



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 23/01243/FUL

Name and address of applicant

Mr Huseyin Utku
16 Baythorne Road
Walton
Merseyside
L4 9QL

Name and address of agent

Date of Receipt: 9 June 2023

Date Valid: 9 June 2023

Address/Location Of Development:

Simply Food And Drinks
9 Tarbock Road
Huyton
Knowsley
L36 5XN

Description of Development:

**THE ERECTION OF A FLUE TO THE WALL OF THE REAR ELEVATION OF THE
BUILDING (FOR ODOUR CONTROL PURPOSES)**

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 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 its lawful use, the first floor of the premises shall not be used for residential purposes at any time whilst the use of the ground floor of the premises is as a restaurant.

Reason : To prevent an unacceptable conflict between uses within the site, avoid unacceptable impacts on future residents, and ensure compliance with Local Plan policy CS19 and Saved UDP policies H5 and ENV2. Use of the ground floor as a restaurant will result in use of the flue hereby permitted. Use of the flue will have an unacceptable impact on the amenity of future residential occupants of the first floor of the premises by way of noise, vibration, smell and general disturbance.

4. No part of the development hereby granted permission shall be brought into use until evidence has been submitted to the Local Planning Authority (LPA) and approved in writing that:
 - a. The equipment, as recommended in the Ventilation Strategy by Fusion Hot Ltd, has been installed and is operating correctly.

For the avoidance of doubt the equipment will include the following:

1. Longar type 3 baffle filters
 2. Rydair ry500 Electrostatic Precipitation unit
 3. FusionAir 10mm ozone injection unit
- b. The stack serving the proposed development shall be installed in accordance with the Ventilation Strategy by Fusion Hot Ltd

For the avoidance of doubt the stack and associated equipment shall:

1. Terminate at least 1 metre above the roof eaves via a high velocity discharge jet cowl, without any obstruction at the end.
 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 and which is all installed internally.

The system shall be operated and maintained in accordance with the manufacturers recommendations.

Any deviations from the above scheme must be agreed in writing with the LPA, prior to the changes being made.

Reason : For the avoidance of doubt and to protect the amenity of any occupiers of nearby residential accommodation and to ensure compliance with Local Plan policy CS19 and Saved UDP policies H5 and ENV2.

5. The extract system serving the kitchen shall not operate outside the hours of 0900 to 2300 on any day.

Reason : To protect the amenity of any occupiers of nearby residential accommodation and to ensure compliance with Local Plan policy CS19 and Saved UDP policies H5 and ENV2.

6. 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.

Reason :To protect the amenity of any occupiers of nearby residential accommodation and to ensure compliance with Local Plan policy CS19 and Saved UDP policies H5 and ENV2.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
10/08/2023	10.08.2023	-	REVISED VENTILATION STRATEGY
09/06/2023	p2c/uk/926070/1 249569	-	LOCATION PLAN
17/07/2023	HUYIN-SL-BA- XX-DR-A-0001	REV B	EXISTING AND PROPOSED FLOOR PLANS AND ELEVATIONS
09/06/2023	b36c/uk/926070/ 1249566	-	SITE 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

CS2 - Development Principles

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

National Planning Policy Framework

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 (Mark Quinn on 0151 443 2381)

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.

Executive Director - Regeneration and Economic Development

Date: 18 August 2023

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.
- As this is a decision for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- 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.