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ITEM	APP/2007/6545	WARD Greasby Frankby and Irby
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**Location:** Twelfth Man Greasby Road Greasby Wirral CH49 2PP

**Proposal:** Removal of condition 2 on APP/2007/5403 relating to use of raised decking areas

**Applicant:** The Spirit Group  
c/o Cliff Walsingham & Company  
Brandon House  
King Street  
Knutsford  
Cheshire  
WA16 6DX

**Agent:** Cliff Walsingham & Company  
Brandon House  
King Street  
Knutsford  
Cheshire  
WA16 6DX

**Development Plan** Primarily Residential Area.

**allocation and policies:**

Relevant Policy:

Wirral Unitary Development Plan  
Policy HS15 - Non Residential Uses in Primarily Residential Areas  
SPD3 - Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments.

**Planning History:**

2005/5040 Erection of an extension - Approved  
2005/6741 Retention of various replacement illuminated signs - Approved  
2007/5403 Construction of raised decking areas and erection of 2 jumbrellas - Approved.

**Representations and consultations received:**

Representations:  
28 letters of notification were sent to the occupiers of neighbouring properties and the application was advertised with a site notice and 2 objections were received, objecting on the following grounds:

- Additional noise generated
- Increased risk of drink driving
- Present arrangement is adequate in a residential area

The agent submitted a supporting statement making the following points:  
· The area was previously used with tables and chairs in this position, and led to no complaints to the Council's Environmental Health Officer.  
· There is a busy dual carriageway and bus stops to the front and the residents affected are over 30m away and separated by a vehicular access and landscaping.

Consultations:

Director of Regeneration - Housing & Environmental Protection Division - No Objections  
Director of Technical Services - Traffic Management Division - No Objection  
Police (Licensing) - Any planning application should mirror the existing condition on the licence for the outdoor area to be cleared by 10pm.

**Directors comments:**

Councillor Gardiner requested the application be removed from delegation.

PROPOSAL

The proposal is to remove condition 2 on APP/2007/5403 that prohibited use of the front decking areas between 21.00 hours and 08.00 hours.

PRINCIPLE OF DEVELOPMENT

The principle of extending the beer garden is acceptable subject to compliance with relevant UDP Policy HS15 and SPD 3.

SITE AND SURROUNDINGS

The site is a large brick and render public house set back from Greasby Road. A Travel Inn hotel immediately adjoins the site to the Northeast, and there are residential properties to the rear, to the Southwest and on the opposite side of the main road.

**POLICY CONTEXT**

Policy HS15 of the UDP allows for small scale built development in primarily residential areas where the proposal will not be of an inappropriate scale, result in a detrimental change in character of the area or cause nuisance to neighbouring uses. Supplementary Planning Document (SPD) 3 - Hot Food Takeaways, Restaurants, Cafes, and Drinking Establishments emphasises the need to ensure that the neighbours and character of the area are not adversely affected.

**APPEARANCE AND AMENITY ISSUES**

The increased hours of use are likely to generate increased noise from the use of the existing decking areas than is currently generated due to the current limit of 21.00 hours that was conditioned when the previous application was approved by Planning Committee. Due to this condition being added to the previous application which was decided in April of this year and there being no significant change in circumstances in the intervening period, it is considered that the granting of approval is not appropriate.

It is considered that the proposal would not acceptably comply with relevant policy HS15 of the UDP and SPD3 - Hot Food Takeaways, Restaurants, Cafes, and Drinking Establishments, and the application is recommended for refusal, as it is considered that the proposal would cause nuisance to neighbouring residents.

**HIGHWAY/TRAFFIC IMPLICATIONS**

There are no highway or traffic safety issues relating to these proposals.

**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**

It is considered that the proposal would not acceptably comply with relevant policy HS15 of the UDP and SPD3 - Hot Food Takeaways, Restaurants, Cafes, and Drinking Establishments, and the application is recommended for refusal, as it is considered that the proposal would cause nuisance to neighbouring residents.

**Recommendation:**        **Refuse**

**Reason(s):**

- 1        The Local Planning Authority considers that by reason of noise and general disturbance likely to be generated, the proposed development would be detrimental to the amenities which the occupiers of nearby residential properties could reasonably expect to enjoy.

**Last Comments By:**        **30 August 2007**

**56 Day Expires On:**        **17 September 2007**

**Case Officer:**                **Mr A Wright**