

Committee: **PLANNING**

Date of Meeting: **12 JANUARY 2011**

Title of Report: **S/2010/1592**  
**23 Orrell Road, Bootle**  
(Netherton & Orrell Ward)

Proposal: Change of use from A1 retail to A5 hot food takeaway, including a new shop front and roofing over rear yard and side passageway to provide storage area (re-submission of S/2010/0335 refused 24/06/2010)

Applicant: Mrs Pei Hui Zhu Yang Sing

## **Executive Summary**

At their meeting on 15 December 2010, Members indicated that they were minded to approve this application and requested a further report to include conditions.

**Recommendation(s)                      Approval**

## **Suggested Justification**

It is considered that this proposal, by reason of its siting and design, would have no significant detrimental affect on the amenities of the adjoining premises or on the shopping arcade as a whole and therefore it complies with UDP Policies CS3, DQ1, EP6, H10, MD5 and MD6.

## **Conditions**

1. T1 Time Limit - 3 years
2. X1 Compliance
3. B-2 Hot Food takeaways (opening hours)
4. P-5 Plant and machinery
5. P-8 Kitchen Extraction Equipment
6. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until a Traffic Regulation Order (TRO) to control on-street parking at the junction of Orrell Road and Cinder Lane has been made and the associated traffic signs and carriageway markings have been implemented in full.

## **Reasons**

1. RT1
2. RX1
3. RB-2

4. RP-5
5. RP-8
6. RH-1

## **Drawing Numbers**

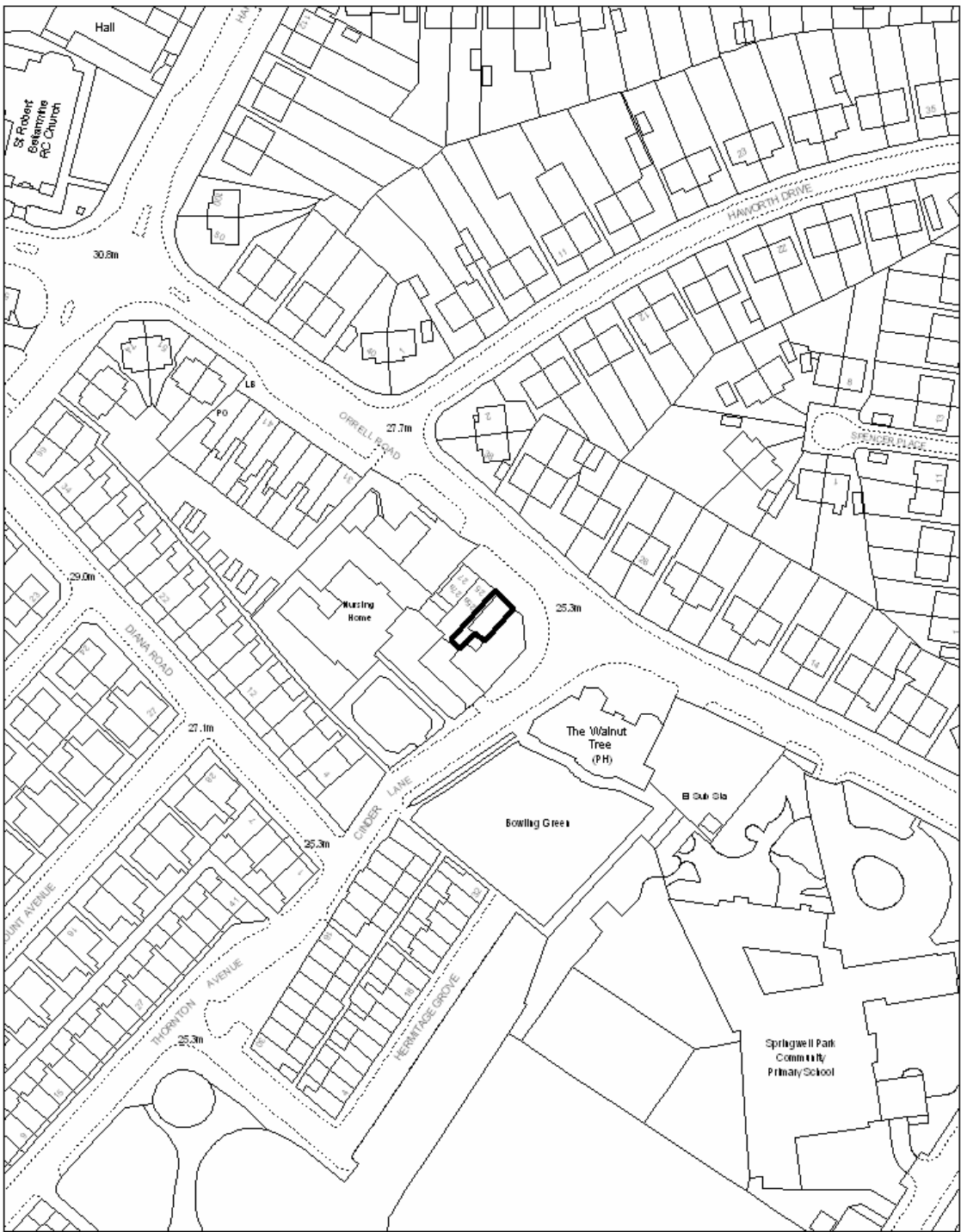
Location plan, Extract & Ventilation system statement, Electrostatic Precipitator, Drgs. 95.01, 02A, 03A, 04, 05a submitted on 12th November, 2010.

