



# ROMAN SUMMER

Planning Department  
Sefton Council  
Magdalen House  
30 Trinity Road  
Bootle  
L20 3NJ

Our Ref: RG/G267/L001  
Date: 13 April 2024

Dear Sir / Madam

**284 STANLEY ROAD, BOOTLE, L20 3ER  
CHANGE OF USE FROM CLASS E (VACANT SHOP) TO HOT FOOD TAKEAWAY (SUI GENERIS)  
AND ASSOCIATED EXTRACTION FLUE AT REAR**

We are instructed by Derwent Lodge Estates Limited to submit the enclosed application seeking planning permission for the change of use of the above premises to a ground floor hot food takeaway (*sui generis*) with ancillary storage, administrative space and staff welfare facilities on the first floor, and the installation of an associated extraction flue at the rear.





## Background / History

The established use of the application premises is Class E. It was most recently occupied – from October 2021 until March 2024 - as a newsagent. Regrettably that business failed and defaulted on lease payments, and as such was subject to eviction.

Prior to that it had been occupied as a bookmaker by William Hill pursuant to permission DC/2015/01494 (approved in October 2015) for:

*"Change of use from solicitor's office (A2) to betting office (sui generis), including the installation of a new shop front, replacement of two air conditioning condenser units with three air conditioning condenser units, installation of one satellite dish and one TV aerial"*

William Hill closed the branch ahead of its lease break in August 2020. The property was then marketed (see *Annex A*), resulting in its occupation by the newsagent.

In view of its current vacancy, the unit is now being re-marketed by Hitchcock & Wright.

We suggest that the above is evidence of the marginal operating potential at this location. Over the past decade, three different businesses – solicitors; bookmaker; and newsagent – have tried to operate successfully from the premises, and all have failed. This application is therefore an attempt to secure a new use that is hoped will prove to be more viable and longer term.

## The Proposal

Our client has been approached by two hot food takeaway operations expressing potential interest in occupying the unit, but subject to obtaining planning permission.

The end user is not fixed at the point of submitting this application, and as such we are not in a position to confirm the precise details of the operation (or the food it will serve) and are therefore seeking a generic permission to enable any hot food takeaway to occupy the premises.

No external alterations are proposed, apart from the need to install an extraction flue to serve the takeaway at the rear of the property. As a consequence of not yet knowing the end user, the position and size of the external flue is shown indicatively on the submitted drawings. The exact position of the ultimate flue may be subject to a small degree of tolerance, and we would request a condition to require the submission and approval of the precise details once an end user is in place and detailed specialist advice has been taken having regard to the actual operation.



Likewise, the operational hours of the business are not yet known, but in view of its central town centre location and the absence of proximate residential accommodation, the application proposes opening times of 12pm until 12pm (midnight) Monday to Sunday inclusive. By way of proxy, while the original approval of the adjacent McDonalds takeaway (ref: S/21646) is not available online (reflecting that it was approved over 30 years ago in October 1983), our understanding is that it opens until 3.45am (see extract below from McDonalds' website).

Allergen PDF booklet Franchising Careers

Menu ✓ McDonald's app MyMcDonald's Rewards

[Search for Another Restaurant](#)

**Bootle**

**280/282 STANLEY ROAD**  
BOOTLE, L20 3ER

[Get Directions](#) | 0151 933 0463

**We're open now** Close at 03:45 AM

Order Delivery

It is also worth noting that the property includes two parking spaces at the rear within its legal demise, which we anticipate will be predominantly used by staff.

### Policy Considerations

The Local Plan for Sefton was adopted on 20th April 2017. The extract on the following page from its Policies Map confirms that the site is located within the Town Centre and forms part of both the Primary Shopping Area and Primary Retail Frontage. It also falls within the wider Regeneration Area.

Considering those policies, Policy ED6 'Regeneration Areas' identifies regeneration objectives for the 'Bootle Central Area', which include:

