

Committee: **PLANNING**

Date of Meeting: **09 February 2011**

Title of Report: **S/2010/1742**
340 Moorhey Road, Maghull
(Sudell Ward)

Proposal: Change of Use from Retail (A1) to Hot Food Takeaway (A5) including the erection of an extraction chimney to the rear

Applicant: Mr David Miles

Executive Summary

The proposal is for change of use from retail (A1) to hot food takeaway (A5) including the erection of an extraction chimney to the rear. The issues to assess are impact on residential amenity, impact on the street scene, ventilation and extraction.

Recommendation(s) Approval

Justification

The proposal is appropriate in this location and will not have a significant detrimental impact on residential amenity and the restriction of hours of operation will ensure no significant impact occurs. The proposal therefore complies with policies MD6, H10 and EP2 of Seftons' Adopted UDP.

Conditions

1. T-1 Full Planning Permission Time Limit
2. P-5 Plant and machinery
3. P-8 Kitchen Extraction Equipment
4. B-2 Hot Food takeaways (opening hours)
5. X1 Compliance

Reasons

1. RT-1
2. RP-5
3. RP-8
4. RB-2
5. RX1

Drawing Numbers

DS10/30/01, DS10/30/02, 1032-001A, 1032 -002A, 1032 - 003, 1032-004, 1032-005, 1032-006, site plan & location plan

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
 Planning & Economic Regeneration is part of the
 Regeneration & Environmental Services Directorate

S/2010/1742
 340 Moorhey Road
 Maghull
 L31 5LR
 OSGR: 337817, 401281 Sheets: 1/30 Area: 105 sqm

Standard Site Plan
 Scale: 1:1250
 Date: 23/1/2011
 Drawn By: BEERTON

Ward(s): Sudell
 Postcode Sector(s): L31 5
 Polling District(s): A1
 Parish(es): Maghull Cp

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 Planning & Economic Regeneration Department using MapInfo
 Sefton Council Licence No. 1000181921

The Site

A vacant single storey retail unit situated at the end of a single storey parade of shops on a small service road to the north west of Moorhey Road at its junction with Old Hall Close.

Proposal

Change of Use from Retail (A1) to Hot Food Takeaway (A5) including the erection of an extraction chimney to the rear.

History

None

Consultations

Environmental Protection Director – no objection in principle subject to conditions re

- installation of plant and machinery,
- kitchen extraction system
- hours of business limited to 09.00 – 23.00 Sunday to Thurs and 09.00 – 23.30 Friday and Saturday.

Highways Development Control – No objection, the proposed development is within a residential area however there is sufficient on street parking within close proximity to the site, with no reported accident taking place on the highway within a 75 metre radius in the last 5 years. Although the proposed development is likely to generate an increased number of trips to Moorhey Road and the surrounding residential roads, the proposed development is considered not to be a detriment to highway safety.

Merseyside Police Architectural Liaison – No comments other than to support the proposal in principle.

Neighbour Representations

Last date for replies: 1 February 2011

Letters/emails of objection received from 148, 195, 197, 328, 334a, Moorhey Road 126 Grosvenor Road, 28 Broxholme Way and 4 Old Hall Road which was accompanied by an objection containing 23 signatures.

•This area of shops already attracts gangs of children/youths who can be intimidating/boisterous/noisy affecting local residents' daytime and evening. An increase in the amount of youths loitering around the premises would lead to more antisocial behavioural problems already experienced by neighbours.

•Already a massive problem with rubbish without a takeaway added to it, increased discarded litter/food trays will attract vermin and detract from appearance of area.

•3 existing hot food takeaways all 5mins away and 4 pubs within walking distance that serve food are sufficient to serve needs, no passing trade for this business

•Existing PRM convenience store open until 10.30 is bad enough with cars pulling up and doors slamming.

