

! Metropolitan
Borough of Wirral

WIRRAL METROPOLITAN BOROUGH COUNCIL

LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL

SUPPLEMENTARY PLANNING DOCUMENT

**SPD3 - HOT FOOD TAKEAWAYS, RESTAURANTS, CAFES AND
DRINKING ESTABLISHMENTS**

OCTOBER 2006

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1 INTRODUCTION

- 1.1 The purpose of Supplementary Planning Document SPD3 – Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments is to provide additional advice on the development and use of premises in Wirral as a café, restaurant, hot food takeaway or as a drinking establishment such as a wine bar or public house.
- 1.2 The Supplementary Planning Document supplements Policy SH1, Policy SH2, Policy SH4, Policy SH6 and Policy HS15 in the Unitary Development Plan for Wirral adopted in February 2000 and supports Policy DP3 and Policy EC8 in the Regional Spatial Strategy (RPG13, March 2003).
- 1.3 This Supplementary Planning Document has been prepared with community involvement and adopted subject to a Council resolution. It will, therefore, be a material consideration when determining planning applications for proposals falling within the following Uses Classes:

Class A3. Restaurants and cafes include use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments covers use as a public house, wine bar or other drinking establishment.

Class A5. Hot food takeaways include use for the sale of hot food for consumption off the premises.

- 1.4 The Supplementary Planning Document provides information on:
 - acceptable locations for restaurant, café, fast food and drinking establishments;
 - measures to deal with noise and disturbance, waste and pollution;
 - design and crime prevention; and
 - details to be submitted with applications.

2 POLICY CONTEXT AND OBJECTIVES

National Planning Policy

- 2.1 National planning policy is set out in PPS6 - Planning for Town Centres (March 2005) and PPG24 - Planning & Noise (September 1994).
- 2.2 The Government's key objective in PPS6 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. Policies for managing the evening economy are expected to consider the scale of leisure development, its cumulative impact on the character and function of the centre, on anti-social behaviour and crime and on the amenities of nearby residents.

- 2.3 PPG24 notes that commercial development such as fast food restaurants and public houses can cause difficulty, not least because peak activity is often during the evening and late at night. Disturbance from traffic and cars parking must not be underestimated.

Development Plan Policy

- 2.4 The main Development Plan policies from the Regional Spatial Strategy (RSS) and the Unitary Development Plan (UDP) that will be relevant are as follows:
- RSS Policy DP3 - Quality in New Development;
 - RSS Policy EC8 - Town Centres – Retail Leisure & Office Development;
 - UDP Policy SH1 - Criteria for Development in Key Town Centres;
 - UDP Policy SH2 - Criteria for Development in Traditional Suburban Centres;
 - UDP Policy SH4 - Small Shopping Centres & Parades;
 - UDP Policy SH6 - Development within Primarily Commercial Areas;
 - UDP Policy SH8 - Criteria for Shop Fronts; and,
 - UDP Policy H15 - Non-Residential Uses in Primarily Residential Areas.

Local Objectives

- 2.5 The main objectives of local planning policy, in line with national and regional policy, is to ensure that development takes place with a minimal impact on local amenity and on the character of the area and will not cause nuisance to neighbouring uses.
- 2.6 The Council's Statement of Licensing Policy 2004, while separate to planning control, will also be taken into account by the Local Planning Authority prior to the determination of a planning application. The objectives of the Licensing Policy are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 2.7 A Supplementary Planning Document must supplement adopted development plan policies and can only provide additional advice and guidance on the interpretation and implementation of adopted policies. The objectives of the Supplementary Planning Document are, therefore:
- to lend further support to the creation of attractive and user friendly centres accessible to the whole community;

- to provide advice on appropriate measures to minimise the cumulative impact of smells, noise, litter and other disturbance on neighbouring residential property;
- to provide advice on appropriate standards for off-street parking and servicing for delivery and waste collection services; and
- to encourage informed pre-application discussions and the submission of good quality planning applications.

3 LOCATION, NOISE AND DISTURBANCE

3.1 Proposals for restaurants, cafes, drinking establishments and hot food takeaways will be directed to the Key Town Centres, Traditional Suburban Centres and Primarily Commercial Areas designated in the UDP. Only small-scale changes of use will be permitted within groups of existing shops within the designated Primarily Residential Areas.

