

<u>APPLICATION NO:</u>	24/00239/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	Go Local, 32 Croftwood Grove, Whiston		
<u>PROPOSAL:</u>	RETENTION OF 3 AIR CONDENSER UNITS TO THE SIDE ELEVATION AND THE PROPOSED INSTALLATION OF 2M HIGH CLOSE BOARD SCREEN FENCING AND GATE		

Site Description

The application relates to a detached building on the northern side of Lickers Lane comprising a store to the ground floor and a flat above. The building faces Lickers Lane but is accessed from Croftwood Grove, a small L-shaped no-through road of residential properties. The building is set back from Lickers Lane carriageway. There is a house immediately adjacent the shop site to the north, 31 Croftwood Grove. Across the carriageway of Croftwood Grove, and opposite the car park of the shop are 4 semi-detached houses, 1-4 Croftwood Grove, whilst a neighbouring detached house, 5 Croftwood Grove, is set slightly back from 4 Croftwood Grove which therefore shields that property to a certain degree from the car park area. There is vacant land to the east of the application building which is overgrown and the former site of The Penny Black PH which has planning permission for residential development of (22/00600/FUL).

Proposal

The planning application is for the retention of three air condenser units on the side of the building to replace units located at the rear and causing noise disturbance issues for local residents. The application also includes 2m high close boarded fencing along the eastern side boundary of the site with the fencing returning to the building towards its rear (approximately $\frac{3}{4}$ of the depth of the premises from the front of the building) and a gate installed at the front of the building linking to the side boundary fencing. The fence and gate on their own would be permitted development in accordance with the town and Country (General Permitted Development) (England) Order 2015.

The condenser units have been installed since the application has been submitted and as such the application is for retention of the cooling units sited on the side of the building and the installation of the fencing/gate, which by itself ordinarily would not require planning permission. The originally submitted planning application showed the condenser units site approximately halfway down the side of the building whilst the installed condenser units are on the side of the building but close to the front of the building, further from dwellings so having less impact than the reduced impact of the original siting of the proposed condenser units compared to the previous units sited at the rear of the building adjacent the gable of a house. The proposed plan and elevations drawing is therefore inaccurate as it shows the units approximately halfway along the building, photos taken since show the in-situ units and as such supersede that drawing (other than fencing details). The application has been considered on the basis of the installed and in-situ units rather than the proposed

location of the units as originally submitted.

Consultations

Environmental Health - No objections.

Whiston Town Council - No comments received.

Representations

This application has been publicised by letters sent to 6 neighbours.

Three representations from local residents have been received. The representations are on the following summarised grounds: -

1. The air coolers at the rear of the shop are noisy and the noise disturbs the author and their family in the house even with windows closed. Therefore if the air coolers are additional to the ones at the rear of the shop the author objects, but if the air coolers proposed are instead of the rear ones, then the author supports.
2. Support the moving of units to the side of the building and erecting 2m fencing.
3. Request that gates are erected at front access point and also across access at rear of premises to car park, for removal of a potential 'rat run' for anti-social behaviour and aid with shielding noise from the coolers.

The neighbours were not renotified of the installed units location as the units are further away from dwellings than the originally proposed location of units.

Planning History

03/00850/FUL - ERECTION OF EXTENSION TO SIDE AND REAR OF DWELLING AND FIRST FLOOR EXTENSION TO FORM FLAT ABOVE EXISTING SHOP.

Granted: 10.11.2003.

08/00520/FUL - APPLICATION TO VARY CONDITION 3 ATTACHED TO PLANNING PERMISSION 03/00850/FUL TO EXTEND THE OPENING HOURS FROM 6PM TO 10PM. Granted: 08.10.2008.

24/00247/FUL - VARIATION OF CONDITION 3 (RELATING TO STORE OPENING HOURS) OF PLANNING APPROVAL 03/00850/FUL (ERECTION OF EXTENSION TO SIDE AND REAR OF DWELLING AND FIRST FLOOR EXTENSION TO FORM FLAT ABOVE EXISTING SHOP). Refused: 12.07.2024.

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)

H5 - Development within Primarily Residential Areas

ENV2 - Noise and Vibration

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 application seeks the retention of three cooler units installed on the side (gable) elevation of a building comprising a shop to the ground floor with a flat above. The application also seeks to install 2m high close boarded screen fencing along the party boundary with the adjacent vacant land. The application as such is acceptable in principle within the primarily residential area that the application site is located within.