- Extra traffic/ existing parking inadequate/irresponsible parking would occur causing danger to pedestrians /parking problems
- Smell of food and grease/noise of extractor fans
- Effect on property value/future sale
- Will attract wrong element of people
- High proportion of elderly residents in area in bungalows and flats – noise/ traffic would be a nuisance and hazardous

Policy

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

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

Comments

The site is a single storey retail unit on the corner of Moorhey Road and Old Hall Road; there is a service road to the front and access road to rear servicing area at the rear adjoining the side boundary with 4 Old Hall Road. Adjoining is a launderette with 3 beauty establishments/hairdressers, dog grooming parlour, graphics/promotional products, foodstore and barbers occupying other units in the parade.

The site is 9m wide and 13m deep, single storey with a hipped roof. The service road, grassed area and Moorhey Road to the front separate the site from the two storey flats across the road, properties to the side in Old Hall Road are single storey retirement bungalows and to the rear two storey dwellinghouses.

Policy MD6 states that food and drink uses in primarily residential areas will be not be permitted unless they would not cause significant harm to residential amenity and the residential use of upper floors is limited to person(s) employed in the proposed food/drink use.

Applications for hot food takeaways have previously been refused at 330 Moorhey Road in August 1986 - S/26491 and in November 1986 - S/27025 and at 332 Moorhey Road in August 1989- 89/0639/S for reasons that they would detract from the amenities of local residents by reason of smell emanating from the premises and the increase in late night noise and activity in this predominantly residential area.

As part of the proposal an extraction flue enclosed in a brick chimney stack would be set back from the rear elevation some 3.5m and is on the inside of the rear gable. The brick chimney stack would appear 'residential' in character and conceal the standard steel extraction flue from view reducing visual impact in the area while also providing sufficient extraction system required for the operation of the premises.

Odours emitting from the takeaway would be controlled by a scheme of odour control - required by the Environmental Director to be submitted and approved by the Local Planning Authority prior to the use commencing.

The opening hours for the proposed use are 11.00am – 2.30pm and 4.30pm – 10.30pm Monday to Saturday and 4.30pm – 10.30pm on Sundays and Bank Holidays which are in line with the existing opening times of the foodstore at 330 Moorhey Road. This will enable nearby residents to continue to enjoy the existing the level of peace during night time hours that should be expected in a residential area.

The use of the premises as a takeaway is not considered to create any significant additional activity in the parade of shops that currently exists and is supported in principle by the Merseyside Police and the Councils Highway Development Control section who comment 'although the proposed development is likely to generate an increased number of trips to Moorhey Road and the surrounding residential roads the proposed development is not considered to be a detriment to highway safety'.

Parking for the parade of shops is available on the access road to the front which negates any requirement for visitors to the premises having to park outside residential properties in the area

Given the single storey nature of the site the question of the occupation of the upper floor is not a consideration.

With regard to objections received:

- the nature of a parade of shops is to attract customers, the possible increase in use by all ages is seen as a positive way forward and is supported by Merseyside Police
- there are bin facilities in the area
- the number of existing similar establishments in the area is not a planning issue
- proposed opening hours are in line with existing opening hours of PRM convenience storey at 330 Moorhey Road
- possible increase in cars visiting the premises isn't considered to create significant highway problems
- odours from premises would be addressed by the installation of a kitchen extraction system to be required by condition
- effect on property values/future sale is not a planning issue
- hot food takeaways attract all ages of clients
- noise /traffic not considered to be significantly increased on that existing

The previous refused applications on 330 and 332 Moorhey Road in the parade of shops relate to properties immediately adjoining residential properties that would have created a more significant and detrimental impact on residential amenity of the adjoining properties.

In conclusion, while the site is in a residential area the proposed hot food takeaway complies with the requirements of policies H10 and MD6 on the basis that it will not have a significant detrimental impact on residential amenity.

Recommend planning permission is granted.

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

Case Officer: **Mrs Joy Forshaw Telephone 0151 934 2212**