

Planning Committee

25 October 2011

Reference:
APP/11/00977

Area Team:
North Team

Case Officer:
Miss K Elliot

Ward:
Liscard

Location: Images Kitchens, 68-70 WALLASEY ROAD, LISCARD, CH44 2AE
Proposal: Change of use only to class A5 chip shop use
Applicant: C/o Celona Ltd
Agent : Celona Ltd

Site Plan:



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Development Plan Allocation and Policies:
Key Town Centre

Planning History:

None relevant.

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

Having regard to the Council's Guidance on Publicity for Applications, nine letters of notification were sent to adjoining properties and a Site Notice was displayed. At the time of writing this report, two separate letters of objection from No.7 Rugby Road and No.34 Moseley Avenue and a qualifying petition of objection containing signatures from 28 separate households had been received and these can be summarised as follows:

1. there is already a proliferation of hot food outlets in Liscard and there is no need for another;
2. the proposal will result in an increase in litter and smells;
3. the premises is within 40 metres of No.1 and No.3 Moseley Avenue;
4. the proposed chip shop would be out of character with the other businesses in the block and surrounding residential neighbourhood;
5. the applicant has not specified details of fume extraction, disposal of cooking oils, bin storage or parking provision for delivery vehicles;
6. the majority of visitors will be pedestrians who will cause noise and disturbance;
7. the proposal will be of no benefit to the surrounding area;
8. Central Liscard has been identified as a Neighbourhood Planning Front Runner by central government which will limit what residents have to put up with;
9. attention must be paid to government guidelines stipulating that no new chip shops should be granted planning permission if they are within 400 metres of a secondary school.

CONSULTATIONS

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

Director of Law, HR & Asset Management Division - no objection to the proposal subject to conditions relating to a noise insulation scheme, details of fume extraction system and opening hours to be applied.

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

The application was removed from delegation by Councillor Mooney on the grounds that the proposed use will be close to resident's homes and will cause both food smells and noise pollution. A qualifying petition of objection containing signatures from 28 separate households has also been received.

INTRODUCTION

The proposal is for the change of use of the premises to a hot food takeaway (A5 use).

PRINCIPLE OF DEVELOPMENT

The principle of the development is acceptable subject to Policy SH1 - Criteria for Development in Key Town Centres of Wirral's Unitary Development Plan and Supplementary Planning Document 3 - Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments. The main issues to consider when assessing the proposal are whether it will result in nuisance to neighbouring properties and if there are any residential properties within 40 metres of the site, when measured along the public highway.

SITE AND SURROUNDINGS

The site is located within an area designated as a Key Town Centre. The premises is a mid-terrace property situated in an established parade of shops within Liscard town centre. The property is currently vacant and the last known use was retail. There are commercial properties opposite the site, most of which have residential accommodation above. There are residential properties to the rear in Moseley Avenue. There are a variety of uses at this end of the centre including retail, offices, and several late night uses. These include a public house opposite and one on the same side as the application site. Planning permission has also recently been granted at appeal for an A4 use (drinking

establishment) at No.54 Wallasey Road.

POLICY CONTEXT

Policy SH1 - Criteria for Development in Key Town Centres of Wirral's Unitary Development Plan and Supplementary Planning Document 3 - Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments are directly relevant in this instance.

APPEARANCE AND AMENITY ISSUES

The principle of an A5 use within a Key Town Centre location is acceptable in principle under Policy SH1 and SPD3 which actively seeks to direct such uses to town centre locations. The main issues to consider when assessing the proposal are whether it will result in noise and disturbance to neighbouring properties and if there are any residential properties within 40 metres of the site, when measured along the public highway, as outlined in SPD3. The nearest solely residential property is No.3 Liscard Grove which is approximately 37 metres from the proposed hot food takeaway. However it is a material consideration that there are already late night uses including two public houses and a restaurant in close proximity of this residence and the sites are separated by a busy main road.

