

## Planning Committee

31 March 2011

**Reference:**  
**APP/10/01331**

**Area Team:**  
**North Team**

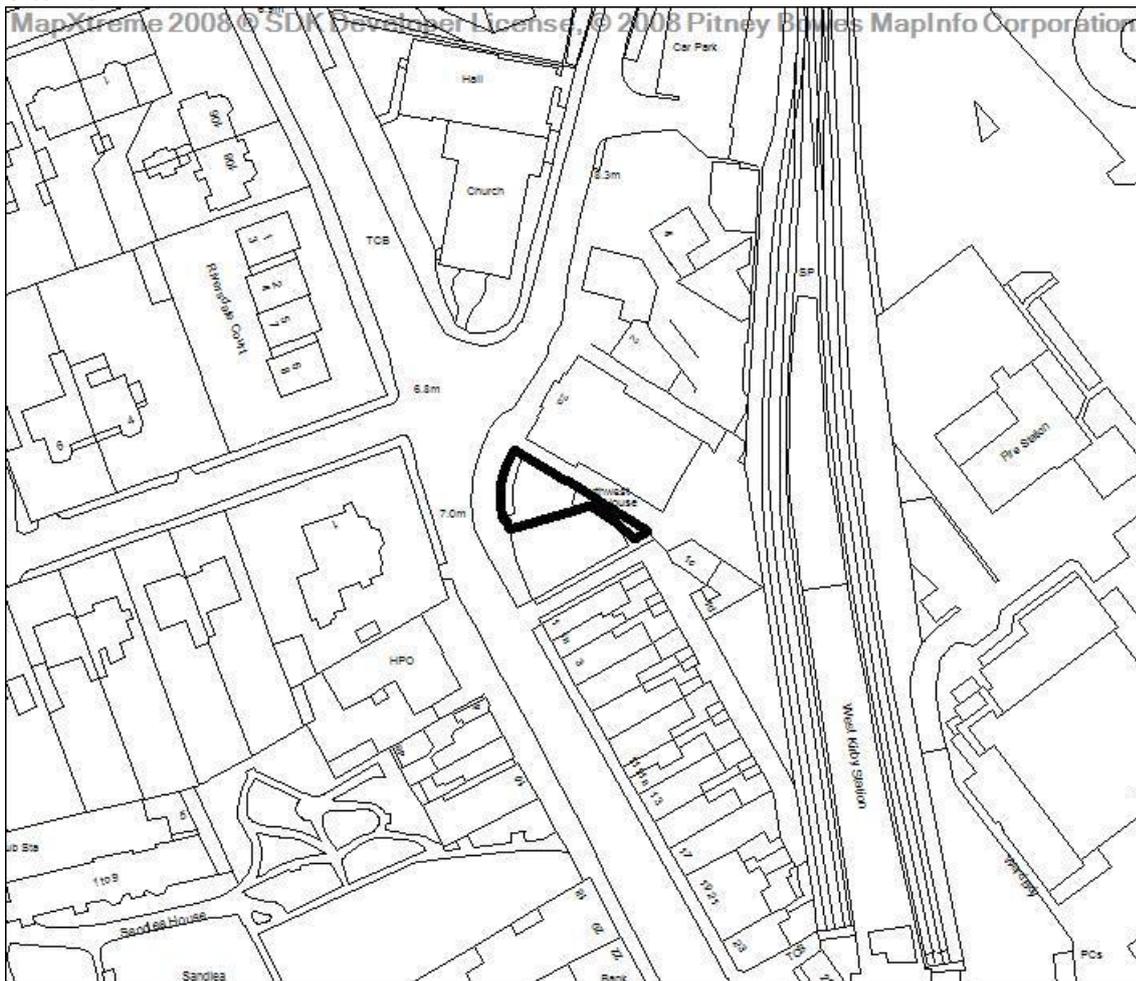
**Case Officer:**  
**Mrs S Lacey**

**Ward:**  
**Hoylake and Meols**

**Location:** North West House, GRANGE ROAD, WEST KIRBY, CH48 4DY  
**Proposal:** Addition of covered canopy at first floor level and amendment to balcony detail.

