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ITEM	APP/2007/6792	WARD Heswall
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**Location:** The Ravenscroft 3-5 The Mount Heswall Wirral CH60 4RE

**Proposal:** Variation of condition 3 on planning permission APP/2005/7573 to allow premises to open between 09:00-00:00 daily (resubmission of APP/2007/5730)

<b>Applicant:</b> Barracuda Group Ltd c/o D2 Planning Ltd 1st Floor 4 Stoke Lane Westbury on Trym Bristol BS9 3DL	<b>Agent:</b> D2 Planning Ltd 1st Floor 4 Stoke Lane Westbury on Trym Bristol BS9 3DL
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**Development Plan allocation and policies:** Key Town Centre  
SH1- Criteria for Development in Key Town Centre  
SPD3 - Hot Food Takeaways, Restaurants, Cafes, and Drinking Establishments.

**Planning History:** 2005/7573 - Change of use from health and fitness studio to public house (A4), erection of a two storey extension and external alterations Refuse 27/01/2006  
Appeal Allowed 13/07/2006

2007/5730 - Variation of condition 3 on planning permission APP/2005/7573 to allow premises to open between 0900 - 0030 Sunday to Thursday and 0900 - 0030 Friday to Saturday (amended description) Refuse

**Representations and consultations received:** Representations:

24 letters of notification were sent to the occupiers of neighbouring properties and the application was advertised with a site notice and the comments received can be summarised as follows: 26 individual letters of objection from local residents and businesses, objecting on the following grounds:

- Disturbance caused to local residents.
- No reason to overturn inspectors' hours restriction.
- Many local residents are elderly and do not want late-night drinking.
- Drinking would virtually be on the main road.
- Increase on existing anti-social problems from late-night drinking, including vandalism to neighbouring businesses and urinating.
- Obstruction of an access passage and parking in neighbouring service area worsened.
- Clogging up planning system with repeated applications.

A qualifying petition in objection with 33 signatories was submitted by a resident of 1 Castle Drive, Heswall. The grounds of objection were on disturbance caused to locals, particularly the local elderly population.

Consultations:

Director of Regeneration - Housing & Environmental Protection Division - No objection.

Heswall Society - Objected on grounds that it would unacceptably affect the local residents who live close by, many of whom are elderly people.

**Directors comments:** Councillor Hodson requested the application be taken out of delegation.

PROPOSAL

Variation of condition 3 on planning permission APP/2005/7573 to allow premises to open between 09:00-00:00 daily (resubmission of refused application APP/2007/5730 that was for daily opening 09.00-00.30).

PRINCIPLE OF DEVELOPMENT

An intensification of the existing use by means of later opening hours is acceptable subject to compliance with Policy SH1 and Supplementary Planning Document (SPD) 3 - Hot Food Takeaways, Restaurants, Cafes, and Drinking Establishments.

#### SITE AND SURROUNDINGS

The site is a large brick public house located in Heswall Key Town Centre. The premises are located on The Mount and are within a row of commercial units. There are residential properties opposite the site.

#### POLICY CONTEXT

Policy SH1 of the UDP allows for this type of use, provided that it does not undermine the Key Town Centre, is not detrimental to the character of the area, and does not 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

Previous application APP/2007/5730 was refused for the following reason: The Local Planning Authority considers that the proposed development would result in an over-intensification of an existing use and, by reason of noise and general disturbance associated with the increased scale of activities, would be detrimental to the amenities which the occupiers of premises within the vicinity of the site could reasonably expect to enjoy and would be contrary to policy SH1 (Criteria for Development in Key Town Centres) of the Wirral Unitary Development Plan and SPD - Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments.

Although the reduction in proposed opening hours by 30 minutes to 00.00 is a slight improvement, and although there has been no objection from Environmental Health Officers, and Police Licensing have previously commented that they have no objection to the later opening hours, it is considered that the development remains unacceptable and that noise and general disturbance associated with the increased scale of activities would still be detrimental to the amenities which the occupiers of premises within the vicinity of the site could reasonably expect to enjoy. The nearest residential properties are opposite at 10 and 12 The Mount and are approximately 25m away from the front of the drinking establishment, and as such they are likely to be affected to a significant extent and contravene SPD3.

#### HIGHWAY/TRAFFIC IMPLICATIONS

There are no significant 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 that the development remains unacceptable on grounds of noise and general disturbance associated with the increased scale of activities. It would still be detrimental to the amenities which the occupiers of premises within the vicinity of the site could reasonably expect to enjoy.

#### SUMMARY OF DECISION

It is considered that the development, although a slight improvement in terms of disturbance to the previously refused application APP/2007/5730 by reason of 30 minutes earlier closing time, would still cause unacceptable impacts to the amenities of neighbouring residents. It is considered that the proposal does not therefore comply with relevant SPD3 - Hot Food Takeaways, Restaurants, Cafes, and Drinking Establishments and the application is recommended for refusal.

**Recommendation:** Refuse

**Reason(s):**

- 1 The Local Planning Authority considers that the proposed development would result in an

over-intensification of an existing use and, by reason of noise and general disturbance associated with the increased scale of activities, would be detrimental to the amenities which the occupiers of premises within the vicinity of the site could reasonably expect to enjoy and would be contrary to policy SH1 (Criteria for Development in Key Town Centres) of the Wirral Unitary Development Plan and SPD - Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments.

**Last Comments By: 04 October 2007**

**56 Day Expires On: 18 October 2007**

**Case Officer: Mr A Wright**