3.2 One of the main themes in UDP Policies SH1, SH2, SH4, SH6 and HS15 is to ensure that the character and function of the area is not adversely affected and that new uses will not cause a nuisance to the neighbours. A number of site related factors could be taken into account when this is assessed. These would include:

- the existing number of hot food and drinking establishments in the immediate area and their proximity to each other;
- the nature and type of other uses in the surrounding area, eg housing, shops, offices etc;
- the function of the centre and number of shops remaining to serve the community;
- vacancy rates and the condition of the unit;
- wider economic and social benefits; and
- any unresolved amenity, traffic or safety issues relating to existing uses in the area.

3.3 Following recent planning applications, the degree of subjectivity involved when assessing the potential impact from noise and disturbance on the neighbours' amenity has been questioned. To address this, the following measure would be applied in the assessment of future planning applications:

- All proposed uses within Use Classes A3, A4 and A5 ie restaurants, cafes, drinking establishments and hot food takeaways should be at least 40 metres away from the main elevation of a dwelling house or a building used solely for self contained flats, when measured along the public highway.

- 3.4 The sale of alcohol and the supply of hot food and drink, the latter between 11.00pm and 5.00am, are also controlled under the Licensing Act 2003. The granting of a license is subject to the Council's Statement of Licensing Policy. The Local Planning Authority will consult the Licensing Authority, Merseyside Police and Environmental Health Officers prior to the determination of any application to use premises for the purposes listed in Use Classes A3, A4 and A5. Planning applications found to be in conflict with the prevention of public nuisance or the prevention of crime and disorder are unlikely to be approved.

4 POLLUTION AND WASTE CONTROL

- 4.1 To comply with UDP Policy SH1, Policy SH2, Policy SH4 and Policy SH6, applicants should ensure that there are measures within the scheme to mitigate smells and internal noise to protect the neighbours' amenity. The impact from cooking smells and internally generated noise will depend on the location of a particular property. Effective mitigation measures, that are not intrusive in the street scene, will be essential, particularly where residential properties, including flats, are nearby.
- 4.2 Hot food take-away businesses have the potential to generate substantial litter because customers need to dispose of food wrappings, containers etc after food is consumed. Restaurants, cafes and drinking establishments can also produce significant amounts of waste.

The following steps can mitigate the impact of future development:

- Measures to mitigate smells and internally generated noise may involve the installation of fume extraction equipment, sound insulation, air conditioning and self-closing doors.
- The design of fume extraction/ventilation equipment should ensure that no nuisance or disturbance is caused by odour, fumes, food droplets or noise to nearby properties.
- Bulky mechanical plant or associated equipment should be contained within the envelope of the building and minor external features designed so that the impact is minimal on the external appearance of the premises - advice on the suitability of a system can be obtained from the Council's Environmental Health Department at Wallasey Town Hall, Brighton Street, Wallasey CH46 9QG.
- Commercial bin stores should be contained within the main building. In cases where this is not possible, secure and appropriately designed structures should be provided and sited with convenient access for refuse collection services. Bins should be arranged to enable separation of glass, plastics, paper, cardboard, metals, garden and general waste.
- Building Regulations will require suitable grease traps to be installed on all drains for commercial kitchens to prevent blockages and the flooding of properties.

- 4.3 Additional advice can be obtained from the Council's Pollution Control Service on 0151 691 8401 and from the DEFRA website at <http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/index.htm>

