

Planning Committee

22 August 2013

Reference:
APP/13/00565

Area Team:
North Team

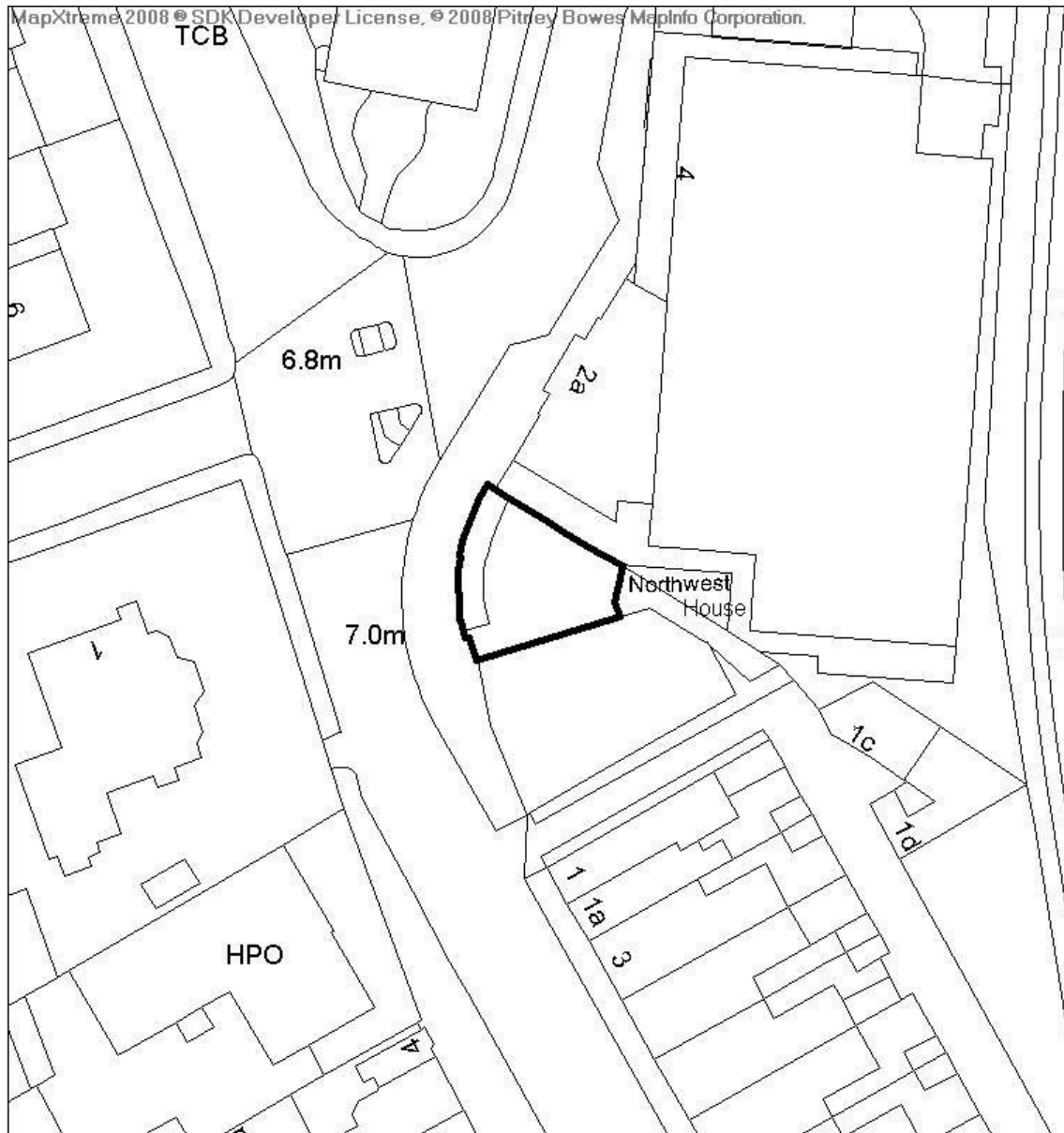
Case Officer:
Mrs S Day

Ward:
Hoylake and Meols

Location: North West House, GRANGE ROAD, WEST KIRBY
Proposal: Change of use of first floor of premises to function venue and private members club (sui generis)

Applicant: Wro Ltd
Agent : Matthews & Goodman

Site Plan:



Development Plan Designation:

Key Town Centre
Tourism Development Site

Planning History:

Location: North West House, GRANGE ROAD, WEST KIRBY, WIRRAL CH48 4DY
Application Type: Full Planning Permission
Proposal: Change of use of 2nd floor of building from office to residential (1no. bed apartment) (amended plans and description)
Application No: APP/13/00124
Decision Date: 28/03/2013
Decision Type: Approve

Location: North West House, GRANGE ROAD, WEST KIRBY
Application Type: Full Planning Permission
Proposal: Application for installation of 4 no. planters and associated glass panels.
Application No: APP/12/00927
Decision Date: 19/09/2012
Decision Type: Approve

