

**Planning Committee**

22 August 2013

**Reference:**  
**APP/13/00568**

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

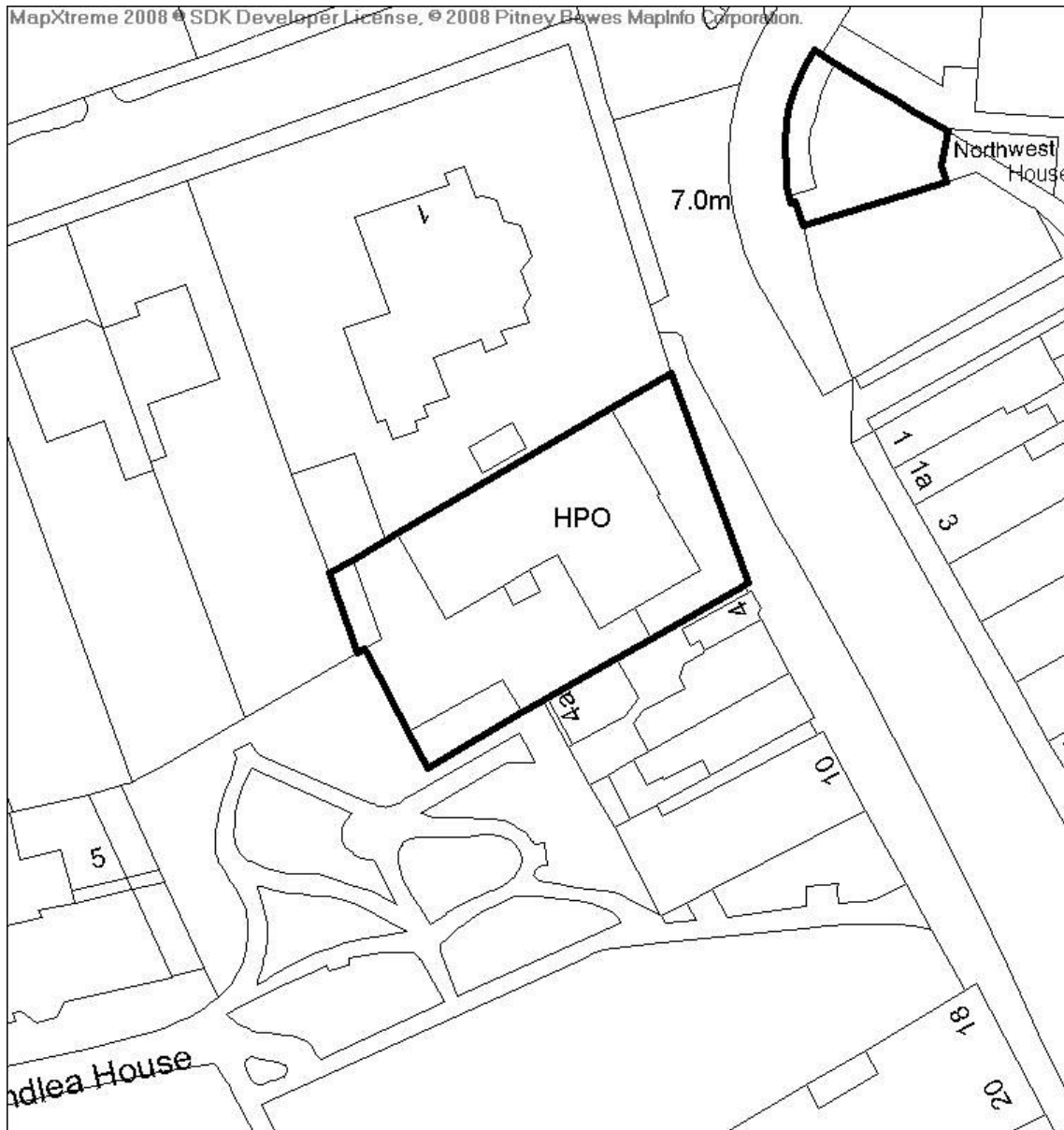
**Case Officer:**  
**Mrs S Day**

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

**Location:** 2 GRANGE ROAD, WEST KIRBY, CH48 4HA  
**Proposal:** Change of use at rear part of building to function venue and private members club.

**Applicant:** Wro Ltd  
**Agent :** Matthews & Goodman

**Site Plan:**



**Development Plan Designation:**

Key Town Centre  
Tourism Development Site

**Planning History:**

Location: 2 GRANGE ROAD, WEST KIRBY, CH48 4HA  
Application Type: Advertisement Consent  
Proposal: Proposed fascia and free standing signage  
Application No: ADV/12/00846  
Decision Date: 24/08/2012  
Decision Type: Approve

Location: 2 GRANGE ROAD, WEST KIRBY, CH48 4HA  
Application Type: Full Planning Permission  
Proposal: Erection of a rear extension and change of use to restaurant  
Application No: APP/12/00700  
Decision Date: 25/07/2012  
Decision Type: Approve

