

Planning Committee

09 August 2011

Reference:
APP/11/00808

Area Team:
North Team

Case Officer:
Mrs S Lacey

Ward:
Liscard

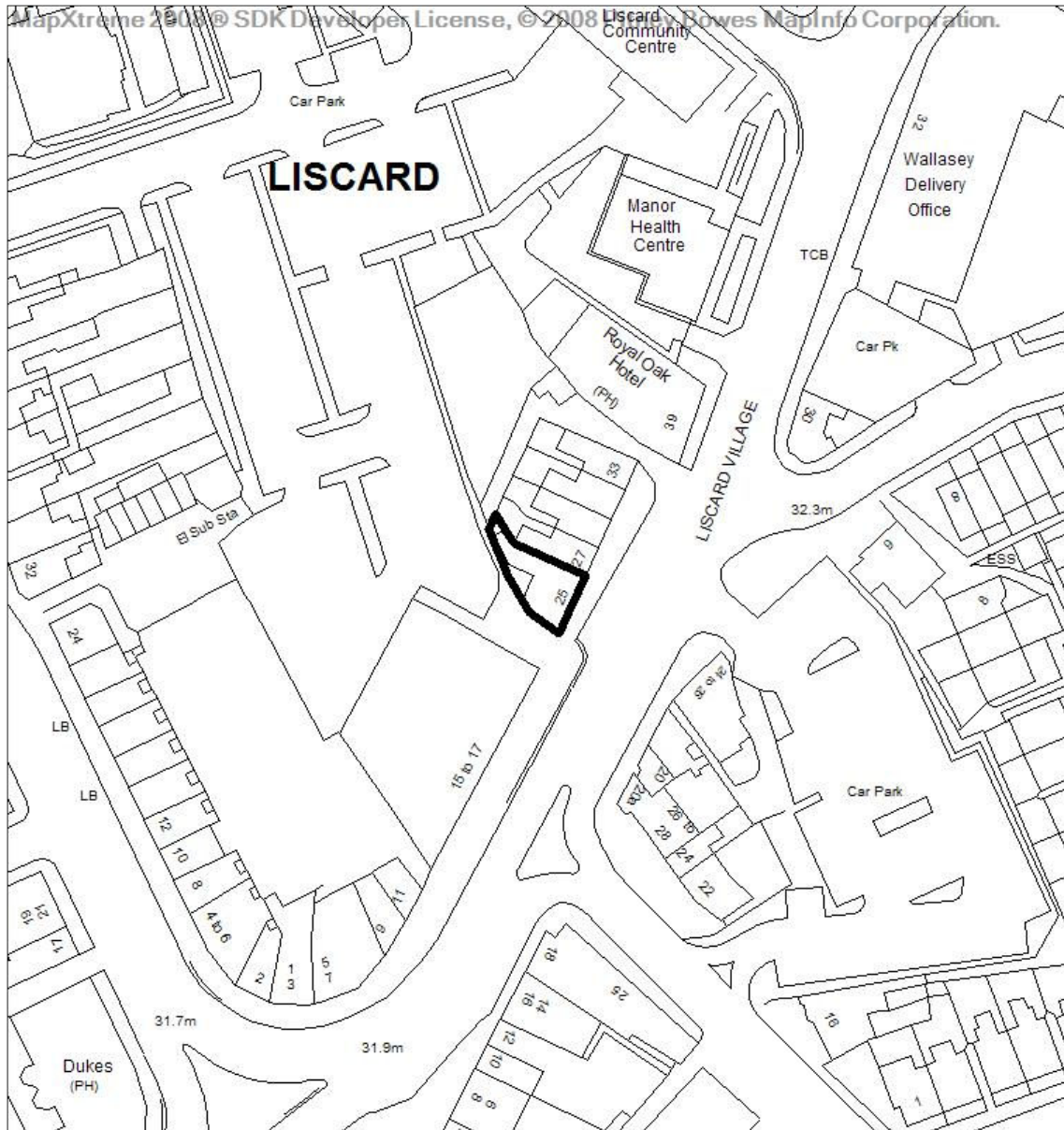
Location: Spring Gardens Greengrocer, 25-25A LISCARD VILLAGE, LISCARD, CH45 4JG

Proposal: Change of use to take away and fish and chip restaurant and shop front alterations

Applicant: Mr Mike Traynor

Agent: SDA Architects & Surveyors

Site Plan:



Development Plan allocation and policies:

Key Town Centre

Planning History:

APP/77/06652 - Change of use of shop to licensed betting office - Approved 24/02/1977

Summary Of Representations and Consultations Received:**REPRESENTATIONS:**

Having regard to the Council's Guidance on Publicity for Applications, 6 letters of notification were sent to adjoining properties and a Site Notice was displayed. At the time of writing this report no objections have been received.

