

Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0707**
72 Sonning Avenue, Litherland
(Ford Ward)

Proposal: change of use from retail (A1) to restaurants and cafés (A3)

Applicant: Mrs G Mitchell

Executive Summary

This application was considered by Planning Committee on 21 July 2010 and it was resolved to visit the site. This proposal is for the end shop in this row to be used as a daytime cafe. The issue is the impact on local amenity. There is significant local opposition. The report considers the details of the proposals to conclude that the proposed use operating at the proposed hours would not have any significant adverse impacts on the amenities of local residents.

Recommendation(s) Approval

Justification

The proposed use will not cause significant harm to residential amenity by reason of noise and disturbance or odours and therefore complies with policy MD6. The proposal will not result in harm to matters of highway safety and overall the proposal complies with policy CS3.

Conditions

1. T1 Time Limit - 3 years
2. The premises shall not be open for business outside the hours of 07.30 and 18.00 on any day.
3. X1 Compliance

Reasons

1. RT1
2. In the interests of residential amenity and to comply with policy EP6 in the Sefton Unitary Development Plan
3. RX1

Note

1. It is recommended that the following advice be taken as follows to ensure the ramp is DDA compliant:-

*All ramps should have a maximum gradient of 1 in 12, which is the case here, although 1 in 20 is preferable.

*All ramps should have a durable, non-slip surface.

*All ramps should have a clear width of 1.2m minimum (unobstructed width 1.0m)

*The maximum length of any graded section should not exceed 5m, or 10m for gradients shallower than 1 in 15.

*Intermediate level resting platforms (1.5m minimum length) should be provided on ramps.

*Where possible, a level platform should be provided in front of the entrance doors and at the top and bottom of ramps; where ramps are steep (more than 1 in 20) steps should also be provided which again, is the case on this instance.

*Handrails should be provided on both sides of steps / ramps, 900mm high.

Drawing Numbers

1072/10/01 Rev A received 7 July 2010

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>		S/2010/0923 63 Handfield Road Waterloo L22 0NU OSGR: 332141, 398372 Sheets: 1066 Area: 208 sqm		Standard Site Plan Scale: 1:1250 Date: 3/8/2010 Drawn By: EBERT on	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181921</small>		<small>Created by Sefton Council Planning & Economic Regeneration Department using MapInfo</small>		Ward(s): Church Postcode Sector(s): L22 0 Polling District(s): E3 Parish(es): None Found	

S/2010/0707

The Site

The site is a flat roofed, single storey building to the western end of a row of shops set within a residential area.

Proposal

Change of use from retail (A1) to restaurants and cafés (A3)

The physical alterations to the site include the widening of the existing front entrance and the formation an internal ramp. Also, a replacement external flue is proposed to the western side elevation of the building, extending one metre above the existing flat roof.

A fascia sign is already in place and as such Advertisement Consent is not required for a replacement sign.

History

8/3/1134 Change of Use into Coin Operated Laundrette - Cancelled

8/3/1135A Illuminated Fascia over shop - Approved 7 August 1967

S/2001/086 Change of Use to A3 - Refused 20 December 2001

Consultations

Highways Development Control: - No objections to the proposal to change the use of the premises to a restaurant and cafe on the grounds of highway safety.

Although the applicant has stated that they intend to comply with current regulations and good practice, there are no detailed plans attached showing the details of the proposed ramp. Since the application was submitted, the applicant has informed Sefton Council that the access ramp is to be installed internally and not on the public highway.

Although the access ramp is to be situated within the site, it is recommended that the following advice be taken as follows to ensure the ramp is DDA compliant:-

- All ramps should have a maximum gradient of 1 in 12, which is the case here, although 1 in 20 is preferable.
- All ramps should have a durable, non-slip surface.
- All ramps should have a clear width of 1.2m minimum (unobstructed width 1.0m)

•The maximum length of any graded section should not exceed 5m, or 10m for gradients shallower than 1 in 15.

•Intermediate level resting platforms (1.5m minimum length) should be provided on ramps.

•Where possible, a level platform should be provided in front of the entrance doors and at the top and bottom of ramps; where ramps are steep (more than 1 in 20) steps should also be provided which again, is the case on this instance.

•Handrails should be provided on both sides of steps / ramps, 900mm high.

Environmental Protection Director: No objection

Neighbour Representations

Last date for replies: 23 June 2010

A petition to address Committee is anticipated but had not been received at the time of writing this report.