5 SERVICING, PARKING AND ACCESSIBILITY

- 5.1 Many properties within established centres lack off street parking and servicing facilities. Opportunities should be taken to ensure that proposed development is designed in way that allows for safe and convenient access for all users and that any impact from traffic, such as noise, disturbance and congestion does not unduly affect the neighbours amenity. It is a requirement of UDP Policy SH1, Policy SH2, Policy SH6, and Policy HS15 that a proposal does not cause a nuisance or loss of amenity through on street parking or delivery vehicles.
- 5.2 The standards for off street parking, cycle parking and servicing facilities are set out in RSS Appendix 4, UDP Policy TR9 and Policy TR12. The following should also be taken into account:
- Additional parking for disabled parking should be provided in line with the Merseyside Code of Practice on Access and Mobility, at 1 for the first 10 parking spaces, 2 for the first 20 parking spaces and 1 for every 20 parking spaces thereafter.
 - In cases where off-street parking cannot be provided, the accessibility of the site by different ways of travelling, the availability of public car parks, lay-bys and safe places to park on the highway will be taken into account. However, proposals that are likely to result in vehicles parking in nearby residential streets and cause a nuisance to the neighbours and or create a highway safety hazard are unlikely to be approved.
 - Servicing arrangements for delivery and refuse vehicles must be made so that they avoid causing an obstruction in the surrounding roads. A planning condition may be applied to prevent delivery services being established during the quiet hours where this is likely to cause disturbance to the neighbours.
 - Special consideration should be given to ensure people with disabilities, people with prams or young children and older people have the ability move without difficulty within the building and around the site. This can be achieved through the design of accesses into and within the building, as well as the sensitive siting and layout of parking and pedestrian areas.
- 5.3 The Merseyside Code of Practice on Access and Mobility should be taken into account by developers at the conceptual stage in the development process. Advice can be obtained from the Council's Access Officer at the Town Hall, Brighton Street, Wallasey CH44 8ED.

6 DESIGN AND PLANNING OUT CRIME

- 6.1 RSS Policy DP3 - Quality in New Development and UDP Policy SH8 - Criteria for Shop Fronts, seek to create attractive and user friendly centres for the whole community, including people with restricted mobility. In meeting these objectives, careful consideration needs to be given to the implications for crime and disorder

early in the design of proposed development to deliver a positive contribution to its mitigation.

6.2 The following advice is provided to supplement policies in the Unitary Development Plan:

- All new development must relate well to the street and to the buildings where it will take place, particularly at ground level, and assist in avoiding areas of dead frontage. Ground floor units should be accessible from the primary street frontage. The location of entrances must be clearly identifiable and should be a focus of architectural interest. Opportunities should be taken to enhance and strengthen the appearance of buildings on street corners.
- Planning permission for development including solid metal shutters with protruding top housing boxes is not likely to be granted because this can deaden the street-scene outside trading hours and result in an unattractive environment. It can also be a target for graffiti and reduce safety and security for members of the public.
- Any security device should have a minimum effect on the architectural features and appearance of a building or the character of the street-scene. Acceptable security options could include the use of:
 - windows and doors with shatterproof laminated or toughened glass;
 - unobtrusive burglar alarms;
 - unobtrusive CCTV cameras;
 - appropriately designed lattice shutters placed inside windows;
 - colour coated external lattice shutters with the winding mechanism and housing concealed behind the fascia; and
 - interior lighting that can provide passive surveillance to deter criminal activity.
- Further guidance on design and planning out crime is provided in separate Supplementary Planning Guidance Notes Planning Out Crime and a Shop Front Design Guide, which are available from the Development Control Section, Technical Services, Canning Street, Birkenhead, CH41 1ND.
- While the Police are responsible for controlling anti-social behaviour, the Local Planning Authority has a duty under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder. The design advice in this document is not exhaustive and other solutions based on site related factors may be appropriate. Site specific advice can be provided by the Community Safety Team at the Old Courthouse Building, Manor Road, Wallasey, CH44 1BU.

7 PRE-APPLICATION DISCUSSIONS AND CONSULTATION

- 7.1 The Local Planning Authority encourages pre-application discussions with developers on site specific proposals and recognises that well designed and good quality proposals for development can arise through creative dialogue with prospective applicants, architects and other key professionals.
- 7.2 Prior to any discussions we will require details of the scheme, including opening times and the numbers of people likely to use the premises, to be submitted in writing along with drawings that show any development in relation to the site boundaries and neighbouring properties. The drawings should identify any existing hot food and drinking establishments within 40 metres of the site, and also include details of any access and circulation for vehicles, pedestrians and cyclists within and around the site.
- 7.3 Applicants should also present proposals on how accessibility for all people including those with disabilities would be achieved at the pre-application stage.

