

Town and Country Planning Act 1971.

Local Inquiry - Appeals by Mr. M. Georgiou against Liverpool City Council

- 1). Enforcement Notice dated 11th October 1977 in respect of a breach of planning permission dated 4th October 1976 in that the premises 173 Grange Lane, Liverpool 25 remain open for the sale of hot take away food after 11.00 p.m. on weekdays and
- 2). The decision of the Council on 10th October 1977 to refuse the application to permit the continuation of the use of the premises without complying with a condition of the original planning permission relating to the hours of opening.



SUBMISSION OF THE GATEACRE SOCIETY.

Sir,

I am Sylvia Mary Lewis, a resident in Gateacre, having lived in Grange Lane for the last 20 years. I am the Honorary Secretary of the Gateacre Society, a local amenity society formed in 1974 and registered with the Civic Trust for the North West. The Society has just under 200 members who live in Gateacre, bring up their children there and who care about the environment in which they live. I have been asked to make the representations of the Society in support of the Liverpool City Council against the extension of the opening hours of the hot take-away food shop at 173 Grange Lane.

Sir,

In support of the City Council may we draw your attention to :-

- 1). The report of the City Planning Officer dated 9th January 1969 when the Gateacre Village Conservation Area was first proposed -  
"... until quite recently the village was set in rural surroundings ... and is in danger of losing its remaining village character .. the area covered by these proposals still retains much of the charm of the old village and is an important historical link that merits Conservation Area status..".  
The appeal site lies within the Conservation Area and special powers have been granted, and again I quote "... to ensure that any change is for the better ...". (copy attached - Appendix A).
  - 2). The Department of the Environment's revised List of Buildings of Special Architectural or Historic Interest for Liverpool was confirmed on the 14th March 1975 and includes over 80 'buildings' within the Gateacre Conservation Area; this number includes the cobbled forecourt of the Black Bull, the Wilson Memorial Fountain and the Queen Victoria Jubilee Memorial - both on Gateacre Green, and several buildings by eminent architects, all forming a group with the row of shops in which the appellant's premises are situated. (map attached - Appendix B).
  - 3). The history of this shop is complicated, going back to early 1975, when the Society - foreseeing some of the problems which might arise, objected to the first planning application for a hot take-away food shop at this address. (copy letter - Appendix C).
- Nevertheless, permission was granted on 4th October 1976 Ref.No. L243877 with conditions which included -
- a). "the equipment, fume extraction system and external extractor duct shall be installed in accordance with a scheme as may be agreed with the local planning authority, or in default of agreement as shall be determined by the Secretary of State".
  - b). "the hot food shop hereby permitted shall not remain open for the sale of food after 23.00 hours on weekdays and shall not be open to the public at any time on Sundays".

These conditions are identical with those laid down by the Secretary of State for the Environment regarding 181 Grange Lane and were "imposed in the interests of the amenity of local residents".

With your permission I propose to confine myself to the annoyance caused to local residents arising from non-compliance with these conditions since the premises opened for business on 16th May 1977.



a). Fume Extraction:

It was not until August 1978 that the extraction flues were moved into such a position that they ceased to be a serious loss of visual amenity to the residents of 171 and 157 Grange Lane, both members of this Society, and for some 16 months they had to suffer considerable distress in terms of smell, noise, greasy vapour and interference with the view, particularly from the first floor living room windows of immediate neighbours. All this distress could have been avoided if the proprietor had complied with condition (a) and had the plans for this unit agreed before opening.

The fume extractor unit still only consists of a most unsightly pair of galvanised flues, not the brick built flue which was proposed for these residents approval on 21st March 1978, and is not worthy of a Conservation Area.

(photographs - Appendix D)

b). Closing hours:

Since the premises opened on the 16th May 1977 there has been a consistent and deliberate ignoring of this condition. I understand from neighbours that never, on any occasion, has the shop been seen to be closed at 11 p.m. I have passed the shop numerous times myself between midnight and 1.00 a.m. and seen the doors open and customers being served. Many of our members have reported similarly. At one time in April 1977 there was a notice in the window saying that the shop was "open until 11.30 p.m." and in October 1977 a notice saying "open until 11.30 p.m. - closed on Sundays until further notice".

We appreciate that the shop provides an amenity to local residents within certain hours, but not late at night nor on Sundays. After 10.30 p.m. when the public houses close it becomes an attraction for rowdy elements from outside the area, who congregate outside the shop and round the village green - we feel that the many half full and empty food containers, chip papers, cans and vomit found in residents' gardens and driveways in the roads surrounding the area are evidence of this late night non-local use.

Customers also come in cars and taxis causing a serious traffic problem, parking and blocking driveways in South Station Road, double parking in the small lay-by or on pavements and even on the village green.

This late night activity with its disturbance, noise, shouting, arguments, horse-play and fights leads to an ever increasing amount of vandalism, which poses a problem, not only for residents, but for the police who have to be called out on many occasions, and who are always most helpful, but who may be needed elsewhere.

Since May 1977 we list the following acts of vandalism -

- Riding stables (listed) - wastepipes torn away, windows broken.
- Grange Cottage - iron railings smashed.
- Grange Lodge (listed) - coping stones thrown off 7' wall.
- Grangeharst Court - wall coping thrown off.
- Soarer Cottages (listed) - damage to gardens, drainpipes and windows.
- Prudential Offices (listed) - windows broken.
- Queen Victoria Memorial (listed) - bronze bust prized off pedestal  
(erected 1887).
- Chapel (listed) - damage to lychgate, breaking and entering.
- Grange Lane Service Station - coping stones thrown off wall.
- Grange Lane Stores - damage to sign.
- Damage to shrubs and trees on Village Green.
- Items stolen from residents' gardens.
- Graffiti - on walls, buildings etc.

A month ago there was a fight with knives starting outside the shop and ending on the Village Green.

We have not canvassed the area or the list would be very much longer, these items are just those which stand out in my own memory.



We cannot say that all these items are attributable to customers of the hot take-away food shop, but this scale of vandalism was not apparent in Gateacre before the premises were opened. We are of the opinion that since that time there has been a considerable deterioration of the amenities that local residents might reasonably expect to enjoy.

With regard to Sunday opening - Sunday is a quiet day in Gateacre and that is how we would like it to remain. If this shop is allowed to open on that day too, there will be no respite from the erosion of amenities and the deterioration of standards suffered during the week.

We can think of no good reason why the freedom of Mr. Georgiou to sell food at all times on all days can be held to be more important than the freedom of the people of Gateacre to enjoy a reasonable quality of life and sleep peacefully at night.

While appreciating that residents in Conservation Areas do not have special privileges, may we quote from a letter from the Department of the Environment dated 16th September 1976 -

" Conservation Areas ... the local planning authority are required to pay special attention to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers of planning control ".

Acts of vandalism causing damage to property cost money to repair, and in a Conservation Area have to be carried out to a higher standard than might be acceptable elsewhere.

Sir,

We take our Conservation Area seriously in Gateacre, we are proud of our village atmosphere, we cherish our old buildings and our village green, and it is for these reasons that we ask you to confirm the Sunday closing of these premises and, if it is within your power, to limit the hour that they may be open during the week to 10.30 p.m.

(for The Gateacre Society 6th February 1979).