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
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  
Planning & Economic Regeneration is part of the  
 Regeneration & Environmental Services Directorate

S/2010/1592  
 23 Orrell Road  
 Bootle  
 L20 6DU  
 OSGR: 334782, 397124    Sheets: 900    Area: 91 sqm

**Standard Site Plan**  
 Scale: 1:1250  
 Date: 29/12/2010  
 Drawn By: BEERT on

Ward(s): Netherton & Orrell  
 Postcode Sector(s): L20 6  
 Polling District(s): D2  
 Parish(es): None Found

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## Background

Members agreed the principle of this proposed change of use at their meeting on 15 December 2010. A copy of the previous report is attached.

Since that meeting a further response from Highways Development Control has been received as follows :

Following the decision at the Planning Committee on the 15/12/2010 to approve the planning application S/2010/1592, mitigation measures will be required to stop obstructive parking taking place at the junction of Orrell Road and Cinder Lane. These measures will involve the introduction of junction protection at the junction of Orrell Road and Cinder Lane, in the form of double yellow lines which will prohibit waiting at any time.

As a result the following condition will need to be attached to any approval notice:-

Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until a Traffic Regulation Order (TRO) to control on-street parking at the junction of Orrell Road and Cinder Lane has been made and the associated traffic signs and carriageway markings have been implemented in full.

Comments including suggested conditions had previously been received from the Environmental Protection Director and have been incorporated into the suggested conditions.

Members are also requested to endorse the justification suggested above.

Contact Officer:                    **Mrs S Tyldesley**      **Telephone 0151 934 3569**

Case Officer:                        **Mr P Negus**            **Telephone 0151 934 3547**

Committee: **PLANNING**

Date of Meeting: **15 December 2010**

Title of Report: **S/2010/1592**  
**23 Orrell Road, Bootle**  
(Netherton & Orrell Ward)

Proposal: Change of use from A1 retail to A5 hot food takeaway, including a new shop front and roofing over rear yard and side passageway to provide storage area (re-submission of S/2010/0335 refused 24/06/2010)

Applicant: Mrs Pei Hui Zhu Yang Sing

## **Executive Summary**

The proposal within a residential area would be detrimental to both residential amenity and highway safety and therefore should be refused.

## **Recommendation(s)                  Refusal**

### **Reasons**

1. The proposal would be detrimental to the residential amenity by reasons of smell, noise, litter and disturbance by the comings and goings of vehicles and pedestrians. The development is therefore contrary to UDP Policies H10 and MD6.
2. The proposal would be detrimental to highway safety on account of its location in close proximity to the junction with Orrell Lane/Cinder Lane. The proposal is therefore contrary to UDP Policy AD2.

### **Drawing Numbers**

Location plan, Extract & Ventilation system statement, Electrostatic Precipitator, Drgs. 95.01, 02A, 03A, 04, 05a submitted on 12th November, 2010.

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
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<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2010/1592		Standard Site Plan	
	23 Orrell Road Bootle L20 6DU OSGR: 334782, 397124		Sheet(s): 900	Area: 91 sqm
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.          Sefton Council Licence No. - 1000181921</small>			Scale: 1:1250 Date: 1/12/2010 Drawn By: EBERT on <div style="text-align: right;"> </div>	
<small>Created by Sefton Council Planning &amp; Economic Regeneration Department using MapInfo</small>			Ward(s): Netherton & Orrell Postcode Sector(s): L20 6 Polling District(s): D2 Parish(es): None Found	

S/2010/1592



## The Site

Comprises a terraced shop premises No 23 Orrell Road, Bootle on the South side of Orrell Road near its junction with Cinder Lane.

## Proposal

Change of use from A1 retail to A5 hot food takeaway, including a new shop front and roofing over rear yard and side passageway to provide storage area. (Re-submission of S/2010/0335 refused 24/06/2010)

## History

S/2010/0335 - Change of use to an A5 Hot Food takeaway - Refused 24/06/2010.

## Consultations

*Highways DC* - Object on highway safety issues. The proposal is unacceptable.

