

Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0412**  
**97 Park Lane, Netherton**  
(Netherton & Orrell Ward)

Proposal: Change of use from retail (A1) to cafe (A3)

Applicant: Mr J Ferguson

### **Executive Summary**

This application is for change of use of one half of a double retail unit to a daytime cafe. A petition and individual objections have been received. The issues mainly concern highway safety and local amenity but impact on the shopping parade and visual impact should also be considered.

**Recommendation(s)                  Approval**

### **Justification**

It is considered that this proposal would have no significant detrimental affect on highway safety, on the amenities of the surrounding premises on the vitality/viability of the shopping parade or on the visual amenity of the street scene, and therefore it complies with Policies H10, R7 and MD6.

### **Conditions**

1. T1 Time Limit - 3 years
2. X1 Compliance
3. P-5 Plant and machinery
4. P-8 Kitchen Extraction Equipment
5. The premises shall not open outside the hours of 0700-1800 Monday- Sunday.

### **Reasons**

1. RT1
2. RX1
3. RP-5
4. RP-8
5. In the interests of residential amenity.

## **Drawing Numbers**

Drawing 11 Hex 2 submitted on 13th May,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/2010/0412  
 97 Park Lane  
 Netherton  
 L30 1QB  
 OSGR: 338067, 398435    Sheet(s): 1128    Area: 74 sqm

**Standard Site Plan**  
 Scale: 1:1250  
 Date: 20/3/2010  
 Drawn By: BEERT on

Ward(s): Netherton & Orrell  
 Postcode Sector(s): L30 1  
 Polling District(s): D4  
 Parish(es): None Found

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## **The Site**

Comprises a single storey terraced retail shop premises No 97 Park Lane, Netherton.

## **Proposal**

Change of use from retail (A1) to cafe (A3)

## **History**

S/1996/0658 Demolish the first floor above the existing shops . Approved 16/1/07.

## **Consultations**

*Public Protection*- No objections subject to Conditions.

*Highways DC*- No objections.

## **Neighbour Representations**

Last date for replies: 30/4/10. Two neighbour objections from 108 and 114 Park Lane and a Petition consisting of 26 names against the proposal re noise, litter, youths congregating , already enough food outlets and highway issues.

## **Policy**

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

H10 Development in Primarily Residential Areas  
R7 Local Shopping Parades  
MD6 Food and drink uses

## **Comments**

The issues to consider here are the affects that this proposal will have on the amenities of the surrounding premises, on highway safety and on the shopping parade as a whole.

The property subject of this application is a former chandlers store No 97 Park Lane, Netherton.

The proposal is for change of use of the premises to a café.

The property, currently is vacant, and occupies two units. The idea is for the change

of use of No 97 to the café with No 99 being renovated to form a single retail outlet.

The unit to be the café is the end unit on a single storey block of shops on Park Lane. Along this row and the row on the other side of Brecon Walk there are an assortment of shops normally associated with a local shopping parade comprising uses such as a general store, a post office, a Sayers, a newsagents, a hot food takeaway and a betting shop.

The premises is situated in an area allocated as Primarily Residential on the UDP for Sefton and therefore Policy H10 Development in Residential Areas is relevant.

This Policy states that development will normally be allowed where it will not have a detrimental affect on the amenities of the surrounding premises and where it will otherwise be compatible with the surrounding area.

The nearest house to this development is immediately to the rear and is situated 7m away. The nearest houses opposite the premises are some 50 m distant.

Policy R7 Local Shopping Parades states that development will normally be allowed where a premises is brought back into use which otherwise may remain vacant and where the proposed use would not harm the overall provision of facilities and the appearance of the area.

Policy MD7 Food and Drink Uses states that uses will normally be allowed where they will not harm the amenities of nearby premises , where they will not lead to a grouping of such uses and where any external ventilation /flues will not harm residential amenity.

The applicant has stated that the premises are to be used as a café with limited opening times which will mean that the premises will not be open late into the evening. As this café will only be opened during normal shopping hours I do not believe it will adversely affect the neighbouring properties and the flue /ventilation systems to be installed can be conditioned so as to be acceptable.

In front of the premises there is a lay by to enable off road parking.

There has been a Petition against the proposal citing noise nuisance, potential highway issues, litter, late night gathering of youths and the fact that there are already sufficient outlets in the area serving food and drinks together with two neighbour letters of objection on the same grounds. At the time of writing this Petition has not been endorsed by a Councillor.

Some of these objections relate to evening opening which is not proposed and will be restricted by condition. No highways issues are raised by the Highways Development Control Team and noise/fumes issues will be dealt with by Conditions. The number of outlets in the area is not a relevant consideration in this case.

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