The objection received from CLARA (Central Liscard Area Residents Association) states that No.1 and No.3 Moseley Avenue are both within 40 metres of the proposed A5 use. However No.1 is a flat above the shop No.62 Wallasey Road and therefore does not constitute a solely residential property under SPD3, and No.3 is 46 metres away when measured along the highway. Another concern raised in the objections received was that there are no such uses in the block of shops where the proposal is located, but the central location and presence of other late night uses at this end of Liscard must be a material consideration. The Inspector noted in the recent appeal decision at No.54 Wallasey Village that 'the physical layout of the town centre and the surrounding residential streets brings houses and town centre commercial uses into relatively close juxtaposition.' It is clear therefore that Liscard, like many other town centres, operates with residential and commercial properties within close proximity of one another. It is not considered that in a centre of over 300 units that the proposal, along with other A5 uses, will result in an over-concentration of such uses or is out of character with the area.

Environmental Health have no objection to the proposal subject to appropriate conditions relating to details of fume extraction and noise insulation. These address the concerns raised in the objection relating to the safe disposal of cooking smells as this will ensure they are appropriately dispersed. The applicant states that a commercial bin will be stored in the rear yard of the premises and used cooking oil will be disposed of off site. The application will be subject to a Section 106 Agreement whereby the applicant will be required to provide a waste bin outside, or in close proximity to the premises, which will alleviate any potential problems with regards to litter around the site. The applicant has proposed reasonable hours of use taking in to account the site's town centre location.

The site is located on a primary public transport route and is not considered to result in any highway safety implications or result in a significant increase in on-street parking in surrounding residential roads. It is considered that the proposal promotes competition between businesses in Liscard and that a suitable variety of other uses remain. In addition the proposal will alleviate one of the vacant units in the town centre, which should be encouraged. The local planning authority aims to support local businesses where possible which in turn support the long term viability of the town centre. This approach is supported in PPS4 and weight was given to this in the recent appeal decision relating to No.54 Wallasey Village. In addition to this, the objections also state that any new applications for chip shops within 400 metres of a secondary school should not be allowed. At present there is no adopted Council Policy which reflects this and it would be unreasonable to assess the proposal on this basis.

In conclusion the proposal is not considered to cause nuisance to neighbouring uses or lead to a loss of residential amenity in respect of noise and disturbance and the trading hours of the premises will be restricted by condition. The use is considered acceptable in the town centre location and supports the long term viability of Liscard. The proposal is considered acceptable, complies with SH1 and SPD3 and is recommended for approval subject to a Section 106 agreement.

SEPARATION DISTANCES

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS

An objection was received with regards to parking in nearby residential streets and lack of parking provision for delivery vehicles. The proposals have been assessed by the Director of Technical Services (Traffic Management) who confirms that the proposals are unlikely to result in any increase in traffic and are satisfied that highway safety will not be affected. As such, it is not considered that the proposals represent any adverse impact on highway safety that would warrant a refusal of planning permission.

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 supports the viability of the town centre, complies with Policy SH1 of Wirral's Unitary Development Plan and Supplementary Planning Document 3 and is not considered to have an adverse impact on neighbouring properties or the character of the area.

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 Wirral's Unitary Development Plan and Supplementary Planning Document 3 and is not considered to have an adverse impact on neighbouring uses.

Recommended Decision: **Approve subject to a Section 106 Agreement**

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 only be used as a hot food takeaway (Use class A5) and for no other purpose, between the hours of 11:30 and 23:00 Monday to Saturday inclusive, and between the hours of 12:00 and 22:00 on Sunday and Bank Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

3. A suitable noise insulation scheme between the ground floor and the first floor residential accommodation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby approved. The approved scheme shall be implemented in full prior to the use commencing.

Reason: In the interests of residential amenity

4. A suitable scheme of fume extraction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the use commencing, and retained and operated thereafter as approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity

Last Comments By: 13/10/2011 09:18:42
Expiry Date: 07/11/2011