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APP/2009/5394

WARD Hoylake and Meols

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**Location:** Former Griffiths Funeral Home Grange Bank Grange Road West Kirby Wirral, CH48 4DY

**Proposal:** Change of use of class A1 (retail) to class A4 (wine bar with food) and erection of awning and associated external alterations

**Applicant:** Bronzesign Ltd  
4/6 Princess Street  
Knutsford  
WA16 6DD

**Agent:** Mrs Alison Freeman  
Emery Planning Partnership Ltd  
4 South Park Court  
Hobson Street  
Macclesfield  
Cheshire, SK11 8BS

**Development Plan allocation and policies:** Key Town Centre  
Tourism Development Site  
Policy SH1 Criteria for Development in Key Town Centres  
SPD3 - Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments  
PPS6 Planning for Town Centres

**Planning History:** 19959 Change of use from British Legion Hall to funeral director's office A/C  
26/05/1982  
2008/5527 Division of the ground floor of the building to create two A1 shop units,  
internal alterations, rear dormer Approve 10/07/2008

**Representations and consultations received:** A site notice was displayed on the highway 21st April 2009. A total of 10 letters of notification have been sent to properties in the area. At the time of writing this report two individual letters of objection has been received, listing the following grounds:

- Problems with the bins crowding the lane and being put out on Grange Lane;
- The canopy will block the sidewalk;
- West Kirby will become over run with cafes and bars. More daytime shopping is needed.

One email of support was received subject to the hours of opening being 12pm-12am.

Councillor Gerry Ellis requested the application be taken out of delegation citing concerns the site is too close to neighbouring properties and likely to create noise and disturbance to them. There is a shortage of off-street parking and limited on-street parking.

Consultations:

Director of Regeneration - Housing & Environmental Protection Division had no objection subject to the provision of six conditions.

Director of Technical Services - Traffic Management Division had no objection to the proposal.

**Directors comments:** PROPOSAL  
The proposal is for a change of use to a drinking establishment (use class A4) and the erection of an awning. The application form requested opening hours 12.00 hours until 24.00 hours Monday to Sunday. The applicant has subsequently confirmed that he wishes the opening hours to be amended to 1200 hours to 2330 hours.

PRINCIPLE OF DEVELOPMENT

The proposal is considered acceptable under Policy SH1 of the Wirral Unitary Development Plan and SPD3 Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments which encourages A4 uses to be directed towards Key Town Centres.

#### SITE AND SURROUNDINGS

The unit is a former funeral director's office with residential use above situated within the commercial Key Town Centre area of West Kirby. There is a good mix of uses within the immediate vicinity of the site including some residential at first floor and residential properties to the west and north-west on the opposite side of Grange Road. The building is partly 2-storey with a single storey element to the right when viewed from Grange Road with a flat roof above.

#### POLICY CONTEXT

The proposal shall be assessed against the relevant Unitary Development Plan Policy SH1 Criteria for Development in Key Town Centres and SPD3 Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments. This is to be evaluated against the Government's key objectives in PPS6 Planning for Town Centres.

UDP policy SH1 requires that development within Key Town Centres should not undermine the vitality and viability of the area and should have no detrimental impact on highway safety. Care must be taken that the proposal will not cause nuisance to neighbouring occupiers as a result of noise and disturbance, on street parking or delivery vehicles. It recommends suitable conditions should be imposed on hours of opening/operation.

Supplementary Planning Guidance 3 states that restaurants, drinking establishments and hot food takeaways are generally acceptable within Key Town Centres provided it does not harm nearby residential properties. SPD3 recommends a 40-metre separation distance from the main elevation of a dwelling house or a building used solely for self contained flats when measured along a public highway.

The planning system plays a key role in determining the location of development and the impacts of the use which may give rise to pollution, whilst promoting a sustainable pattern of land use that will contribute to meeting the country's economic, social and environmental needs. Planning Policy Statement 23 Planning and Pollution Control states any consideration of the quality of land, air or water and potential impacts arising from development is capable of being a material planning consideration. The Government attaches great importance to controlling and minimising pollution. Its commitment to the principles of sustainable development was set out in A Better Quality of Life - A Strategy for Sustainable Development for the UK. The strategy promotes social progress which recognises the needs of everyone and the effective protection of the environment.

#### APPEARANCE AND AMENITY ISSUES

The Government's key objectives as set out in PPS6 Planning for Town Centres are to promote the vitality and viability of existing centres by encouraging a wide range of services in a good environment which meet the needs of the entire community and are accessible to all. West Kirby's centre already demonstrates a variety of services and is considered to be a centre in a relatively strong condition. There are however several premises which appear vacant in the vicinity.

There are currently five restaurants/cafes, two drinking establishments and two takeaways within 50m of the site. An objection was received concerned that the approval of further similar uses night-time uses would undermine the viability of the area. Policy SPD3 does not have recommended limits of use classes, however it does take into account the cumulative impact of similar uses on the character of the area and the function of the centre. The combination of nine establishments falling under three different use classes is not deemed to be excessive as they cater for a variety of consumer requirements. The planning department cannot insist on the business being a daytime use, and each application is determined on its own merits.