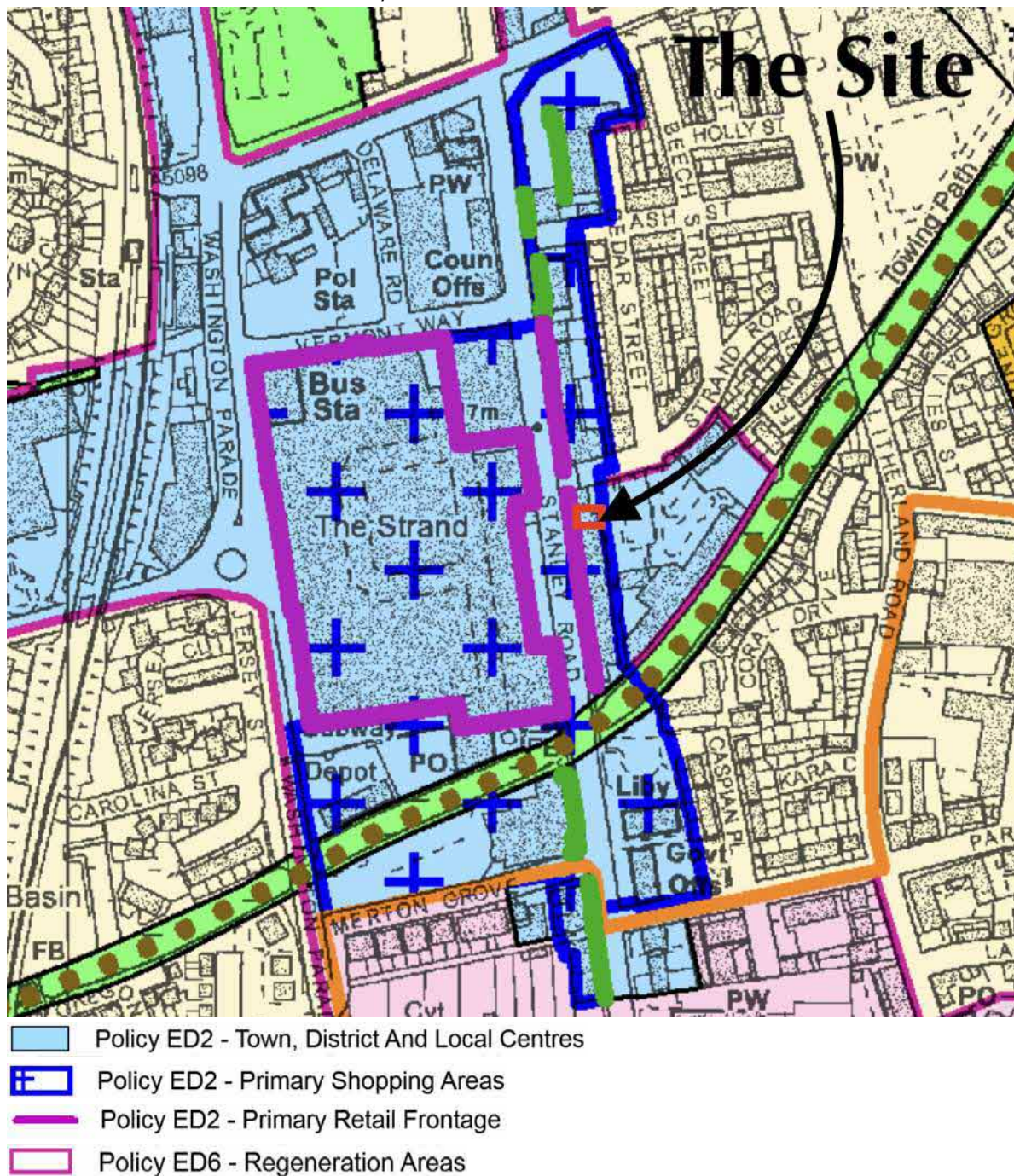
The refurbishment, re-use or redevelopment of vacant office blocks and other vacant / under-used land for appropriate new uses; and



The development of new restaurants, leisure facilities, hotels, and **other appropriate uses** within the Central Area, subject to policy ED2 'Retailing, Leisure and other Town Centre Uses'.

We suggest that there is no conflict with the above policy. It is proposed to reuse a vacant unit in the heart of the town centre, where past attempts to secure viable uses have been less than successful. Hot food takeaways (subject to over proliferation) are clearly appropriate uses in all town centres.

*Extract from Local Plan Policies Map:*





Policy ED2 'Town, District and Local Centres' states that retail, leisure and other main town centre uses as defined in the NPPF will be directed towards the Borough's existing centres. It also states that planning permission will only be granted for development which is appropriate to the role and function of each centre. Again, provided there is not an over-proliferation, hot food takeaways are appropriate and commonplace in town centres, and in this case we suggest that the proposal is perfectly appropriate to the role and function of Bootle Town Centre.

Part 4 of the policy states that, within Primary Shopping Areas, proposals for non-retail uses compatible will be permitted providing that:

- a. the overall retail function of the Centre would not be undermined;
- b. the use would make a positive contribution to the overall vitality and viability of the Centre; and
- c. it would not result in an unacceptable cluster of non-retail uses.