**Applicant:** The Wro Limited  
**Agent :** RADM Architects

### Site Plan:



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### Development Plan allocation and policies:

Key Town Centre  
Tourism Development Site

### Planning History:

APP/99/06362 Change of use to restaurant Approve 10/09/1999

APP/08/05733 Introduction of pavement cafe Approve 04/08/2008

APP/08/06601 Change of use of first floor office to lounge cafe bar Approve 13/11/2008

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

### **Representations:**

12 letters of notification were sent to neighbouring properties. Two individual letters of objection and a qualifying petition of 27 signatures were received, citing the following concerns:

- The canopy will allow all weather use of the balcony;
- The canopy will allow late night use of the balcony;
- The canopy will increase noise and disturbance;
- The design of the canopy is inappropriate for a Victorian public hall and is unsympathetic to surrounding buildings;
- The materials will act as a funnel amplifying and directing noise from patrons towards nearby residential properties, particularly the house opposite which is less than 30m away;
- The design provides no screening;
- A condition to limit the hours of use of the balcony will not work as the Wro management have a poor track record of adherence to such conditions.

### **Consultations received:**

The Director of Law, HR and Asset Management (Environmental Health) had no objection to the proposal

### **Director's Comments:**

### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of 27 signatures was received. The application was deferred from Planning Committee on 15 February 2011 to await confirmation of noise attenuation.

### **INTRODUCTION**

The application proposes a canopy and balustrades at first floor level.

Under planning application APP/08/06601 permission was granted for a change of use of first floor office to lounge cafe bar. This included the use of the existing first floor balcony between the hours of 08.00 hours until 21.00 hours. The current application is to assess the impact of the proposal on the surrounding Key Town Centre and adjacent Primarily Residential Area.

### **PRINCIPLE OF DEVELOPMENT**

The proposal is acceptable in principle.

### **SITE AND SURROUNDINGS**

The site comprises a drinking establishment/restaurant situated in a Key Town Centre. The building forms a prominent 3-storey structure on a commercial row. There is a decking area to the front of the property with balustrades at ground floor level. The site is adjacent to a Primarily Residential Area and there is a residential property opposite the site, and within 25m of the main elevation.

### **POLICY CONTEXT**

The application shall be assessed against policies SH1 of the adopted Wirral Unitary Development Plan. The Wirral Unitary Development Plan sets out Key Town Centres as important economic centres which the Local Authority sets out to strengthen and diversify. The essence of Policy SH1 Criteria for Development in Key Town Centres is to safeguard the vitality and viability of Key Town Centres, and puts great emphasis on amenity. Whilst the policy does not refer specifically to residential loss of amenity from visual obstruction, this does not distract from the importance placed on the policy's objective to enhance the area.

### **APPEARANCE AND AMENITY ISSUES**

The principle concerns of the application is the visual harm and issues regarding noise and disturbance.

The simple design of the proposal would reflect the design of the wooden balustrades at ground floor and is not considered to harm the character of the building or the character of the surrounding area. The slim posts and transparent canopy are not considered visually obtrusive features.

Concerns were raised by neighbours regarding the canopy acting as a funnel that would amplify and

direct noise towards neighbouring residential properties. The application was deferred from Planning Committee on 15 February 2011 to await confirmation of noise attenuation. The Director of Law, HR and Asset Management (Environmental Health) had no objection to the proposal in relation to noise and disturbance and confirmed the canopy would not direct noise towards neighbouring properties.

Following neighbours concerns, the applicant submitted evidence provided from Peninsular Acoustics (a member of the Association of Noise Consultants) stating the canopy will not cause any decrease or increase in the total amount of sound energy being emitted from the premises. With no canopy present the sound will radiate from the acoustically weakest parts of the building, usually doors and windows, in a geometric pattern. Sound will radiate in all directions uniformly, decreasing in strength by 6 dB approximately for every doubling of distance, until it meets an obstruction, whereupon it is mostly reflected. If the obstruction reflects sound and is of an irregular shape, the sound will be scattered or diffused but will still decrease by about 6 dB per doubling distance overall. The proposed canopy will be constructed in hard materials and therefore have negligible sound absorbing properties.

