

Committee: **PLANNING**

Date of Meeting: **07 April 2010**

Title of Report: **S/2010/0159**  
**19 Forest Road, Southport**  
(Kew Ward)

Proposal: change of use to a hot food take-away and construction of an access ramp to the front of the premises.

Applicant: Mr S Basanmay

### **Executive Summary**

The main issue to consider is the impact of the proposal on neighbouring residential amenities. Whilst the site lies within a parade of commercial units there are residential properties close-by.

**Recommendation(s)                      Approval**

### **Justification**

The proposed development by reason its siting and design, would have no significant detrimental effect on either the character of the street scene or on the amenities of the neighbouring occupiers and therefore complies with UDP policy AD2, DQ1, H10, MD6 & EP6.

### **Conditions**

1. T-1 Full Planning Permission Time Limit
2. B-2 Hot Food takeaways (opening hours)
3. The first floor accommodation shall be occupied by person(s) associated with the business use (A5) of the ground floor.
4. P-5 Plant and machinery
5. P-8 Kitchen Extraction Equipment
6. M-1 Materials (matching)
7. X1 Compliance

### **Reasons**

1. RT-1
2. RB-2
3. To protect the residential amenities of the occupiers of the first floor to comply with policy H10.
4. RP-5
5. RP-8
6. RM-1
7. RX1

### **Notes**

1. Note: The applicant will need to enter into an agreement under Section 115e of the Highways Act 1980 to enable the ramp to be legally placed on the public highway.
2. Note: The Council's costs for processing and issuing a licence under Section 115e of the Highways 1980 are £1,000.00. Please contact the Highways Development Control Team Tel: 0151 934 4175 for further information.

### **Drawing Numbers**

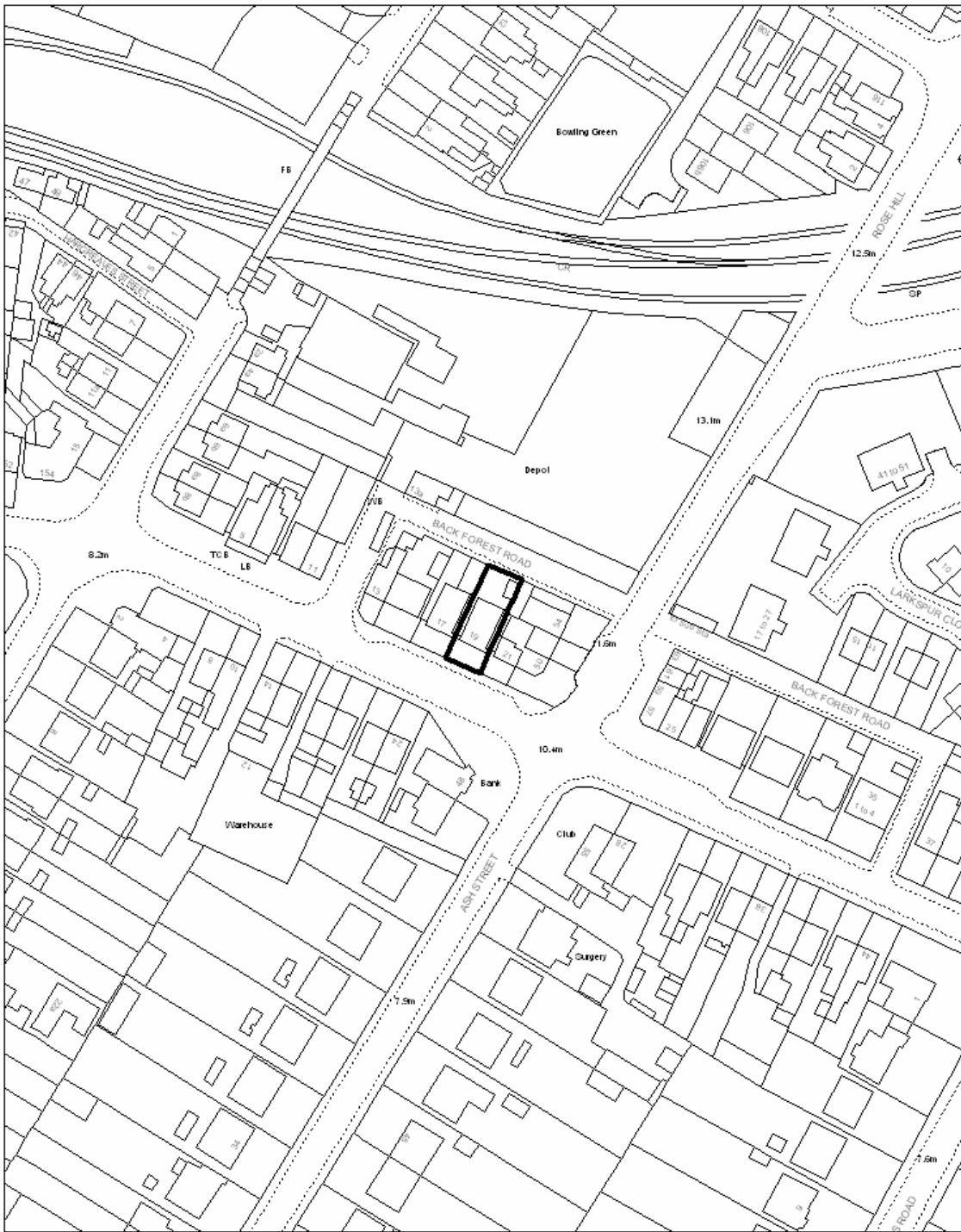
location plan, kitchen extraction details, W.10/03/01, 02, 03, 04

