

Planning Committee

10 August 2010

Reference:
APP/10/00668

Area Team:
North Team

Case Officer:
Miss S Hesketh

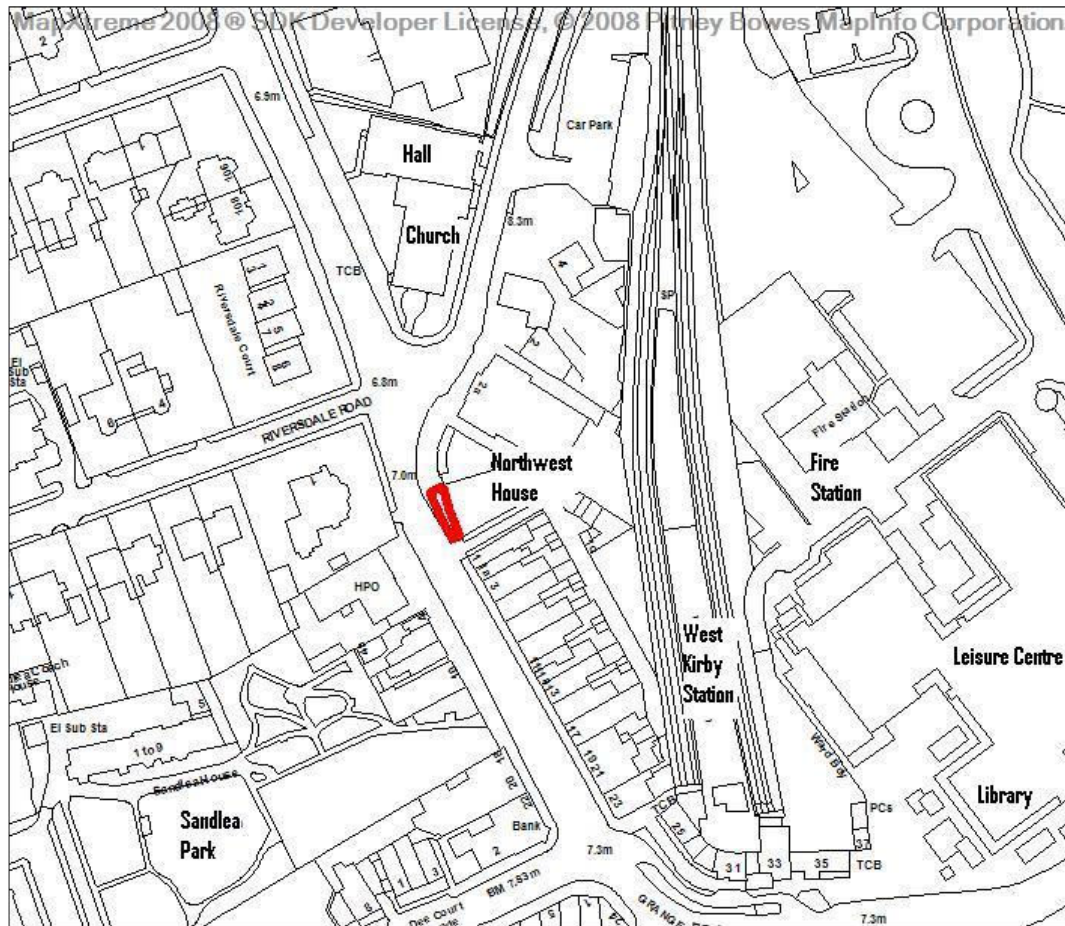
Ward:
Hoylake and Meols

Location: Griffiths Funeral Home, Grange Bank, GRANGE ROAD, WEST KIRBY, CH48 4DY

Proposal: Change of use of land to front of the Red Door to provide an outdoor seating area.