The applicant has amended the design of the canopy so that it pitches down towards the highway. Peninsular Acoustics have stated the shape of the canopy and its slight downward tilt will reflect some sound energy (about 20 per cent in total) down towards the balcony floor, the pavement and the road where a small portion of that sound energy will be absorbed and the remainder will scatter in all directions. The sound energy which propagates beyond the canopy may therefore be reduced by a very small amount, estimated at about 5 per cent, compared with no canopy at all.

Therefore the addition of a canopy over the balcony will not have any significant effect on sound propagation in respect of neighbouring properties across the road.

A number of objections were received in relation to this planning application, specifically centred around the canopy allowing all weather use of the balcony. The frontage of the balcony is open at present and it is considered unlikely that the addition of the canopy will encourage people to remain outdoors in rain and windy conditions. Objections have also been raised around the canopy encouraging late night use of the balcony. However, to take account of this concern raised by neighbours a condition could be applied to restrict the hours of use. Other objections have been raised that the canopy will result in increased noise and disturbance and provides no screening. It should be noted that the balcony itself was granted planning permission under planning application APP/08/06601 and therefore permission for this element (albeit without the canopy) has already been granted. Concerns have been raised about the design of the canopy being inappropriate for a Victorian public hall and would therefore be unsympathetic in the context of surrounding buildings. However, the local planning authority does not consider the design to be visually obtrusive and considers it reflects the extension at ground floor. Whilst the residents have argued that the materials proposed for the canopy would act as a funnel, amplifying and directing noise from patrons towards nearby residential properties, (particularly the house opposite which is less than 30m away) there has been no evidence put forward to support this argument (for example, in the form of noise assessments) and the Environmental Protection Officers have raised no objections to these proposals. It would therefore be very difficult to sustain reasons for refusal on this basis that would stand up at any subsequent appeal.

#### **SEPARATION DISTANCES**

There is a residential property opposite the site, and within 25m of the main elevation. Planning permission was granted for a first floor bar under application APP/08/06601. This proposal is solely for the canopy and balustrades, which are not considered to intensify the use. Separation distances do not apply in this instance, as no residential properties will be affected by the proposed canopy development in terms of overlooking or loss of privacy.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

The proposed canopy will not result in an increase in noise to neighbouring properties. There are no Environmental/Sustainability issues relating to these proposals.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

## **CONCLUSION**

The proposal is not considered to undermine the vitality or viability of the Key Town Centre or result in an unacceptable level or cause significant nuisance or loss of amenity to neighbouring uses. The proposal complies with relevant Policy SH1 of the adopted Wirral Unitary Development Plan.

### **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 is not considered to undermine the vitality or viability of the Key Town Centre or result in an unacceptable level or cause significant nuisance or loss of amenity to neighbouring uses. The proposal complies with relevant Policy SH1 of the adopted Wirral Unitary Development Plan.

**Recommended            Approve**  
**Decision:**

### **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 external seating area hereby approved shall not be used between the hours 21.00 hours and 08.00 hours Monday to Sunday.  
  
       **Reason:** In the interest of residential amenity
  
3.     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
  
4.     Full details are to be submitted and approved in writing by the Local Planning Authority for a scheme of self-closing mechanisms on all first-floor doors between inside and outside areas to the premises prior to development commencing. Upon receipt of written approval by the Local Planning Authority all details must be carried out in full and retained as such thereafter before the balcony is used by customers.  
  
       **Reason:** In the interest of residential amenity
  
5.     The development shall be built in accordance with the plans received 3 March 2011  
  
       **Reason:** In the interest of clarity

### **Further Notes for Committee:**

**Last Comments By:** 04/01/2011 14:51:51

**Expiry Date:** 24/01/2011