

Planning Committee

21 July 2010

Reference:
APP/10/00657

Area Team:
North Team

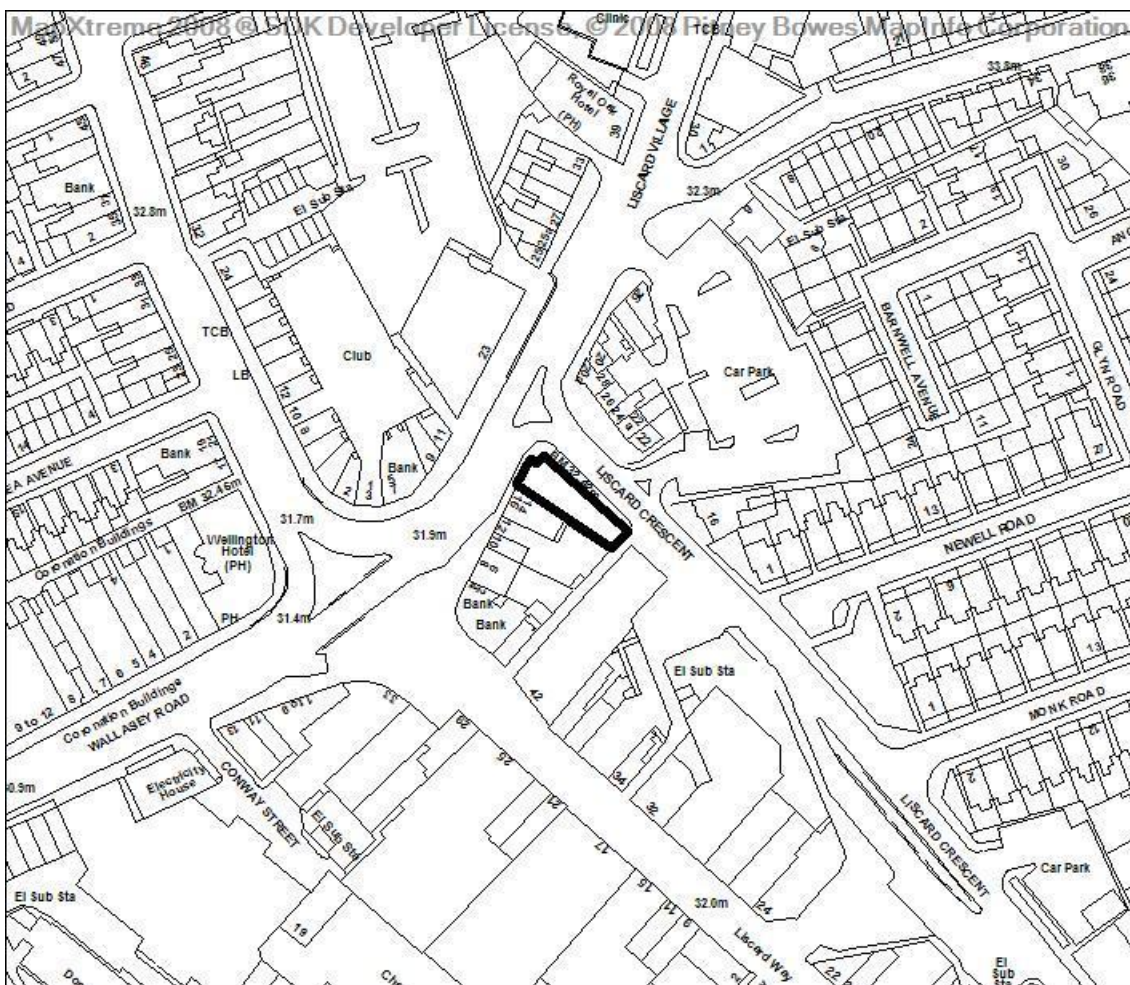
Case Officer:
Miss S Hesketh

Ward:
Liscard

Location: Rage, 18 LISCARD VILLAGE, LISCARD, CH45 4ST
Proposal: Change of use to restaurant and drinking establishment (opening hours 0900 hours until 0230 hours)

Applicant: Mr M Maleki
Agent :

Site Plan:



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Development Plan allocation and policies:
Key Town Centre

Planning History:
APP/09/06539 - Change of use of ground floor from beauty shop to restaurant - Approved 11/03/2010

Summary Of Representations and Consultations Received:

Representations:

A site notice was displayed on a post on the highway 17 June 2010. A total of 16 letters of notification have been sent to properties in the area. At the time of writing this report one letter of objection and a qualifying petition of 26 signatures were received citing the following concerns:

- The application is retrospective;
- The application will impact on the peace of residents in the wider area;
- The behaviour of patrons.

Consultations:

Director of Law, HR & Asset Management – Housing & Environmental Protection Division had no objection.

Director's Comments:

REASON FOR REFERRAL

Councillor Darren Dodd requested the application be removed from delegation on the grounds residents already experience late night anti-social behaviour around the existing pub-closure time, and there are concerns this will extend later into the night should the application be approved. It is also felt a late night club is out of keeping with the character of Liscard Key Town Centre.

INTRODUCTION

The application is for a change of use to a restaurant and drinking establishment (09:00 hours until 02:30 hours). An application for a restaurant (APP/09/06539) was approved March 2010 with limited opening hours (9:00 hours until 23:30 hours).

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.

SITE AND SURROUNDINGS

The site comprises a commercial unit on a prominent corner, situated in a Key Town Centre. The nearest residential property (Newell Street) is 65m away from the site.

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 PPS4 Planning for Prosperous Economies.

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.

APPEARANCE AND AMENITY ISSUES

The Government's key objectives as set out in PPS4 Planning for Prosperous Economies 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 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.

There are approximately 20 late night establishments within the Key Town Centre. 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 number of late night uses is not deemed to be excessive as they cater for a variety of consumer requirements and a large catchment area of high density housing, and is not considered to undermine the viability of the area

The nearest residential property (Newell Street) is 65m 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.

In response to the objections received, the retrospective nature of the application does not influence the decision making process. It is acknowledged that the site is located within the Key Town Centre and as such higher levels of noise and disturbance to those experienced in Primarily Residential Areas are likely. However it is not considered the proposal would result in a level of noise and disturbance to warrant a refusal of planning permission. The behaviour of patrons is beyond the control of the LPA. Whilst it is acknowledged late night uses can result in levels of anti-social behaviour, the adopted policies direct late night uses to town centre locations to minimise the impact on residential areas.

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 Director of Regeneration – Housing & Environmental Protection Division had no objection to the proposal in relation to noise and disturbance. There are no Environmental/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 Decision: Approve

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 02:30 hours and 0900 hours

Reason: In the interests of amenity

3. 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

Further Notes for Committee:

Last Comments By: 14/07/2010 09:49:05

Expiry Date: 04/08/2010