10 letters of objection from 61, 65, 67, 69, 71, 72, 74, 78, 80 Sonning Avenue and 10 Twyford Avenue, on the following grounds:

- Not contacted by applicant prior to application
- Detrimental to are: noise pollution, air pollution from exhausts & cooking smells
- Will encourage vermin at back
- Loss of privacy
- Pensioners don't want gangs. Potential for anti-social behaviour
- Should be on the main road
- Traffic: noise & dangerous. Already a lot of traffic. No thought for children in the area
- Those nearby have no use for a café
- Already 2 shops open until 10pm. If license is given it will open after 5pm
- Parking for 4 cars only – always occupied by existing businesses. Cars already park outside residential properties Parking – plans indicate seating for 20 people. This could attract 20 cars.
- Already 2 chip shops, a pizza, a KFC and a café around the area in a residential area.
- Litter – if takeaway service is provided.
- Opening hours – 7.30 am is too early. Noise from opening window shutters will disturb local residents. Should not be open on Sunday – only respite from businesses in the area
- Would like to sees unit used but concerned about impact on, local residents
- No workers in the area needing a café. Shops next doors sells some snacks
- Noise pollution – extractor fan system is next to 74 Sonning Ave. Noise levels at 52 db(A) will impact on daily life

- Hygiene Safety – side elevation is derelict – as a result emergency exit to the rear would not be available
- Location not fit for preparation & retailing of food
- Within the last 12 years 2 shops have changed to off licenses and close as late as 9 pm and 10.30pm This attracts young people and there is anti-social behaviour

Policy

The application site is situated in an area allocated as Primarily Residential Area on the Council's Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
H10	Development in Primarily Residential Areas
MD6	Food and Drink Uses

Comments

The application was considered by Planning Committee on 21 July 2010 and it was resolved to visit the site.

The site lies within the Primarily Residential Area. Policy MD6 requires that any food and drink use must not cause significant harm to residential amenity and that any upper floors be restricted to person(s) employed in the proposed. The building is single storey and therefore the concern for residential use above is not relevant.

The key issue for consideration is the effect of the proposed café on the residential amenities of neighbouring properties. The refusal of planning permission for a similar use in 2001 is pertinent to the consideration of the application.

The site is approximately 5 metres from the neighbouring residential property to the west, 74 Sonning Avenue. This property has two non-habitable room windows facing the site. Properties to the south are at a distance of approximately 20 metres. To the rear is a servicing area which is access via a gate to the east and is not generally available for customers to use.

In considering the impact the proposed use will have on the residential amenity of neighbouring properties, the scale of the use, (including the number of people employed and the number of customers), opening hours and potential for noise and odours from the premises must all be considered.

The proposed use is as a café with 20 covers. Opening hours are intended to be between 7.30 am and 5.00 pm. Tuesday to Friday, employing 2 full-time and 4 part-time staff.

There are shops in the vicinity of the application site with no restrictions to opening hours. The premises was formerly used as a shop and laundrette with no hours

restrictions. The opening of the premises at 7.30 am is not considered to cause undue noise and disturbance above that which is already experienced in the surrounding area. Indeed opening until 18:00 hours is considered to be reasonable and not to result in a loss of residential amenity. Therefore given the scale of the proposal, the former use of the property and its position within a shopping parade and the proposed opening hours, the principle of the proposed use is considered to be acceptable.

Whilst the applicant does not intend to open at weekends at this time, it is considered unreasonable to further restrict opening times on Saturdays and Sundays.

It is accepted that car parking may not be available for all customers and employees visiting the site. However, some employees and customers will arrive on foot or by public transport. There is some car parking available at the rear and front the site and overall, it is not considered that the application could be refused due to a lack of dedicated car parking.

With regard to the potential for odours from the café to cause nuisance to the neighbouring properties, the proposed flue is considered to give adequate ventilation and given the relationship between the site and the dwelling to the west, this is not considered to result in a loss of residential amenity. The anticipated noise level of this ventilation system is 52 db(A) at a distance of 3 metres and this is acceptable within this residential area.

Whilst an application for the change of use of the property to a hot food take-away was refused in 2001, the nature of that use is considered to be significantly different from the current proposal. The hot food take-away was intended to be open until 22:30 hours and the number of vehicular and pedestrian movements to and from such a use is considered to be much greater than for a café. Therefore the overall impact of a hot food take-away on the surrounding residential area is considered to be much greater than the currently proposed café.

The proposed internal ramp will provide access to the café for people using wheelchairs.

Response to Objections

Neighbours have raised other issues in respect of the proposals, particularly the potential for anti-social behaviour and litter and compliance with environmental protection regulations.

In respect of anti-social behaviour, the proposed scale of use and opening hours is not considered likely to result in people waiting outside the property. Similarly the use as a café is less likely to result in litter outside of the premises as a hot food take-away. Compliance with Environmental Protection regulations including the suitability of the property is not a matter for consideration in determining the planning application.

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