Design and Visual Amenity Considerations

The cooler units are designed for a purpose and as such are utilitarian in design. The units are at the side of the shop close to a party boundary which minimises the visual impact although as they have been installed at the front of the gable of the building they are in public view to a greater degree than the originally proposed location as shown on the submitted and now superseded plan and elevation drawing. However the application is also for 2m close boarded fencing along the party boundary and from the proposed side fencing to the gable of the building approximately three-quarters of the way down from the front of the building. At the front a gate and short length of fence is proposed from the front corner of the building to the side boundary, although the gate opening or position would need revising to ensure the gate could be opened given the position of the units close to the front of the building. The fencing and gate would shield the units from view and allow access to the units. At present litter collects at the side of the building and the fencing would reduce this and hide any litter that did collect there from view. The cooler units with the fencing and

gate would not be detrimental to the appearance of the building or the visual amenity of the locality. It is recommended that a condition is imposed that notwithstanding the fence and gate shown a scheme for such is submitted for written approval with a revised gate opening or location to ensure that the gate can be opened within 1 month of date of planning permission and installation of agreed scheme within 2 months of planning permission date. The condition should be attached to the planning permission in the interests of visual amenity, to shield the units (and any litter) from view and to reduce litter collecting at the side of the premises.

The application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

Residential amenity Issues

Noise

The previous condenser units located adjacent the rear boundary of the premises were an ongoing source of noise disturbance to adjacent and nearby properties, leading to complaints from residents.

The condenser unit – JE Hall is specified as JEHS-0400-B3-M-1 which has a sound pressure limit of 37dB(A) at 10m and the Danfoss Condenser Unit as OP-LSQM048W05 which has a sound pressure limit of 40dB(A). The condenser units have been installed to the side of the building and near the front of the premises and antivibration brackets used. The generators have been installed within the premises and not within the units, and therefore the sound pressure limits are lower than stated. The siting of the units has improved significantly the residential amenities of nearby residents in terms of noise reduction due to the sound pressure and noise produced by the units together with the shielding of the units by the building reducing significantly noise impacts on the nearby residential properties.

General Appearance

The appearance of the site would be improved by the fencing and gate proposed, and which would also give additional shielding of noise from the units, which would also improve the residential amenities of the area.

The Council's Environmental Health Officer has no objection to the application and the application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policies H5 and ENV2 of the UDP.

Conclusion

The position of the installed condenser units has improved residential amenity by significantly reducing noise nuisance at nearby residential properties and the proposed fence and gate would improve the appearance of the property by shielding the units from the limited views of them at present, and at present the side area of the premises is a litter trap and this would reduce and be shielded from view. 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 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) Notwithstanding the fencing and gate as indicated on the drawing Existing and Proposed Plans - Rev A and referenced Drg. No. 2 Rev A details of fencing and a gate shall be submitted the Local Planning Authority within one month of the date of this planning permission to be agreed in writing by the Local Planning Authority. For the avoidance of doubt the fencing along the party boundary to the east of the building and running from that fencing to the building towards the rear shall be as submitted and as shown on Drg. No. 2 Rev A, the gate and fencing at the front shall be revised such that the gate can open taking account the installed siting of the condenser units. The details shall also include details of the proposed colour of the fencing and gate i.e. the treated timber detail if the fencing is proposed not to be stained, or the colour of wood stain if it is to be stained. The agreed scheme shall be implemented within two months of the date of this planning permission.

Reason: In the interests of residential amenity and visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
09/05/2024	1	-	LOCATION PLAN
07/10/2024	2	A	EXISTING AND PROPOSED FLOOR PLAN AND ELVATIONS – FENCING
13/05/2024	JE Hall	JEHS-0400-B3-M-1	J AND E HALL INTERNATIONAL (JEHS-0400-B3-M-1 MODEL SPECIFICATION)
26/09/2025	Danfoss	OP-LSQM048W05	DANFOSS (OP-LSQM048W05 MODEL SPECIFICATION)
28/02/2025			PHOTOS OF INSTALLED CONDENSER UNITS INSITU

Signed Case Officer¹: Lee Osborne

Signed Authorising Officer²: Jo Sheridan

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

Date:

28/03/2025

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Standing Advice valid from 1st January 2025 until 31st December 2026