Applicant: 3rd Place Limited
Agent : Nathaniel Lichfield and Partners

Site Plan:



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Development Plan allocation and policies:

Key Town Centre
Tourism Development Site

Planning History:

19959 - Change of use from British Legion Hall to funeral director's office - Approved 26/05/1982

APP/2008/5527 - Division of the ground floor of the building to create two A1 shop units, internal alterations, rear dormer - Approved 10/07/2008

APP/2009/5394 - Change of use of Class A1 (retail) to Use Class A4 (wine bar with food) and erection of awning and associated external alterations - Refused 22/05/2009 (Appeal Allowed 14/10/2009)

Summary Of Representations and Consultations Received:

Representations:

A site notice was displayed on a post on the highway 17th June 2010. A total of 12 letters of notification have been sent to properties in the area. At the time of writing this report 25 letters of objection have been received, listing the following grounds:

- This licensed premises is within 40 feet of residential property and should never have gained planning permission;
- To introduce outdoor seating will increase the noise pollution for all the local residents in an area where noise levels are already high;
- Noise disturbance includes shouting and swearing;
- Outdoor seating at this venue will block a public right of way, forcing any passers by to step into the road, a major risk at a busy junction;
- Issues with parking;
- Lack of notification;
- Visibility for drivers at the junction on Bridge Road will be restricted;
- Litter;
- Intimidation from customers;
- The planning condition to shut the windows at 21.30pm is being ignored;
- Since the Red Door opened there has been a noticeable increase in noise heard in residents gardens/inside the house and any increase in the number of patrons (particularly outdoors) will further encroach on residents rights for peaceful enjoyment of their property;
- Loss of privacy.

A further 6 letters of objection received stating:

- The application is faulty as it refers to Griffiths Funeral Parlour;
- The Planning Inspector ruled the outdoor area should only be used until 21.30 hours;
- The proposal would create a blind spot;
- Proximity to a school and Aldi means this is a main artery route;
- Issues regarding passive smoking
- Drinking alcohol will overflow outside the defined area;
- Increasing the size of the wine bar will increase nuisance;
- Increase demand for car parking.

Councillor Hale requested the application be taken out of delegation citing concerns the pavement is far too narrow, especially when coupled with existing street furniture and would severely hamper pedestrian access from Meols Drive to the main West Kirby shopping area.

Consultations:

Director of Law, HR & Asset Management – Environmental Protection Division had no objection on the provision of conditions.

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

Director's Comments:

The application was deferred on 21 July 2010 for a Committee Site Visit.

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Hale requested the application be taken out of delegation citing concerns the pavement is far too narrow, especially when coupled with existing street furniture and would severely hamper pedestrian access from Meols Drive to the main West Kirby shopping area.

INTRODUCTION

The application proposes an outdoor seating area outside The Red Door wine bar (approved planning

application APP/2009/5394).

This application seeks approval for the change of use of a portion of the public footway outside The Red Door wine bar (approved planning application APP/2009/5394) to a formalised seating out area for the consumption of food and drink. Amended plans were received 7 July 2010 removing two tables from the scheme and reducing the scale of the projection of the outdoor seating from 3.5m to 1.7m.

PRINCIPLE OF DEVELOPMENT

The proposal for outdoor seating is acceptable in principle subject to compliance with policy SH1 of the Wirral Unitary Development Plan.

SITE AND SURROUNDINGS

The unit comprises a wine bar situated within the commercial Key Town Centre area of West Kirby. There is a good mix of uses within the immediate vicinity of the site including some residential at first floor. No.1 Riversdale Road is 26m from the proposal. All other dwellings and properties solely used for residential flats are over 40m from the proposal.

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 Sustainable Economic Growth.

APPEARANCE AND AMENITY ISSUES

West Kirby is an established location for day or half-day trips to the coast by car, bus or rail. The site is located in a Key Town Centre which encourages the development of restaurants and cafes, subject to no adverse impact on the surrounding area. The principle of outdoor seating is therefore considered acceptable under policy PPS4, SH1 and TL5. The outdoor seating is considered to promote an "active frontage" which will add to the vitality and viability of the recognised town centre location. The proposal is viewed as an addition to an existing business. It is considered the cumulative impact of the proposal will not have a negative impact on the character of the area.

