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ITEM	APP/2007/6225	WARD Bromborough
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**Location:** Gossip 2 Allport Lane Bromborough Wirral CH62 7HP

**Proposal:** Change of use of pavement to seating area

**Applicant:** Linda Ann Evans  
Leafdale  
Croft Lane  
Bromborough  
Wirral  
CH62 2DB

**Development Plan allocation and policies:** Key Town Centre  
Policy SH1 - Criteria for Development in Key Town Centre

**Planning History:** 2004/6160 Change of use to a coffee shop AC 18/06/2004  
2004/6313 Erection of an illuminated shop sign RI 04/10/2007

**Representations and consultations received:** Representations:  
6 letters of notification were sent to the occupiers of neighbouring properties and the application was advertised with a site notice and the comments received can be summarised as follows:

A letter of objection from The Bromborough Society and a letter of objection from resident of 40 The Rake, and the points of objection can be summarised as follows:

This is an unsuitable area for dining due to heavy traffic and associated pollution from vehicles on Allport Lane.

- The reduction in pavement space would be a hazard, particularly for disabled people.
- The pavement here is very busy and therefore it would be dangerous were people to be forced into the road as a result of the obstruction.
- Wet leaves under tables and chairs could cause people to slip.
- It is creating an eyesore and is of detriment to the character of the neighbouring Conservation Area and Listed Building, and other various buildings of historical import and value.
- Tables and chairs obscure the "Allport Lane" street sign.

The Committee of the St Barnabas Village Centre submitted a petition signed by 31 local residents, objecting on the following grounds:

- The pavements are a public pathway not for people to sit outside and block public access.
- The pavement is on a corner of a busy road, if this is made any narrower it would mean that anybody in a wheelchair, or walking with a pram would not be able to pass without walking on the road, which is very dangerous.

Consultations:

Director of Regeneration - Housing & Environmental Protection Division

Director of Technical Services - Traffic Management Division - No Objection subject to a minimum 2m unobstructed footway past seating area.

Director of Technical Services - Highway Maintenance Section - Tables and chairs cannot be placed on the footway until applicant obtains a pavement café licence

**Directors comments:** PROPOSAL

The proposal is for a change of use of pavement to seating area for the adjacent coffee shop. The seating would be located solely along the 3.323m long splayed corner of the coffee shop and project beyond the existing frontage by under 1m.

PRINCIPLE OF DEVELOPMENT

This proposal is to extend the existing coffee shop use and is acceptable in principle, subject to compliance with the provisions of policy SH1 - Criteria for Development in Key Town Centre of the Wirral UDP.

#### SITE AND SURROUNDINGS

The site is an existing coffee shop on a splayed corner located at the junction of Allport Lane and The Rake in Bromborough Key Town Centre. It's location is opposite a Grade II Listed Building and the edge of the Bromborough Village Conservation Area.

#### POLICY CONTEXT

Policy SH1 - Criteria for Development in Key Town Centres states that such proposals will be acceptable as long as the vitality and viability of any centre, traffic, access neighbouring uses or the character of the area are not unacceptably affected.

#### APPEARANCE AND AMENITY ISSUES

As the tables and chairs are to be located adjacent to the existing frontage where a window is located, the character of the frontage would remain the same, and it is considered that the character of the centre as a whole is not unacceptably affected. There is a condition proposed to ensure a 2m footway width is maintained and as such the scale of the proposal remains to a relatively minor level.

It is accepted that the site lies opposite a Grade II Listed Building and the Bromborough Village Conservation Area, but the small scale nature of the proposals leaves the impact on the appearance of the local buildings of historic import and upon the character of the Conservation Area to an acceptable level.

There are no immediate neighbours affected, apart from neighbouring commercial uses, and it is considered that with a suitably worded condition to control hours of use that the surrounding area would not be unacceptably affected.

#### HIGHWAY/TRAFFIC IMPLICATIONS

The Director of Technical Services (Traffic Management) has returned no objection on highway grounds, subject to a minimum 2m unobstructed footway past the proposed seating area, and a suitably worded condition is added. It is therefore considered that there would be no unacceptable level of obstruction caused to pavement users.

The Highway Maintenance section has stated that tables and chairs cannot be placed on the footway until applicant obtains a pavement café licence, and therefore an Informative is added to the approval stating as such.

The obscuring of the "Allport Lane" sign is not considered to be unacceptable, and Highway Maintenance have not considered this to be problematic, and the hours conditions for use of the pavement limit the times that the pavement café can operate.

#### ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

#### HEALTH ISSUES

There are no health implications relating to this application.

#### CONCLUSION

The proposal is considered to acceptably comply with relevant policy on Key Town Centres relating to effects on neighbouring uses and the character of the area. There would be no unacceptable impacts upon the nearby Listed Building or Conservation Area.

#### Summary of Decision:

The proposal is considered to acceptably comply with relevant policy on Key Town Centres relating to effects on neighbouring uses and the character of the area. There would be no unacceptable impacts upon the nearby Listed Building or Conservation Area. The proposal would not significantly affect the amenities that neighbouring residents could reasonably expect to enjoy or the vitality and viability of any centre. The proposal is acceptable in design terms, complies with relevant policy SH1 and the application is recommended for approval.

**Recommendation:** **Approve**

**Condition(s):**

- 1 Full permission statutory commencement time limit. (C03A)
- 2 The sitting out area subject of this application shall be cleared of all people and tables, chairs and any other furniture between 21.00 hours and 08.00 hours.
- 3 Notwithstanding the details shown on the approved plans, a minimum 2m footway width adjacent to the sitting out area is to be maintained at all times.

**Reason for conditions**

- 1 Standard (CR03)
- 2 So as to protect the character of the area, in relation to policy SH1 of the Wirral Unitary Development Plan.
- 3 So as to maintain an adequate footway width and so as to protect the character of the area, in relation to policy SH1 of the Wirral Unitary Development Plan.

**Last Comments By: 02 August 2007**

**56 Day Expires On: 27 August 2007**

**Notes:**

INFORMATIVE: Tables and chairs cannot be placed on the footway until the applicant has obtained a pavement café licence. You are advised to contact the Highway Maintenance Division of the Technical Services Department at the Cheshire Lines Building, Canning Street, Birkenhead, Wirral CH41 1ND.