Location: Terazz, 2 Grange Road, West Kirby, Wirral, CH48 4HA  
Application Type: Full Planning Permission  
Proposal: Construction of a glazed conservatory extension to front elevation  
Application No: APP/09/05293  
Decision Date: 11/05/2009  
Decision Type: Approve

Location: Terazz, Grange Road, West Kirby, Wirral, CH48 4HA  
Application Type: Full Planning Permission  
Proposal: Erection of a conservatory to front of property.  
Application No: APP/06/05314  
Decision Date: 13/04/2006  
Decision Type: Approve

Location: Pavement front of 2 Grange Road, West Kirby, Wirral, CH48 4HA (amended location)  
Application Type: Full Planning Permission  
Proposal: Extension to existing outside restaurant terrace area.  
Application No: APP/04/05923  
Decision Date: 20/07/2004  
Decision Type: Approve

Location: 2 Grange Road, West Kirby, Wirral, CH48 4HA  
Application Type: Full Planning Permission  
Proposal: Change of use from vacant Post Office to licensed restaurant (Use Class A3 ), alterations to front elevation, and formation of an outdoor eating area.  
Application No: APP/03/05324  
Decision Date: 17/04/2003  
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 21

individual properties and a notice displayed on site. Two letters of objection have been received from 3 Riversdale Road listing the following grounds:

1. Increase in noise levels close to houses due to the access to the rear
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. Creating a new distinct unit will result in it being within 25m of residential properties.
6. Existing hours of operation should remain.

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**

This 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 is to change the use of part of the existing restaurant to a private members club and a function venue.

#### **PRINCIPLE OF DEVELOPMENT**

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

#### **SITE AND SURROUNDINGS**

The site comprises a single-storey brick building currently in use as a restaurant. There is a conservatory extension to the front elevation and outdoor seating facing Grange Road. The site is designated as Key Town Centre and a Tourism Development Site. There are a number of uses within the immediate vicinity of the site including A1, A3, A4 and A5 uses at ground floor and residential at first floor. The building is situated adjacent to a Primarily Residential Area and the adjacent property No.1 Riversdale Road is a residential dwelling. There are residential flats above the commercial row along Grange Road, The site also backs onto Sandlea Park.

#### **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 this 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**

This application is one of two submitted for change of use to a private members club and function use. The other current application is for 1A Grange Road. Both applications are now subject of appeal, against non-determination.

The proposed use is to occupy the rear part of the existing building to be used as a private members club and as a venue for functions. Whilst the use as a private members club is sui generis, the use of part of the premises for functions was previously considered as part of the 2012 permission for a restaurant. The submitted floor plans are the same as approved with the 2012 approval and indicate an entrance to the side of the building from within the yard to the south.

The applicant states that the rear of the building would operate independently from the existing restaurant and would be managed separately. The management plan submitted with the application states that the club and function facility will only be accessed through the rear of the building. The submitted plans do however still retain the existing double doors which currently link the front and rear parts of the building.

The applicant, is satisfied 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 rear 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.

It is considered that the nature of the proposed club is very similar to A3/A4 uses with patrons visiting the club to drink and/or dine. Given the location of the premises in a key town centre, the proposed use of the rear of the building is acceptable subject to controls to ensure that the proposal does not result in additional noise or disturbance to nearby residents. The function use was considered as part of the previous approval for a restaurant and was considered appropriate, again subject to controls relating to noise and disturbance. The proposal will result in patrons attending and leaving the premises late at night, beyond the times currently approved. Notwithstanding the intentions of the applicant to restrict and manage membership, this would be difficult to apply to guests of members and to people attending functions who would not necessarily be members. 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. The management policy of restricting entry would have little effect on this scenario, indeed the likelihood of larger groups of people leaving functions at the same time could exacerbate noise and disturbance. In the absence of any robust way of limiting noise to nearby residents, the proposal is supported but with an hours condition which reflects the current status.

## **SEPARATION DISTANCES**

Although normal separation distance 40 metres cannot be achieved, the proposal, in this particular case, involves the use of an existing building. Therefore, it is considered that with controls over opening hours, there should be no undue impact on neighbour's amenity.

## **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

**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 this 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 outside courtyard area to the rear (west) of the existing restaurant shall not be used for outdoor seating or for the consumption of food or drink.  
  
      **Reason:** In the interest of amenity
4.    The rooflights shall remain closed whilst live or amplified music is playing.  
  
      **Reason:** In the interest of amenity
5.    Details of fume extraction provision shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be built in accordance with the approved details and retained thereafter.  
  
      **Reason:** In the interest of amenity
6.    PRIOR TO THE USE OF THE DEVELOPMENT HEREBY APPROVED, the external and internal lobby doors shall be fitted with self-closing mechanisms to minimise emission of odours and/or noise to the neighbouring area, and retained thereafter. The doors shall remain closed except for access and egress.  
  
      **Reason:** To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.
7.    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: RA 1202 005 A, RA 1202 001 A, RA 1202 002 A, RA 1202 003 A and RA 1202 004 A.  
  
      **Reason:** For the avoidance of doubt and to define the permission.

**Last Comments By: 10/06/2013 11:33:24**

**Expiry Date: 04/07/2013**