

<u>APPLICATION NO:</u>	24/00320/FUL	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Whitefield	<u>PARISH:</u>	
<u>LOCATION:</u>	The Johnny Todd , 38 Whitefield Drive, Westvale		
<u>PROPOSAL:</u>	INSTALLATION OF A NEW SHOP FRONT AND REPLACEMENT ROLLER SHUTTERS - (RETROSPECTIVE)		

Site Description

The application property is located at The Johnny Todd, 38 Whitefield Drive, Westvale and is situated within an area which is allocated as a Primarily Residential Area in the Development Plan. The unit is contained within the premises of the public house, The Johnny Todd, and operates as a convenience store ('go local extra').

The premises is situated on a corner plot and is south / south-eastern facing, orientated to front Whitefield Drive (B5192) with James Holt Avenue located to the west. The front elevation of the shopfront is situated roughly 8m from the public highway.

The site is bounded by residential properties to all directions.

Proposal

The application seeks permission for the installation of a new shop front and replacement roller shutters.

This application is retrospective and seeks to retain the works which have been completed on site. These works were completed on 01.05.2024.

These works include the installation of a new fascia signboard (with externally illuminated lighting), brick infilling to 2.no removed entrances and the installation of 2no. aluminium frames and safety glazing windows together with sliding door entrance.

The placement roller shutters would be externally housed but recessed into the wall and behind the shop signage. These would be 50% perforated external design and powder coated grey (RAL 7016). The shutters would screen the security glazing and would have a width of 4.5m and a height of 2.13m. The brick infill would be faced with paint (grey – RAL 7016).

No specific information has been supplied in regard to the external illuminated lighting.

The application has seen amendments to change the roller shutters to include a level of perforation.

Consultations

Highway Authority – No objections.

Property / Assets – No objections.

Representations

This application has been publicised by letters sent to 19 neighbours.

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

A concern over noise disturbance. The shop is causing noise issues from the cooling system installed which must be around 5 meters away. The noise sounds like a petrol generator and is constantly heard from inside the home. Can this be addressed or something be done as it is all day and night.

The above objection raised is not considered material to the application proposal. This matter has been forwarded to Planning Enforcement to ascertain whether or not Planning Permission would be required for the equipment and whether this would be a matter for Planning Enforcement or the Council's Environmental Health team. It is not deemed however that this would impact the assessment for this proposal.

Planning History

No relevant planning history.

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.

The application site is located within a Primarily Residential Area in the adopted Development Plan. The unit serves as a commercial use within a residential area and therefore, alterations to this established unit would be considered acceptable in principle, subject to accordance with the relevant Development Plan policies listed below.

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

S9 - Shop Fronts and Security Shutters

DQ2 - Security in the Built Environment

SUPPLEMENTARY PLANNING DOCUMENTS

Shopfront and Signage Design SPD (2016)

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

Saved Policy H5 in the Replacement Unitary Development Plan states that new development within the Primarily Residential Areas (or proposals for the change of use or redevelopment of existing buildings) which is for uses appropriate to a residential area will be permitted provided that the development (either by itself or in conjunction with other developments) would not:

- a) Have an unacceptable impact on the amenity of neighbouring occupiers by reason of noise, disturbance, overlooking, visual intrusion, smells, fumes, on-street parking or other causes
- b) Adversely affect the character or street scene of the area

Saved Policy S9 in the Replacement Unitary Development Plan asserts:

For proposals for new or altered shop fronts should:

- a) Relate well to the street scene in terms of materials, form and proportions;
- b) If located within a Conservation Area, preserve or enhance the character of the area;
- c) Provide good access for all members of the community;

For proposals for security shutters and grilles, including their related housing shall be permitted if they:

- a) Fit in with the design of the building and its surroundings
- b) Have as little impact on appearance as possible during both business and non-business hours
- c) When located on highway frontages provide some perforated visibility into the

premises

Saved Policy DQ2 in the Replacement Unitary Development Plan stipulates that for the consideration of security in the built environment, security features such as fencing, walls, CCTV cameras and lighting (both in new developments and where proposed to provide added security to existing developments) should be designed so as to avoid causing harm to:

- a) Visual amenity
- b) The amenities or occupiers of nearby property; or
- c) Highway safety

Design

The works overall would be deemed to respond positively with the existing premises and would display a design which is acceptable.

The fascia boards are of a modern design and display the logo of the business in the centre.

The Shopfront and Signage SPD (5. Shopfront Components and Proportions) states that each shopfront should form a well-proportioned composition that relates well to the building and the wider street scene. For the consideration of fascia boards, the SPD outlines that the scale and design of the fascia should be appropriate to the character, and period of the building and complement the overall street scene. The fascia should not exceed 20% of the overall height of the shopfront from top to bottom, otherwise it will look out of proportion with the rest of the shopfront.

The fascia board installed measures at a height of 0.83m in contrast to the height of the shop front, which is 3.08m. It is considered that the height exceeds this policy guidance, however, it is considered that this does not have a detrimental impact on the design and the shopfront and would be acceptable. From completing the site visit, the fascia does not appear out of proportion with the shopfront and would still display an acceptable design.

The SPD also states that when considering window(s) these should be the dominant feature of the shopfront. It furthers that windows appearance should give a vertical impression rather than an extensive width to help balance proportions. As observed, the aluminium frames and safety glass would be deemed to give a vertical appearance. The windows are deemed to form the most dominant feature of the shopfront.

