
ITEM	APP/2007/6550	WARD Greasby Frankby and Irby
------	---------------	-------------------------------

Location: 10 Thingwall Road Irby Wirral CH61 3UE

Proposal: Change of use from newsagents to Use Class A3 restaurant and cafe

Applicant: Simon Neilson
17 Albert Road
Hoylake
Wirral
CH47 2AB

Development Plan Traditional Suburban Centre.

allocation and policies:

Policy SH2 Criteria for Development in Traditional Suburban Centres
SPD3 - Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments.
PPS6 Planning for Town Centres

Planning History: None

Representations and Representations:

consultations received: A site notice was displayed by the agent. A total of 7 letters of notification have been sent to properties in the area. At the time of writing this report a qualifying petition of 96 signatures from separate households and three letters of objection have been received, listing the following grounds:

- The proposal will result in a reduction in the mix of businesses in the area and will have a detrimental impact on the business viability of Irby by reducing the variety of businesses that attract people to the village
- It will increase congestion
- It will exacerbate parking problems
- There is an excess of similar establishments in Irby, which has a finite amount of trade, which appears to be reducing, and as such is not viable
- The proposal could be detrimental to other similar businesses

Consultations:

Director of Regeneration - Housing & Environmental Protection Division had no objection on the provision, three conditions relating to noise insulation, a scheme for fume extraction, and opening hours are imposed.

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

Directors comments: PROPOSAL

The proposal is for a change of use from newsagents to Use Class A3 restaurant and café at 10 Thingwall Road, with opening hours 12.00 hours until 23.00 hours.

PRINCIPLE OF DEVELOPMENT

The proposal can be considered acceptable providing it meets the criteria set out in Policy SH2 of the Wirral Unitary Development Plan.

SITE AND SURROUNDINGS

10 Thingwall Road is located within a row of commercial and retail properties in a Traditional Suburban Centre. The Traditional Suburban Centre contains a mix of uses. No27 comprises of a block of flats. There are dwelling houses on Mill Hill Road.

POLICY CONTEXT

The proposal shall be assessed against the relevant Unitary Development Plan Policy SH2 Criteria for Development in Traditional Suburban 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.

APPEARANCE AND AMENITY ISSUES

Policy SH2 states that A3 Use Classes for restaurants and cafes are generally

acceptable within Traditional Suburban Centres provided it does not harm nearby residential properties. A block of 4 flats opposite the proposal was approved in October 2003. 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. However the flats were approved in the centre of Traditional Suburban Centre within 20 metres of existing A3 and A5 uses. It is considered the presence of the flats themselves should not undermine the vitality of the Traditional Suburban Centre by preventing uses that Policy SH2 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. The nearest dwelling houses are approximately 75 metres away from the proposal and comply with policy SPD3. Conditions to implement noise insulation between ground floor and residential accommodation and to ensure a suitable scheme for fume extraction is installed will negate any impact on the surrounding properties.

Objections were received concerning the reduction in the mix of businesses in the area. The Government's key objectives as set out in PPS6 Planning for Town Centres is to promote the vitality and viability of existing centres by encouraging a wide range of services in a good environment which meets the needs of the entire community and is accessible to all. Irby's centre already demonstrates a variety of services including a butchers, pharmacy, hairdressers and local surgery. As such it is considered to be a centre in a relatively strong condition. No10 Thingwall Road is currently vacant and therefore is not considered to reduce the variety of businesses in the centre.

There are currently four café/restaurants, two public houses and two takeaways in the centre. Concerns were received that the approval of further similar uses would undermine the viability of the area and put existing eating establishments out of business in an area that is currently struggling. 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 eight eating establishments falling under three different use classes are not deemed to be excessive as they cater for a variety of consumer requirements. The Local Planning Department cannot assess if an application will result in loss of business.

Objections were received with concerns the proposal would increase congestion and exacerbate parking problems. Traffic Management Division were consulted and had no objection to the proposal.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

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 the change of use of the property to A3 use will not harm the vitality and viability of the Traditional Suburban Centre.

Summary of Decision: The proposal complies with Policy SH2 of Wirral's 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 Traditional Suburban Centre.

Recommendation: **Approve**

Condition(s):

- 1 Full planning permission: standard commencement date. (C03A)
- 2 The premises shall be closed between the hours of 23.00 hours and 12.00 hours.
- 3 Fume extraction scheme agreed/implemented before commencement. (C16A)
- 4 A suitable noise insulation scheme between the ground floor and the residential accommodation should be submitted in writing to and approved by the Local Planning

Authority and completed prior to commencement of the business, unless the accommodation is to be used solely by the owner of the business.

Reason for conditions

- 1 Standard (CR86)
- 2 Standard (CR86)
- 3 In the interests of amenity. (CR17)
- 4 In the interests of privacy and amenity.

Last Comments By: 02 October 2007

56 Day Expires On: 09 October 2007

Case Officer: Miss S Hesketh