It adds that, within the primary retail frontages, it is expected that 70% of units should fall within the A1 (retail) Use Class.

There is no inconsistency with the above policy. The reuse of this unit as a takeaway (which was most recently approved by the LPA as a non-retail use – a bookmakers) will clearly not undermine the retail function of the Town Centre, and – by making good use of a vacant unit in a centre that shows clear evidence of struggling in respect of its high vacancy rate – we will serve to enhance the vitality and viability of the centre far more so than a 'blank' frontage.

In respect of the requirement that the extent of Class A1 retail uses ought not to reduce below 70% in the Primary Retail Frontage, the evidence provided at *Annex B* (based on a comprehensive investigation of the entirety of Bootle Town Centre conducted on 2<sup>nd</sup> April 2024) confirms that the proportion of former A1 (now Class E) units is 77.5%. That said, the use of this unit as a takeaway will not reduce the extent below 70%.

For the above reasons, it is evident that the proposal is consistent with Policy ED2.

Policy EQ1 'Healthy Sefton' seeks to maximise opportunities to improve quality of life by, *inter alia*:

*'Appropriately locating ..hot food takeaways [inter alia]..which have health impacts, having regard to other land uses in the local area.'*

The policy's explanatory text notes (at §10.4) that Sefton has higher than national average levels of people who live in poor health and childhood obesity. It points to various studies, including the 2012 Joint Strategic (Health) Needs Assessment, which points to, *inter alia*, the need to provide affordable and healthy food.



Here it is worth noting that, while the perception of hot food takeaways is that they serve unhealthy food, that is not always the case. For example – by way of one proxy – the following weblink discusses the nutritional value of fish, chips and peas and indicates that the meal is not as unhealthy as perceptions might suggest: <https://www.nfff.co.uk/pages/nutritional-info>

Furthermore, many takeaway operations offer healthy / healthier options as this is a growing sector of the market.

It is also worth adding that the application premises could be continue to be used as a shop, a café or a restaurant without the need for planning permission, and any of those uses could readily sell food just as healthy or unhealthy as a hot food takeaway. Indeed, a shop might sell intrinsically unhealthy goods such as sweets, crisps, chocolate, cigarettes, high sugare content drinks, alcohol, vapes and ‘legal highs’. This factor was recognised by Inspector Robbie in allowing appeal APP/Z5630/W/22/3307281 (15 Ace Parade, Chessington KT9 1DR) in July 2023, when he opined that:

*‘The Use Class E status of the appeal site means that other than its current use as restaurant it could be used as a shop or a restaurant without the need for planning permission. As either a restaurant or a shop the premises could sell food deemed as unhealthy as that of a hot food takeaway.’*

Policy EQ10 ‘Food and Drink’ deals specifically with proposals for food and drink uses. This states that such proposals will only be permitted when:

- a. They would not cause significant harm to local amenity.
- b. They would not result in unacceptable groupings of similar uses where they would harm the character of the area, the vitality and viability of a centre or harm public health.
- c. Any external ventilation and extractor systems do not significantly harm the external appearance of the building or the street scene, nor harm the residential amenity of neighbouring properties through noise or odours.

In response to the above, we suggest that the introduction of what will be a modest scale takeaway in this vacant central town centre unit will not cause harm to local amenity (certainly not ‘*significant*’ harm). Indeed, the viable reuse of a vacant unit in a town centre which is evidently experiencing a worryingly high vacancy rate will contribute more positively to local amenity than will an empty ‘closed’ unit (where past attempts to secure a viable end use over the past decades have largely failed).

In respect of the ‘*grouping*’ point, the proposal will abut McDonalds, but would not – we suggest – form a ‘*grouping*’ as such. There will simply be two takeaways adjacent to each other, not a ‘group’.



In respect of the proposed external flue, this will be located discretely at the rear (see below and as marked indicatively on the elevation drawing), and there are no proximate residents who would experience noise or odour. We anticipate that the precise details of the flue will be subject to a condition, and it will of course be designed to the correct environmental health requirements / legislation.



Part 2 of the policy states that, in order to address the problem of obesity amongst children, proposals for hot food takeaways within 400 metres of secondary schools and FE establishments will not be permitted. In this case, the site is not within 400 metres of such an establishment. Notwithstanding that, the policy makes it clear that that restriction does not apply to locations in designated town centres such as this.

In view of the above, we suggest that there is no conflict with Policy EQ10.