There is national policy encouragement of any development that generates economic growth and employment. The site is currently vacant and therefore the proposal may boost the economic viability of the area and increase the variety of businesses in the

centre.

Supplementary Planning Guidance 3 states that restaurants, drinking establishments and hot food takeaways are generally acceptable within Key Town Centres provided they do not harm nearby residential properties. SPD3 recommends a 40-metre separation distance from the main elevation of a dwelling house or a building used solely for self contained flats when measured along a public highway, which the proposal does not achieve. There is a house opposite the site, however it is considered its presence should not undermine the vitality of the Key Town Centre by preventing uses that SPG3 encourages. As the proposal is in an area of similar uses it is not considered to be detrimental to the amenities that the neighbours should expect to enjoy. It is deemed necessary to condition the hours of opening and implement noise prevention measures to protect neighbouring residents.

The applicant initially requested opening hours 12.00 hours until 24.00 hours in the application form. The neighbouring restaurants "The Wro" and "Terazz" have been approved subject to conditions limiting trading hours until 2330 hours. It is considered it is reasonable to restrict the opening of the proposal to 2330 hours due to the presence of the dwellinghouse within 40m of the site.

The projection of the awning has been reduced through amendment and is now deemed acceptable in terms of scale and design. It is not considered the awning will block the highway. The applicant has included the pavement outside the premises within the site. As such the site would have the potential to have outdoor seating. As the pavement forms part of the adopted highway a licence from Highway Maintenance is required, and any potential highway safety issues can be addressed through this legislation. A condition to prevent the outside area from being used for the consumption of food or drink between the hours of 2130 hours and 1200 hours can be imposed.

#### HIGHWAY/TRAFFIC IMPLICATIONS

Councillor Ellis raised concerns there would be a shortage of off-street parking and limited on-street parking. Policy SPD4 Parking Standards sets out maximum levels of parking provision for change of use proposals. Its objective is to reduce the need to travel by private car and promote the use of public and other means of transport. SPD4 states there is no minimum allowance of car parking for drinking establishments, and as such the proposal complies with these standards.

There is a limited amount of short-stay parking outside the adjacent row of shops on Grange Road and two large public car parks within 340m of the site. There are public transport links along Grange Road and the train station is 114m from the site. Director of Technical Services Traffic Management were consulted and have no objection to the proposal. There are no highway implications relating to this proposal.

#### ENVIRONMENTAL/SUSTAINABILITY ISSUES

The Director of Regeneration Housing & Environmental Protection had no objections to the proposal on the provision of conditions relating to noise reduction measures. Conditions can be imposed for door closing mechanisms, no music in the outside area, and further details of the flue and vents. It is considered this will negate any impact on the surrounding properties. Conditions that are not enforceable or reasonable include controlling when bottles should be deposited. There were no objections from Housing & Environmental Protection regarding bins. There are no environmental/sustainability issues relating to the proposal.

#### HEALTH ISSUES

There are no health implications relating to this application.

#### CONCLUSION

It is considered the proposal complies with the relevant national and local legislation and the change of use of the property to a drinking establishment will not harm the

vitality and viability of the Key Town Centre.

**Summary of Decision:** The proposal complies with Policy SH1 of the adopted Wirral Unitary Development Plan and is deemed not to have an adverse impact on the character of the area, nearby residential properties, or the vitality and viability of the Key Town Centre.

**Recommendation:** **Approve**

**Condition(s):**

- 1 Full planning permission: standard commencement date. (C03A)
- 2 The premises shall be closed between the hours of 2330 hours and 1200 hours.
- 3 The outside area shall not be used for the consumption of food or drink between the hours of 2130 hours and 1200 hours.
- 4 Full details are to be submitted and approved in writing by the Local Planning Authority for a scheme of self-closing mechanisms on all doors between inside and outside areas to the premises. Upon receipt of written approval by the Local Planning Authority all details must be carried out in full and retained as such thereafter.
- 5 No live or recorded music or amplified voices shall be played in the outside area at any time.
- 6 No development shall take place until full details of a scheme for air conditioning and/or ventilation facilities (mechanical or ambient) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and retained as such thereafter.
- 7 No development shall take place until full details of the flue to the kitchen has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and retained as such thereafter.
- 8 Development according to plans received on 08/05/2009. (C24C)

**Reason for conditions**

- 1 Standard (CR86)
- 2 In the interests of amenity.
- 3 In the interests of amenity.
- 4 In the interests of amenity. (CR17)
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- 7 In the interests of amenity. (CR17)
- 8 For the avoidance of doubt. (CR33)

**Last Comments By:** 14 May 2009

**56 Day Expires On:** 29 May 2009

**Case Officer:** Miss S Hesketh

**Notes:**

Informative

A licence is required to put tables or chairs on the adopted highway. Please contact Highway Maintenance (0151) 606 2098.