8 INFORMATION TO BE SUBMITTED WITH APPLICATIONS

8.1 If you are submitting a planning application the following plans and the Local Planning Authority's application forms will be required:

- four sets of the site location plan on a separate sheet with an Ordnance Survey base to a scale of not less than 1:1250 or 1:2500 with the north point shown and a red line drawn around the site boundary, including any proposed access - a blue line should drawn around any adjoining land within the ownership of the applicant;
- four sets of the site location plan on a separate sheet to a scale of not less than 1:1250 or 1:2500 showing the location of any existing hot food and drinking establishments within 40 metres of the proposed use.
- four sets of the site plan at a scale of not less than 1:500 showing any parking, bin store and access arrangements;
- four sets of any existing and proposed elevations and floor plans (including roof plans when relevant) at a scale of not less than 1:100; and
- four sets of site survey plans to a scale of not less than 1:200; and plans showing any existing and proposed features for the site such as landscaping, trees, buildings and other structures.

8.2 Statutory Instrument SI No.1062 and SI 2006 No.1063 now requires planning applications for operational development and applications for listed building consent to be accompanied by design and access statements. These must be linked to scaled drawings and photographs that will demonstrate the steps that have been taken to appraise the context of the development in relation to its surroundings and how the design of the development will respond to that context in terms of:

- the amount of floorspace proposed;

- the layout;
- the scale;
- the proposals for landscaping; and
- the overall appearance of the development.

8.3 The access statement must explain:

- the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
- how any specific issues which might affect access to the development have been addressed;
- how prospective users will be able to access the development from the existing transport network;
- why the main points of access to the site and the layout of access routes within the site have been chosen; and
- how features which ensure access to the development will be maintained.

8.4 The statements should state what pre-application consultation has been undertaken and what account has been taken of the outcome of any such consultation.

8.5 For applications affecting Listed Buildings or Conservation Areas, an appraisal will be required on the impact of the proposed development including an assessment from all strategic vantage points (further advice on design and access statements is provided in DCLG Circular 01/2006 which can be viewed at <http://www.communities.gov.uk/index.asp?id=1500620>).

8.6 Details of the opening times and the numbers of people likely to use the premises should also be provided in writing.

9 MONITORING

9.1 The impact of the operation of the Supplementary Planning Document will be monitored through the Council's statutory Annual Monitoring Report.

9.2 The Council proposes to monitor the number of proposals for hot food and drinking establishments within and outside existing centres and to monitor the number of proposals affecting specially designated areas such as Listed Buildings and Conservation Areas.

10 BACKGROUND DOCUMENTS

PPS6 – Planning for Town Centres (ODPM, March 2005) can be viewed at http://www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_036805.pdf

PPG24 – Planning and Noise (ODPM, September 1994) can be viewed at http://www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_606912.hcsp

DCLG Circular 01/2006 ‘Guidance on Changes to the Development Control System’ can be viewed at <http://www.communities.gov.uk/index.asp?id=1500620>

Regional Spatial Strategy for the North West (RPG13, March 2003) can be viewed at <http://www.go-nw.gov.uk/planning/rpg13.html>

Merseyside Code of Practice on Access and Mobility can be viewed at [\[Link removed as no web page no longer in use - 03/02/2020\]](#)

Unitary Development Plan for Wirral (WBC, February 2000) can be viewed at www.wirral.gov.uk/udp and free of charge at local libraries

Local Development Scheme for Wirral (WBC, May 2005) can be viewed at www.wirral.gov.uk/ldf

Wirral Statement of Licensing Policy (WBC, 2004) can be viewed at <http://www.wirral.gov.uk/so/lic/licensing.htm>

Supplementary Planning Guidance – Planning Out Crime (WBC, February 2000) can be viewed at <http://www.wirral.gov.uk/planning/SPGcrime.asp>

Supplementary Planning Guidance - Shop Front Design Guide (WBC, July 1994) can be obtained from the Technical Services Department, Canning Street, Birkenhead CH41 1ND

Draft Sustainability Appraisal Framework for Wirral (WBC, July 2005) can be viewed at www.wirral.gov.uk/ldf

The SEA determination for the SPD can be viewed at <http://www.wirral.gov.uk/ldf/ldfsphft.asp>

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