CONSULTATIONS:

Director of Law, HR & Asset Management – Environmental Health Division has no objection subject to conditions requiring a noise insulation scheme and fume extraction.

Director's Comments:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The agents submitting the application are SDA Architects and Surveyors, a partner and architect of which is an elected Member of the Council

INTRODUCTION

The application is for a change of use to a restaurant and hot food takeaway (opening 11:00 hours until 23:00 hours Monday to Saturday, 16:00 hours to 22:00 hours Sunday and Bank Holidays). There are proposed changes to the shop front.

PRINCIPLE OF DEVELOPMENT

The proposal is acceptable in principle under Policy SH1 of the Wirral Unitary Development Plan and SPD3 Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments which encourages A3 Restaurants and A4 Drinking Establishment uses to be directed towards Key Town Centres. In accordance with SPD3, there are no dwellings or purpose built flats within 40m of the proposed use.

SITE AND SURROUNDINGS

The site comprises a vacant commercial unit on a row of retail, hot food takeaway and office units, situated in a Key Town Centre. There is a restaurant opposite the site. There are car parks directly to the rear and opposite the site. The nearest residential property (Manor Road) is 60m away from the site entrance.

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. PPS4 Planning for Sustainable Economic Growth is also considered relevant.

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 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.

APPEARANCE AND AMENITY ISSUES

The Government's key objectives as set out in PPS4 Planning for Sustainable Economic Growth 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. Liscard's centre demonstrates a variety of services although the application site is vacant and there are several premises which appear vacant in the vicinity. There is national policy encouragement of any development that generates economic growth and employment. The proposal is considered to increase the variety of businesses in the centre.

Late night uses such as restaurants, drinking establishments and nightclubs can make an important contribution to the vitality of the shopping centre, especially during the evenings when other shops are closed and "dead" frontages. These uses are best located in Key Town Centres which enjoy a high degree of accessibility by modes of transport other than private car.

SPD3 does not have recommended limits of use classes, however it does require consideration of the cumulative impact of similar uses on the character of the area and the function of the centre. Liscard is a principle town centre with a variety of shops, offices, restaurants, drinking establishments and hot food takeaways, as well as some vacant units. The number of late night uses is not deemed to be excessive as Liscard is the main shopping centre serving Wallasey and the existing uses cater for a variety of consumer requirements and a large catchment area of high density housing. The proposed development would not undermine the viability of the area

The nearest residential property (Manor Road) is 60m away from the site. 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 achieves.

It is considered that there is a sufficient mix of retail and office uses to avoid an over concentration of late night uses and retain the vitality of the town centre.

The Director of Regeneration – Environmental Health Division has no objection to the proposal in relation to noise and disturbance, subject to conditions.

SEPARATION DISTANCES

The proposal is not considered to result in overlooking or loss of privacy to residential properties.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no highway implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The application proposes a use of an existing vacant building. There are no environmental or sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposal complies with Policy SH1 of the adopted Wirral Unitary Development Plan and SPD3 Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments. It 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.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal complies with Policy SH1 of the adopted Wirral Unitary Development Plan and SPD3 Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments. It 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.

Recommended **Approve**
Decision:

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The premises shall be closed between the hours of 23:00 hours and 11:00 hours Monday to Saturday, and 22:00 hours and 16:00 hours Sunday and Bank Holidays

Reason: In the interests of amenity

3. No development shall take place until full details of a scheme for noise insulation between ground floor and first floor residential accommodation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the business is in operation and retained as such thereafter.

Reason: In the interest of amenity

4. No development shall take place until full details of a scheme for fume extraction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the business is in operation and retained as such thereafter.

Reason: In the interest of amenity

Last Comments By: 05/08/2011 14:42:38
Expiry Date: 24/08/2011