9.7 of the Shopfront and Signage SPD states that the Council will only approve fascia signage that is in scale and proportion with the rest of the shopfront and the wider elevation of the building.

Upon completing the site visit, it was observed that the fascia sign edges over-sails and surpasses the external walls of the unit and shopfront below. Criterion 1. C) of the guidance contained for fascia signs in the SPD stipulates that fascia signage should not project outwards or take the form of a box sign, and should sit as flush as possible with the external face of the building elevation.

The fascia detailing conceals barbed wire and security grills that are present on the existing building. It is acknowledged that this contravention with the outlined policy guidance does slightly diminish the design and appearance, these are not significant

projections and are around 0.15cm, which would not be considered a significant impact to warrant a refusal. Moreover, given that the signage does screen the barbed wire and security grill, this would be recognised as a considerable benefit of the scheme. It is considered on the Planning balance that the on the whole the scheme is an improvement to visual amenities and despite the above policy contravention, would not be considered to fail to relate well to the street scene and would contain acceptable materials, form and proportions.

The works completed are considered to largely accord with the guidance for basic shopfront components in the Shopfront and Signage SPD and comply with Saved Policy S9.

The roller shutter details are acceptable. These are located behind the shop signage and would therefore not project externally or feature a 'boxy' design. The amendments secured ensure that they would have some perforated visibility into the premises and further improve the design. This would accord with Saved Policy S9.

The lighting sited above the fascia signage is tubular LED externally illuminated and are downward facing.

The accompanying guidance of DQ2 (11.22) stipulates that lighting fixtures need to be attractively designed and located. They should be orientated and if necessary hooded to avoid causing glare or nuisance for occupiers of adjacent property or car drivers.

The Shopfront and Signage SPD (12.2) outlines that light fittings should be incorporated into the design of the shopfront in a discreet manner to avoid cluttering the shopfront with light fittings and wires. 12.4 stipulates that external sources of illumination must be directed away from the highway and/or fitted with cowling, to prevent dazzle to road users and passers-by.

The design employed for the external lighting is considered acceptable. The design is considered to integrate positively with the rest of the shopfront alterations and appear sleek with no proliferation of wires or an over-cluttered appearance. They are discrete in appearance and enhance the overall design.

This accords with criterion c) of the 'Guidance: Lighting' which outlines that discrete lighting to the principal sign and shop window to promote vitality in the street scene and add to the security at night will usually be accepted.

The visual amenity of the shopfront alterations are largely positive and enhance the existing premises. Any contraventions to policy guidance have been addressed and a view has been taken that on the Planning balance the comprehensive design would justify this and the scheme would be of an acceptable design.

Overall, the proposed development would be considered acceptable in design and would largely accord with CS2 and CS19, Saved Policies H5, S9 and DQ2 as well as the Shopfront and Signage SPD (2016).

Residential Amenity

The application site is encircled by residential dwellings, with the closest situated to the east on Marnswood Walk approximately 9m away.

The proposed shopfront alterations and roller shutters installed would not be deemed

to result in any significant harm to residential amenity. These works are considered to be minor in scale, cosmetic changes to the exterior of the premises and would not be considered to contain any elements which would severely harm residential amenities.

Overall, the proposed development would be considered to have an acceptable impact on residential amenity and would accord with CS2 and CS19, Saved Policies H5, S9 and DQ2 as well as the Shopfront and Signage SPD (2016).

Highways

The proposed development is for minor external alterations to the existing premises and would not be considered to result in any significant impact on the highways.

The proposal has been reviewed by the Local Highway Authority and no objections have been raised.

Notwithstanding the above, it is considered that information submitted pertaining to lighting illuminance etc have been provided, despite being requested. The application site is located circa 9m away from the public highway and the external lighting installed are oriented facing down (according with 11.22 of Saved Policy DQ2).

However, given the lack of information provided such as illuminance levels and for the avoidance of doubt, a Condition will be included to ensure that the external lighting is screened, orientated towards the shopfront and would not have an unacceptable impact on drivers and motorists passing the site (and also for the residential amenities of any nearby residents and would further accord with 2) of DQ2 which seeks to safeguard the amenities of occupiers of nearby property and highway safety).

Overall, the proposed development would be considered acceptable on highways grounds would largely accord with CS2 and CS19, Saved Policies H5, S9 and DQ2 as well as the Shopfront and Signage SPD (2016).

Conclusion

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 subject to Conditions.

Recommendation

That Planning Permission be granted 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) The ancillary external sources of lighting for the proposed fascia signage and shopfront hereby permitted shall be fully screened and orientated towards the advertisements as practicable as possible to prevent a directly visible distraction for drivers of vehicles on any highway or the occupiers of any property near the site.

Reason: In the interests of highway safety and amenity and to ensure compliance with Saved Policy S10 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
14/06/2024	01	-	LOCATION PLAN.
14/06/2024	02	-	BLOCK PLAN.
14/10/2024	03	REV B	EXISTING AND PROPOSED FLOOR PLANS AND ELEVATIONS. SHUTTER DETAILS.

Signed Case Officer¹:

Reece Black

Signed Authorising Officer²:

K Foster

Date:

24 October 2024

Informatives

Not applicable.

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

² 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