Having regard to the above assessment, we conclude that the proposal is consistent with the most relevant policies of the development plan.



## Control of Hot Food Takeaways and Betting Shops SPD

This SPD supplements Local Plan policies EQ1 'Healthy Sefton' and EQ10 'Food and Drink'.

§4.1 states that (with our emphasis):

*'In line with policies EQ1 and EQ10 [see Appendix A] consideration should be given to the location of new hot food takeaways and betting shops in order to prevent over proliferation in certain areas and discourage unhealthy lifestyle choices. **These uses will therefore normally only be permitted in designated Town, District or Local Centres or Shopping Parades and not elsewhere in Primarily Residential Areas.***

The SPD sets out three key policy tests to establish the appropriateness of takeaways in a given location.

The first test is set out under §4.2, which states that:

*'To address the issue of overconcentration and unacceptable groupings, planning permission for a hot food takeaway or betting shop will only be granted provided that it will not result in the percentage of that use in a centre or parade exceeding 5% of total commercial units.'*

At Annex B, we provide the results of our investigations of Bootle Town Centre (undertaken on 2<sup>nd</sup> April 2024), which concludes that – perhaps surprisingly – there are only 4 hot food takeaways in the entirety of the Town Centre, equating to just 2.4%. On that basis, the change of use of the subject premises to a takeaway will not come close to tipping the balance to 5%.

The second key test is set out under §4.3, which states that:

*'Further to the above, it is expected that a proposal for a takeaway or betting shop should not cause the percentage of total units in A1 use in primary retail frontages to fall below 70% through the approval of a hot food takeaway or betting shop.'*

Our survey of the town centre's primary shopping frontages / area reveals that 77.5% of the units are either in active or (where vacant) established 'shop' use (ie former Class A1), so again the change of use of the subject premises to a takeaway will not come close to 'tipping the balance' below 70%.

We acknowledge that the third key SPD test does not apply in this case because the unit has only recently started to be marketed following the eviction of the previous tenant. However, it is worth highlighting this policy test as set out under §4.4 of the SPD:

*'In centres and parades **where the vacancy rate is above 20%**, exemptions will be made to the change of use to a hot food takeaway or betting shop, subject to other primary planning considerations, if the applicant can demonstrate that a unit has remained vacant after being actively marketed for a minimum of one year.'*





Setting aside the marketing period, we suggest that a material consideration in the assessment of this application is that our site investigations reveal that a worryingly high 35.5% of units across the town centre are vacant. This proposal will assist in addressing that in small part by making good and efficient use of a vacant unit, for which the past three attempts to secure a viable long term use have sadly failed.

We understand that one factor in that high vacancy rate might relate to the regeneration proposals planned for part of The Strand. We have noted the EIA Screening undertaken in November 2023 in respect of the partial demolition of certain structures within The Strand; remodelling and extension works to the retained structures; and the enhancement of the 'meanwhile uses' along the canal-side section of The Strand. It is explained that the proposed demolition will include the removal of a footprint area of approximately 5,755m<sup>2</sup>, comprising the 1,735m<sup>2</sup> Palatine, 795m<sup>2</sup> of Mons Square, 770m<sup>2</sup> of Stanley Road and a canopy area of 2,455m<sup>2</sup>.

We are also aware of the recent (5<sup>th</sup> December 2023) approval of application DC/2023/01735, which promoted the partial demolition of The Strand and associated highway works, temporary landscaping and making good of the site for future redevelopment.

In view of that, it is unsurprising that parts of The Strand present a somewhat 'stranded' appearance, with considerable vacancies. However, the Applicant in this case can only address policy requirements as those apply at the point of submitting this application, and cannot second guess the content, outcome, timing or delivery of a future application that might promote new buildings and uses on those parts of The Strand that are to be redeveloped, which we understand will be mainly focused on traditional forms of retailing and Class E commercial leisure operations (pubs, restaurants and similar) as opposed to hot food takeaways.

On the basis of the above assessment, it is our contention that this proposal is consistent with the *Control of Hot Food Takeaways and Betting Shops SPD* as a material consideration.

### **Compliance with the NPPF**

The NPPF is another important consideration.

Fundamentally it promotes sustainable development, the efficient and optimum use of accessible brownfield land / buildings, and encourages retailing and 'other main town centre uses' (which include takeaways) in established town centres. §90 states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation, by (*inter alia*) :

*'allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses ... and reflects their distinctive characters'*



§96 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

We suggest that there is no conflict with the NPPF. Hot food takeaways are a generally positive contributor to the quality of lives, used positively by a broad sector of society. The LPA has put in place carefully formulated policies that exercise control over such uses, making it clear that – subject to avoiding over-proliferation and the undermining of the core retail function (none of which will occur in this case) – hot food takeaways are acceptable in town centre locations such as this.