Location: North West House, GRANGE ROAD, WEST KIRBY
Application Type: Advertisement Consent
Proposal: Retention of 2 no. illuminated menu board advertisements and installation of 7 no. panel signs.
Application No: ADV/12/00928
Decision Date: 19/09/2012
Decision Type: Approve

Location: The Wro GRANGE ROAD, WEST KIRBY
Application Type: Full Planning Permission
Proposal: Variation of condition 4 of approved planning application APP/99/06362, to allow later opening on each Friday and Saturday night until half-past midnight. The proposed condition would read 'the premises shall be closed between 23.30 and 09.00 hours except on Saturdays and Sundays when the premises shall be closed between 00.30 and 09.00 hours' (amended description).
Application No: APP/12/00530
Decision Date: 30/08/2012
Decision Type: Refuse

Location: North West House, GRANGE ROAD, WEST KIRBY, CH48 4DY
Application Type: Full Planning Permission
Proposal: Variation of condition 4 of approved planning application APP/99/06362. The proposed condition shall read "The premises shall be closed between 23.30 hours and 09.00 hours except on the following occasions: the premises shall be closed between 00.30 hours and 09.00 hours on up to 10 occasions a year, and shall be closed between 01.30 hours and 9.00 hours on Christmas day, and shall be closed between 02.30 hours and 09:00 hours on 27th December in each calendar year and shall be closed between 02.30 hours and 09:00 hours on New Years day".
Application No: APP/11/01449
Decision Date: 10/02/2012
Decision Type: Refuse

Location: The Wro, North West House, GRANGE ROAD, WEST KIRBY, CH48 4DY
Application Type: Advertisement Consent
Proposal: Signage for the Bar Cafe.
Application No: ADV/11/00600
Decision Date: 20/07/2011

Decision Type: Approve
Location: North West House, Grange Road, West Kirby, Wirral, CH48 4DY
Application Type: Full Planning Permission
Proposal: Change of use from first floor office to lounge bar café.
Application No: APP/08/06601
Decision Date: 13/11/2008
Decision Type: Approve

Location: The Wro, North West House, Grange Road, West Kirby, Wirral, CH48 4DY,
Application Type: Full Planning Permission
Proposal: Introduction of pavement cafe
Application No: APP/08/05733
Decision Date: 04/08/2008
Decision Type: Approve

Location: North West House, Grange Road, West Kirby, Wirral, CH48 4DY
Application Type: Full Planning Permission
Proposal: Change of use to restaurant (ground floor only).
Application No: APP/99/06362
Decision Date: 10/09/1999
Decision Type: Approve

Summary Of Representations and Consultations Received:

CONSULTATIONS

Head of Environment & Regulation (Traffic & Transportation Division) - No Objections

Head of Environment & Regulation (Pollution Control Division) - No Objections

REPRESENTATIONS

In line with the Council's policy for the publicity of planning applications, letters were sent to 30 individual properties and a notice displayed on site. Five letters of objection have been received from 1 and 3 Riversdale Road, Saville Woods, Grange Road, 8 Riversdale Court listing the following grounds for objection:

1. Increase in noise levels which are already problematic
2. The nature of the proposed function use will result in larger amounts of disturbance at the same time rather than spread across the evening.
3. Anti social behaviour from patrons leaving late at night which currently occurs.
4. Failure of existing use to adhere to conditions.
5. Existing hours of operation should remain.
6. First floor use is not accessible
7. Already in use as a function and conference venue
8. Extant permission for a flat
9. Increase in on street parking

In addition, Councillor Hale requested that the applications be taken out of delegation based on the noise and disturbance resulting from any extended hours.

Director's Comments

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is now subject to an appeal against non-determination which means that the decision to allow or refuse the application rests with the Planning Inspectorate. However, the proposed recommendation for the Council to submit to the Inspectorate is included in this report.

INTRODUCTION

The proposal relates to the change of use of the first floor of the building to a private members club

and conference and function venue. This application is one of two for similar proposals, the other relates to 2 Grange Road (APP/2013/00568).

PRINCIPLE OF DEVELOPMENT

The site is located within a key town centre where such uses can be acceptable subject to their not creating nuisance through noise and disturbance and on street parking.

SITE AND SURROUNDINGS

The application site consists of the upper floor of the building which is currently in use as a drinking establishment. The ground floor of the building is currently in use as a restaurant/drinking establishment. The site is situated within the commercial Key Town Centre area of West Kirby, and adjacent to a Primarily Residential Area. There is a mix of uses A1, A3, A4 and A5 uses within the immediate vicinity of the site. No.1 Riversdale Road is a residential dwelling situated 26m from the premises and there are other residential properties in Riversdale Road and at Riversdale Court.