There is a single yellow line on the north-east side of Orrell Road which prohibits waiting Mon-Sat 0900-1700. There are also zig-zag markings which prohibit parking and stopping at all times within the controlled area of the existing 'zebra' crossing. In addition, there are carriageway markings which extend across the frontage of the shops, which identify the 'part of the carriageway adjacent to the edge which vehicular traffic should not enter unless it is seen by the driver to be safe to do so'.

However, there are no waiting restrictions around the junction of Orrell Road and Cinder Lane and site observations have shown that vehicles are often parked around the radius of the Orrell Road and Cinder Lane junction, particularly on the north-west side. Aerial, 'bird's eye' and 'street view' photographs available on google maps and bing maps have also been checked and show parked vehicles around the radius of the junction, although information relating to the times and dates of these photographs is not available.

Parked vehicles severely limit the inter visibility between drivers travelling along Cinder Lane and pedestrians crossing the road near the junction with Orrell Road. Indeed, the interrogation of accident records held by Merseyside Police for the junction of Cinder lane and Orrell road reveal that there has been two recorded injury accidents within the last five years. One of these accidents involved a pedestrian who had stepped out between two parked cars into the path of a third.

Given the likely levels of vehicular traffic one could expect to be generated by a busy hot food takeaway and the obvious desire for drivers to park as close as possible to their destination, it is reasonable to expect an increase in parking around the radius of the junction, both in terms of numbers of vehicles being parked in the daytime and during the extended period into the evening when the takeaway will be at its busiest. In view of the above, the operation of a hot food takeaway at this application site will intensify parking around the radius of the junction and exacerbate the highway safety concerns relating to pedestrians having to cross Cinder Lane by walking between

parked cars.

The Highways Team recommends that permission be refused on the grounds that the proposal would be detrimental to highway safety and would therefore be contrary to UDP Policy AD2.

This is because there is a history of accidents in this vicinity and they are concerned that the increased levels of traffic associated with the proposed use would increase the risk.

*Environmental Protection* - No objections in principle.

## **Neighbour Representations**

Last date for replies: 10/12/10. Letters of support submitted with the application from the staff of the Orrell Grange Nursing Home in Cinder Lane and Nos 25 and 25 a Orrell Road believing that the proposal will not unduly affect the amenities of these neighbouring properties.

Two letters of objection from No 2 Haworth Drive and No 30 Orrell Road re implications for traffic increase, vermin and litter.

## **Policy**

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

CS3	Development Principles
DQ1	Design
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
MD5	Commercial Frontages and Security shutters
MD6	Food and drink uses.

## **Comments**

This application is an exact replica of the previous refusal except that this time there are letters of support for the proposals which have been submitted by a number of local residents (see above).

The premises are located within a Primarily Residential Area where the most important consideration in assessing the acceptability of the proposal is the effect upon residential amenity in terms of noise and disturbance. Policy H10 advises that changes of use will only be permitted where no significant harmful affect would be caused to the amenity of adjacent and residential premises and to the residential character of the area.

Policy R7 advises that in established shopping parades, proposals for change of use will only be permitted where the parade suffers from a lack of investment and high vacancy rates, the proposal would bring the property back into beneficial use, which

otherwise may remain vacant or in poor physical condition, there would be no adverse affect on neighbouring properties and the viability of the shopping parade would not be harmed.

It is my opinion that this parade does not suffer from a lack of investment, all of the shops on the rest of the parade being occupied and I do not believe that this property would remain unused for long should the development proposed not go ahead. Added to this the premises are currently in a good state of repair.

Policy MD6 states that proposals for A5 Hot Food Takeaways will only be permitted provided they would not cause significant harm to the amenity nor result in a grouping of similar uses which would harm the character of the area.

There is currently a Hot Food Takeway establishment at No31 which enjoys the benefit of a long established use which operates to the normal opening hours associated with such a use.

The other shops in the parade include a Post Office, a general store, a butchers and a betting shop.

There are two flats above the neighbouring shops at Nos 25 and 27. The flat at No25 has a side window which faces towards this property and is separated from it by a 1m wide alleyway. In addition there is a care home for the elderly immediately behind the site and houses opposite.

As part of the proposal, it is intended to cover over the rear yard by building a single storey extension for storage purposes and at the same time, it is also intended to cover over the side passageway between this property and No 25. A side door will be inserted into the side elevation of this property to allow access and for employees of the shop to reach the bin area which could lead to additional noise nuisance to the flat above.

The Planning and Economic Regeneration Director considers that, given the close proximity of the premises to residential properties and the close proximity of the care home to the rear, it is likely that additional noise and disturbance through increased comings and goings, smells, litter, late night gathering, would adversely affect individual amenities and the character of the residential area in general.

Having taken all of the above into account, it is recommended that planning permission be refused.

Contact Officer:                   **Mrs S Tyldesley      Telephone 0151 934 3569**

Case Officer:                       **Mr P Negus            Telephone 0151 934 3547**