Having regard to the above assessment, we have concluded that the proposal is consistent with the principal policies of the development plan and also both the Council's SPD relating to hot food takeaways and the NPPF as important material considerations. We accordingly commend the details of the application to the LPA and urge its approval.

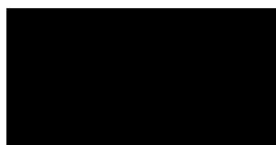
### **Application Content**

This application comprises :

- Application form
- This covering letter
- The following drawings (CLA) :
  - 24-032-100 P1 – Site Location Plan
  - 24-032-101 P1 – Site Plan
  - 24-032-105 P1 – Existing and Proposed Plans
  - 24-032-110 P1 – Existing and Proposed Elevations

We look forward to receiving confirmation of receipt and validation of the application, and please do not hesitate to contact Richard Gee at the above offices if further information is required.

Yours faithfully  
for Roman Summer Associates Ltd



Richard Gee  
**Director**



## Annex A

### Marketing by Hitchcock Wright in both 2021 and 2024

# PRIME RETAIL UNIT TO LET



£25,000 per annum



## 284 STANLEY ROAD, BOOTLE, LIVERPOOL, MERSEYSIDE

### LOCATION

The property is centrally located within the prime retail centre of Bootle directly opposite the principle entrance to The Strand Shopping Centre and next door to Macdonalds. The majority of regional and national High Street retailers are located within the immediate area in particular Hatwest Bank, Gamestation, Pound World and Shoe Market. The property benefits from its High Street location but also its proximity to The Strand Shopping Centre and car park facilities.

Bootle as a centre serves the surrounding South Sefton / North Liverpool populations and has an administrative and education centre in its own right. Population is boosted on a daily basis.

### DESCRIPTION

Located on the east side of Stanley Road, adjacent to The Strand Shopping Centre, the property is of modern construction under a tile covered pitched roof arranged at ground and first floor with servicing at the rear.

### ACCOMMODATION

We have measured the premises in accordance with the RICS Code of Measuring Practice (6th Edition) and provide the following approximate areas:

Ground floor sales	72 sq.m.	775 sq.ft.
First floor comprising Offices/ Storage/Kitchen/Staff Accommodation	57 sq.m.	614 sq.ft.

The accommodation is well configured and fitted out to a high standard including air conditioning and gas fired central heating through wall filled radiators.

### LEASE

The premises are available by way of a new lease for a period of 10 years drafted on full repairing and insuring terms.

### RENT

£25,000 per annum exclusive

### BUSINESS RATES

For information on terms please visit the Valuation Office website. We are advised that the premises have been assessed with effect from 01/04/2010 as follows:-  
Rateable Value - £19,500.

### EPC

Certificate Number: 0010-4944-0369-2650-3044  
Energy Performance Asset Rating: C-71

### VAT

All rents, prices and other figures included in these particulars are quoted net but may be subject to the addition of VAT.

### LEGAL COSTS

Each party to be responsible for their own legal costs in connection with the preparation and documentation and any Stamp Duty thereon.

### ANTI-MONEY LAUNDERING

In accordance with Anti-Money Laundering Regulations, we are required by law to verify the identity of the proposed purchaser/tenant once a transaction has been agreed and before issuing contract documentation, to prevent fraud and money laundering. This will usually take the form of a passport/driving licence and a recent utility bill.

### VIEWING & FURTHER INFORMATION

For viewing and further information please contact John Barker or Matt Kerrigan of Hitchcock Wright & Partners.

Tel. No.  
E-mail:



Subject to Contract  
Details Updated May 2021

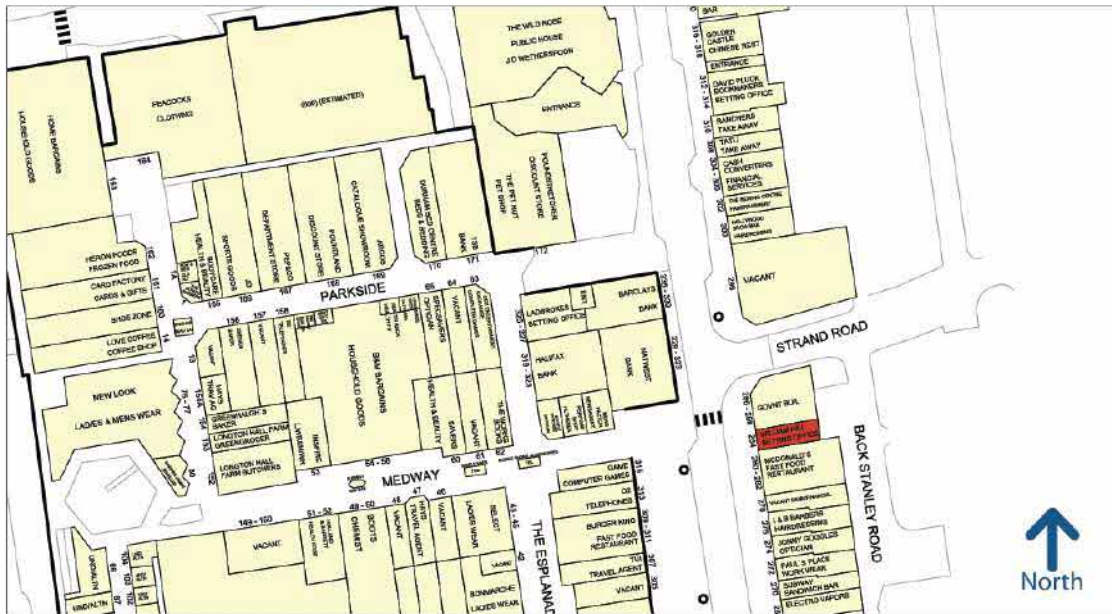


### Stanley Road 284, Bootle, Liverpool, Merseyside



experian.

0151 227 3400



Experian Good Plan Created: 25/05/2021  
Created By: Hitchcock Wright and Partners

Copyright and confidentiality Experian, 2020. © Crown copyright and database

For more information on our products and services:

Misrepresentation Act 1967. These details are provided only as a general guide to what is being offered subject to contract and subject to lease being available and are not intended to be construed as containing any representation of fact upon which any interested party is entitled to rely. Other than this general guide neither we nor any person in our employ has any authority to make, give or imply any representation or warranty whatsoever relating to the properties in these details.



**ANNEX B**

Survey of Bootle Town Centre uses undertaken on 2<sup>nd</sup> April 2024

FORMER A1 USE [NOW CLASS E]	TAKEAWAY USE	OTHER USE [NON-A1 / NON-TAKEAWAY]	VACANT [NB THIS INCLUDES UNITS THAT ARE ALSO INCLUDED IN COLUMNS ON LEFT]
MAIN FRONTAGE OF STRAND [WEST SIDE OF STANLEY ROAD] [PRIMARY RETAIL FRONTAGE AND AREA]			
11	1 [BURGER KING]	3	11
INSIDE STRAND [UPSTAIRS] [WEST SIDE OF STANLEY ROAD] [PRIMARY RETAIL FRONTAGE AND AREA]			
65	NIL	5	23
INSIDE STRAND [DOWNSTAIRS] [WEST SIDE OF STANLEY ROAD] [PRIMARY RETAIL FRONTAGE AND AREA]			
27	NIL	4	19
VERMONT WAY [WEST SIDE OF STANLEY ROAD] [PRIMARY RETAIL FRONTAGE AND AREA]			
-	NIL	1	-
STANLEY ROAD - EAST SIDE [PRIMARY RETAIL AREA]			
16	3 [RANCHERS, HUNGRY GREEK, MCDONALDS]	9	4
SOUTH OF CANAL [PRIMARY RETAIL AREA]			
6	NIL	3	-
STANLEY ROAD – NORTH OF STRAND UP TO MARSH LANE [PRIMARY RETAIL AREA]			
5	NIL	1	1



REMAINDER OF DEFINED TOWN CENTRE [NOT PRIMARY]			
1	NIL	8	2
<b>TOTALS:</b>			
<b>131</b>	<b>4</b>	<b>34</b>	<b>60</b>

### OUTCOME

TOTAL UNITS IN ENTIRE TOWN CENTRE [COMBING PRIMARY AND NON-PRIMARY] = 169

% TAKEAWAYS [AGAINST ENTIRE TOWN CENTRE] = 2.4%

% OF FORMER A1 USE IN PRIMARY RETAIL AREA / FRONTAGE = 77.5%

% OF VACANT UNITS [ACROSS ENTIRE TOWN CENTRE] = 35.5%

---