POLICY CONTEXT

The proposal shall be assessed against Policy SH1 Criteria for Development in Key Town Centres of the adopted Wirral Unitary Development Plan (UDP) and SPD3 Hot Food take- aways, Restaurants, Cafes and Drinking Establishments and the National Planning Policy Framework (NPPF).

UDP Policy SH1 requires that development within Key Town Centres should not undermine the vitality and viability of the area and should have no detrimental impact on highway safety. Care must be taken that the proposal will not cause nuisance to neighbouring occupiers as a result of noise and disturbance, on street parking or delivery vehicles. Suitable conditions should be imposed on hours of opening/operation, where necessary.

Supplementary Planning Guidance 3 states that restaurants, drinking establishments and hot food take aways are generally acceptable within Key Town Centres provided it does not harm nearby residential properties. Although the proposal does not have classification, eating and drinking could take place at the premises. To address the degree of subjectivity when assessing potential impact from noise and disturbance, SPD3 indicates that there should be a 40-metre separation distance from the main elevation of a dwelling house or a building used solely for self contained flats when measured along a public highway.

The National Planning Policy Guidance encourages sustainable development which promotes the vitality of town centres.

APPEARANCE AND AMENITY ISSUES

The proposals do not include any physical alterations to the building, simply a change of use. The proposed use is for a private members club which could be used as a drinking establishment by registered members and their guests and for a conference/ function facility which would be pre-booked with a list of attendees submitted. Whether used a private club or as a function venue, the activities associated with the club are unlikely to be significantly different from the existing use.

The applicant, has submitted that the controls which would be exercised on members of the club and people attending functions, would be sufficient to enable later opening hours of 9.00 - 00.30 Friday and Saturday with additional extended hours on specific days of the year including; Christmas Eve, 09.00 - 1.30, Boxing Day and New Years Eve 09.00 - 2.30 and additional extended hours on Sundays preceding Bank Holiday Mondays. These controls would consist of staff checking patrons at the entrance to ensure that only members and guests of the private club or guests on a pre-arranged list for function will be permitted entry.

The ground floor use has hours restricted to 11.30 in the evening and two recent planning applications to extend these hours were refused. Similarly, an application for a change of use to a drinking establishment was approved at the adjacent site, the Red Door, by the Planning Inspectorate (appeal reference APP/W4235/A/09/2110313) subject to conditions to protect the living conditions of nearby residents. The Inspector's report states "The potential for noise and disturbance can, in my view, be mitigated by imposing appropriate planning conditions...Given the proximity of residential uses, I consider the conditions relating to hours of operation are reasonable and necessary to protect the living conditions of nearby residents". The opening hours imposed were 12.00 hours - 23.30

hours daily.

Whilst the current hours of the upper floor do not have the hours restricted, it is felt that the proposed change of use could have the potential to increase noise and disturbance in the locality. The proposed use as a function and conferencing venue is likely to result in larger groups of people arriving and leaving at a similar time which could potentially be more disruptive than comings and goings spread out through the evening. The problems of noise usually occur when people are leaving or moving away from premises and dispersing through adjacent roads. This is particularly an issue later on at night when background noise levels drop such as the extended hours now proposed.

Objectors have advised that the existing use does cause problems of noise and disturbance which worsen as the evening progresses and ambient background noise drops. As such it would be appropriate to ensure that any change of use has hours which are compatible with surrounding uses.

Thus, although the proposed use is one which is compatible with a town centre, this is subject to restrictions on hours of activity to ensure no deterioration in the amenity of nearby residents.

SEPARATION DISTANCES

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

HIGHWAY/TRAFFIC IMPLICATIONS

Whilst the proposal is likely to generate additional parking demands in adjacent residential roads, the site is a town centre site on a main road with all nearby junctions and critical road sections protected by waiting restrictions.

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 proposed change of use would be compatible with other key town centre uses. Subject to controls on hours of operation the proposal meets the requirements of The National Planning Policy Guidance and Policies SH1 and SPD3 of the 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 proposed change of use would be compatible with other key town centre uses. Subject to controls on hours of operation the proposal meets the requirements of The National Planning Policy Guidance and Policies SH1 and SPD3 of the Wirral Unitary Development Plan

**Recommended
Decision:**

**To recommend to the Secretary of State that the application should be
Approved**

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 remain closed between the hours of 23:30 hours and 08:00 hours

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

3. The external seating area shall not be used between the hours 21.00 hours and 08.00 hours Monday to Sunday.

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

4. PRIOR TO THE OCCUPATION OF THE PREMISES, 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. Upon receipt of written approval by the Local Planning Authority all details must be carried out in full and retained as such thereafter. The doors shall not subsequently be left open.

Reason In the interests of residential amenity

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

Reason : In the interests of the amenity of residents in the vicinity of the site

6. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 9th May 2013 and listed as follows:
L(90)000 and L(70)001

Reason: For the avoidance of doubt and to define the permission.

Last Comments By: 13/06/2013 17:08:09

Expiry Date: 04/07/2013