## 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/2010/0159

19 Forest Road  
Southport

OSGR: 334613, 416713

Sheets: 4/0C

Area: 247 sqm

## Standard Site Plan

Scale: 1:2250

Date: 19/3/2010

Drawn By: BBERT on



Ward(s): *Kew*  
Postcode Sector(s): *PR8 6*  
Polling District(s): *T4*  
Parish(es): *None Found*

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## **The Site**

A detached two storey building situated on the north side of Forest Road. The building is currently vacant but was previously used as an off-licence. The site lies within a parade of commercial units to Forest Road and Ash Street. The character of the area is a mix of dwellinghouses (Nos. 13,15 & 8-24 opposite) but with commercial units at Nos. 5-11 Forest Road and to the Ash Street properties. Some of the commercial units have flats above.

## **Proposal**

Change of use from an off-licence to a hot food take-away and construction of an access ramp to the front entrance

## **History**

N/17945 New shop front – granted 01/03/1982

## **Consultations**

Highways Development Control – no objections. The applicant will need to enter into an agreement under Section 115c of the Highways Act 1980 with regards to the access ramp (note added)

Environmental Protection Director - no objections. Recommend that conditions be attached for additional details to be submitted regarding noise from the kitchen induction/extraction systems and the control of odours. In addition that the occupation of the first floor accommodation be restricted to person(s) associated with the business use on the ground floor.

United Utilities – no objections, foul drains must have adequate grease traps

Merseyside Police –no comments

Merseyside Fire and Rescue Authority – the applicant is required to carry out a fire risk assessment

## **Neighbour Representations**

Petition from No. 17 Forest Road with over 25 signatures.

Letter of objection from Nos.17 & 20 Forest Road re: area already served adequately by hot-food take-aways (some deliver), opening times proposed will lead to people under the influence of alcohol, lead to anti-social behaviour, already suffer from incidents of arguing and fighting, provide congregating point, hours not acceptable given residential area, business operate 9am - 5pm except South Garden which closes by 22.30 Monday to Friday and 22.00 hours on Sunday, inappropriate given young children resident in the area, extra

litter, limited parking in area, increased traffic, healthy eating/obesity concerns.

## 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  
EP6     Noise and Vibration  
H10     Development in Primarily Residential Areas  
MD6     Food and Drink Uses

## Comments

The main issues to consider are compliance with policy and the impact on neighbouring residential amenities.

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

The Design and Access Statement states that the upstairs accommodation will be used by people associated with the hot-food take-away. It should be noted that the unit is detached from adjacent properties and that there is a Chinese take-away at No. 17 and a sandwich shop at No. 21.

There are flats above some of the units and there are dwellinghouses opposite and at Nos. 13 & 15. Details have been submitted with regards to noise and odour control and the Environmental Protection Director considers that subject to additional details the proposal would not cause a nuisance to neighbouring residential amenities in terms of noise and odour control from the kitchen extraction systems. Conditions have been attached requiring further details to be submitted.

The Highways Development Control Officer has no objections to the proposals. Waiting restrictions are in place to prohibit parking close to nearby junctions. There is however unrestricted parking space generally available in front of this block of shops and there is potential for some short-term parking to take place in nearby residential side roads. He considers that there will not be any highway safety issues arising as a result of parking associated with the operation of the premises as a hot food take-away.

The hours of operation proposed are 11.00 to 23.30 hours Monday to Friday, 11.00 to 23.30 hours Saturdays and 11am to 23.00 hours on Sundays and Bank Holidays. A standard hours condition for a hot food take-away is however considered appropriate (i.e. until 23.00 Sunday to Thursday and 23.30 hours Friday and Saturday) as there are residential properties in the vicinity. Given the existing Chinese take-away and the previous use of the premises as an off-licence it is considered that, on balance, no significant increase in noise and disturbance would be created to neighbouring residential amenities. Concerns for the potential for anti-social behaviour are considered to be insufficient to refuse the application.