Amended plans were requested reducing the size of the proposal. The proposed seating area is now within 2m of the Red Door building, allowing 2.5m of pavement width. This was deemed necessary to reduce the bulk of the seating area and to achieve the necessary sight lines. The scale and extent of the seating area is now deemed acceptable.

Outdoor seating areas are a feature in West Kirby and the amended proposal is considered acceptable in terms of scale and design. It is considered not to harm the character of the original building or surrounding buildings, and introduces a new feature with a open piece of concrete paving which has no aesthetic value. It is considered balustrades no more than 1m in height, should be conditioned to contain the seating area.

Whilst the proposal is within 40m of residential properties, the application is for the development of an existing A4 use within a Key Town Centre (approved at appeal). It is acknowledged that the site is located within the Key Town Centre and as such higher levels of noise and disturbance to those in Primarily Residential Areas are likely. However it is not considered the proposal would result in levels of noise and disturbance to warrant a refusal of planning permission. The amenities of neighbouring residents would be protected by a limiting hours condition stating the outside area cannot be used for the consumption of food and drink after 21:30 hours.

The Inspector considered the use of an outdoor seating area and conditioned it accordingly. Thus the principle of this proposal has been established at appeal.

SEPARATION DISTANCES

The application is not considered to result in overlooking or loss of privacy to neighbouring properties.

HIGHWAY/TRAFFIC IMPLICATIONS

Objections were received from residents and Councillor Hale regarding the width of the pavement

should the application be approved, and the potential parking issues. The plans have been amended to reduce the scale of the projection of the outdoor seating from 3.5m to 1.7m. The Director of Technical Services (Traffic Engineers) had no objection to the proposal as the pavement is of an acceptable width which will allow for pedestrian movement for all users. Amended plans were received and achieve the necessary sightlines

Policy SPD4 Parking Standards sets out maximum levels of parking provision for development. Its objective is to reduce the need to travel by private car and promote the use of public and other means of transport. SPD4 states there is no minimum allowance of car parking for restaurants, and as such the proposal complies with these standards. The proposal is in a Key Town Centre with existing parking facilities and good transport link, the proposal is deemed acceptable. There are no highway implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The principle objection to the proposal by neighbouring residents was the potential for noise and disturbance, which would intensify in anti-social hours. As discussed above, the principle of outdoor seating is deemed acceptable, however it is considered appropriate to limit and condition the hours of use for the proposed seating area until 2130 hours.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

Amended plans have been received which are deemed to address policy issues and some of the neighbours' objections. The proposal is considered to contribute to the vitality and unique character of the area. It will not undermine the viability of the area or have a detrimental impact on highway safety. Hours restrictions of opening will protect residential amenity in relation to noise and disturbance. It is considered the proposal complies with the relevant national and local legislation.

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 is deemed not to have an adverse impact on the character of the area, the amenity of 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. Development shall be built in accordance with plans received on 07 July 2010.

Reason: For the avoidance of doubt.

3. The outside area shall not be used for the consumption of food or drink between the hours of 2130 hours and 1200 hours

Reason: In the interests of amenity

4. No live or recorded music or amplified voices shall be played in the outside area at any time.

Reason: In the interest of residential amenity

5. Before any part of the development hereby approved is brought into use details of the siting, scale and design of removable bollards to enclose the seating area, measuring no more than 1m in height, shall be submitted to and approved in writing by the Local Planning Authority. The bollards shall be retained during the permitted hours of use thereafter unless otherwise agreed by the Local Planning Authority in writing.

Reason: In the interest of highway safety

Further Notes for Committee:

Last Comments By: 05/07/2010 12:40:26

Expiry Date: 28/07/2010