitchen is sited here, and also to minimise visual impacts. The backdrop of the building behind the stack would also reduce visual impact. Whilst the stack would extend beyond the roof by 1m this would be at a height that it would not be readily visible from street level. The proposed stack is also modest in bulk being 0.2m diameter for the most part, with a short length near the top widening to 0.3m diameter before narrowing back down to 0.2m. The painting or powder coating of the stack would reduce further any visual impact. The proposal would not be detrimental to the visual amenities of the area or impact detrimentally the street scene.

The application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policy S2 of the UDP.

General Amenity Consideration

The proposal is to allow the installation of a ventilation and fume extraction system to a restaurant to operate from the ground floor of the unit. The originally submitted proposal had the ventilation stack showed a very short stack length of 1m. However, this would have caused issues with the use of the first-floor offices of the building. Consequently, a revised scheme was submitted with the ventilation stack extending 1m above the roof to the two-storey element of the building to overcome the issue. The ventilation and odour extraction system including the external stack as revised would not cause significant amenity issues with regards odour and smells. The Council's Environmental Health Officer has no objections but does request additional information regarding the system to be submitted to and approved in writing by the Local Planning Authority. The Council's Environmental Health Officer has also requested a fixed plant noise control system. However, unless such plant requires planning permission such a system cannot be attached to any planning permission granted as the planning application is solely concerned with the extraction system stack.

Conclusion

The proposal would be acceptable in appearance and siting and would not be detrimental to the street scene or amenity of the area. No highways issues are raised. The application complies with planning policies and is therefore 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) Notwithstanding the submitted ventilation report (Cater Safe Limited Ventilation Report 13585185 - 9th July 2023), the following shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the ventilation and odour extraction system hereby approved.

- a. Details demonstrating that the equipment installed to control odour, smoke and grease will do so effectively and in accordance with the manufacturer's recommendations.
- b. The location of the fan and silencers for the external ventilation stack.
- c. Details of any measures which are necessary to attenuate noise from the ventilation stack.

The system hereby permitted, including the above details submitted and agreed pursuant to this planning condition, shall be retained and operated in accordance with the manufacturer's specification at all times that the restaurant kitchen that is served by the ventilation and odour control system hereby permitted is in use.

Reason: In the interest of general amenity and odour control and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy S2 of the Knowsley Replacement Unitary Development Plan adopted June 2016.

- 4) Prior to the installation of the external ventilation stack hereby permitted it shall be painted or powder coated in a colour which has first been agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy C2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
02/04/2024	-	-	LOCATION PLAN
15/05/2024	981.PO2.A	-	PROPOSED FLOOR PLAN
15/05/2024	981.PO4.A	-	PROPOSED ELEVATIONS
02/04/2024	13585185	-	CATER SAFE LIMOTED VENTILATION REPORT 13585185 (MR JAHANGIR AHMED BSC – 9 JULY 2023)

Signed Case Officer¹: Lee Osborne

Signed Authorising Officer²: K Foster

Date: 17 July 2024

Informatives

- 1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024

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

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