An access ramp is also proposed to the front of the premises to comply with policy AD2 and the Highways Development Control Officer considers that there is sufficient space to ensure the free flow of pedestrians.

## **Reasoned Justification**

The proposed development by reason its siting and design, would have no significant detrimental effect on either the character of the street scene or on the amenities of the neighbouring occupiers and therefore complies with UDP policy AD2, DQ1, H10, MD6 & EP6.

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

Case Officer:                        **Miss L Poulton     Telephone 0151 934 2204**

NEW DOCUMENT  
4 - MAR 2010  
INFORMATION

Koon Yau Chu  
17 Forest Road  
Southport  
Merseyside  
PR8 6ST  
Tel: 01704 530215

To whom this may concern,

We, the undersigned, object to the planning, application ref: S/2010/0159 (opening hot food takeaway) on a number of concerns such as there being more than enough takeaways within the community and several other concerns. There are almost a dozen (hot food) takeaways within a 4-5 mile radius in the location of the new takeaway which some also deliver, so I have problems seeing why we need another takeaway within the community.

Yet another problem that faces the community is the extra litter that comes with takeaways, the amount of rubbish that you see on the streets from food or rappers being thrown on the floor is outrageous. This destroys the look of the community, we all are supposed to be proud of living in. this also adds to my concern that with the already limited parking in the area for the residents were the takeaway is being planned, adding this will increase the traffic in an already busy road and the extra parking that people will need will cause problems for other residents that live in the area.

The government is going on about eating healthy and changing the way we eat for the better but this is certainly not helping the neighborhood from the increasing obesity problems surrounding the UK.

Another concern is this will encourage anti social behavior with an increase of the "yob" culture hanging around these establishments at late night causing trouble in the community.

As you can see from the petition that there are a number of people who agree that we don't need another takeaway in the community. From the people I asked there were only 5 people who didn't have a problem with the new opening of the takeaway.

I ask you to please to consider the views of the community that we don't need this new takeaway.

Yours faithfully

*K.Y. Chu*



**Petition**

Against the opening of a new (hot food) takeaway on 19 Forest Road

Name	Address	Signature
Mohammed	116 Duke St	Mohammed
<del>Paul</del>	144 Virginia St	<del>Paul</del>
A. Bennie	9 Forest Rd	A. Bennie
<del>Paul</del>	VIRGINIA ST.	<del>Paul</del>
D. Wright	1 Aveling Dr	D. Wright
C. KENSON	25 SCARISBRICK NEW	C. KENSON
J. Johnson	SCARISBRICK NEW ROAD	J. Johnson
A. KENNEDY	107 A. W. TREE RD	A. Kennedy
W. Croppes	27 Kingston Cres	W. Croppes
3 in 3 another garden	3 Home A	3 in 3 another garden
PETER BARKER	92 GUILDFORD ROAD	P. Barker
M. SINCATION	90 LYMAN RD	M. Sincation
T. BOACOMAN	91, VIRGINIA ST	T. Boacomman
Ann Lloyd	Back Forest Rd	Ann Lloyd
Delek Sutcliffe	BACK FOREST RD	Delek Sutcliffe
Simon Houldcroft	North Road	Simon Houldcroft
Lee Finlay	HAMPEATH ROAD	Lee Finlay
STEPHEN M. WINDING	FOREST RD	Stephen M. Winding
3 Tate	Kensington Rd.	3 Tate
W. WARTHAUSE	8 Forest Rd	W. Warthouse
R. Coker	100 Huby Ave	R. Coker
L. HARRO	1a Cemetery rd	L. Harro
PAUL LENNON	P. Lennon	118 Cemetery Rd,
S. CHOWN	79 Upton St	S. Chown
C. STEPHANSON	6 Clifton Rd	C. A. Stephenson
T. Russell	6 Clifton RD	T. Russell
S. GILBERT	123 KENSINGTON RD	S. Gilbert
E. Dakin	Margreaves St	E. Dakin
E. HOWARD	ASH STREET - 3rd	E. Howard
J. PUGH	11 HAIG AVE	J. Pugh
P. CHOW	71 VIRGINIA ST	P. Chow
Ching Weng	11 HAMPTON ROAD	Ching Weng
M. KERS	9 Forest Rd.	M. Kers
A. DUMMER	1 Forest Rd.	A. Dummer
S. Smith	4 Forest Rd.	S. Smith
I. Anderson	CEETAR CT.	I. Anderson