

**Planning Committee**

17 June 2014

**Reference:**  
**APP/14/00081**

**Area Team:**  
**South Team**

**Case Officer:**  
**Mrs C Parker**

**Ward:**  
**Heswall**

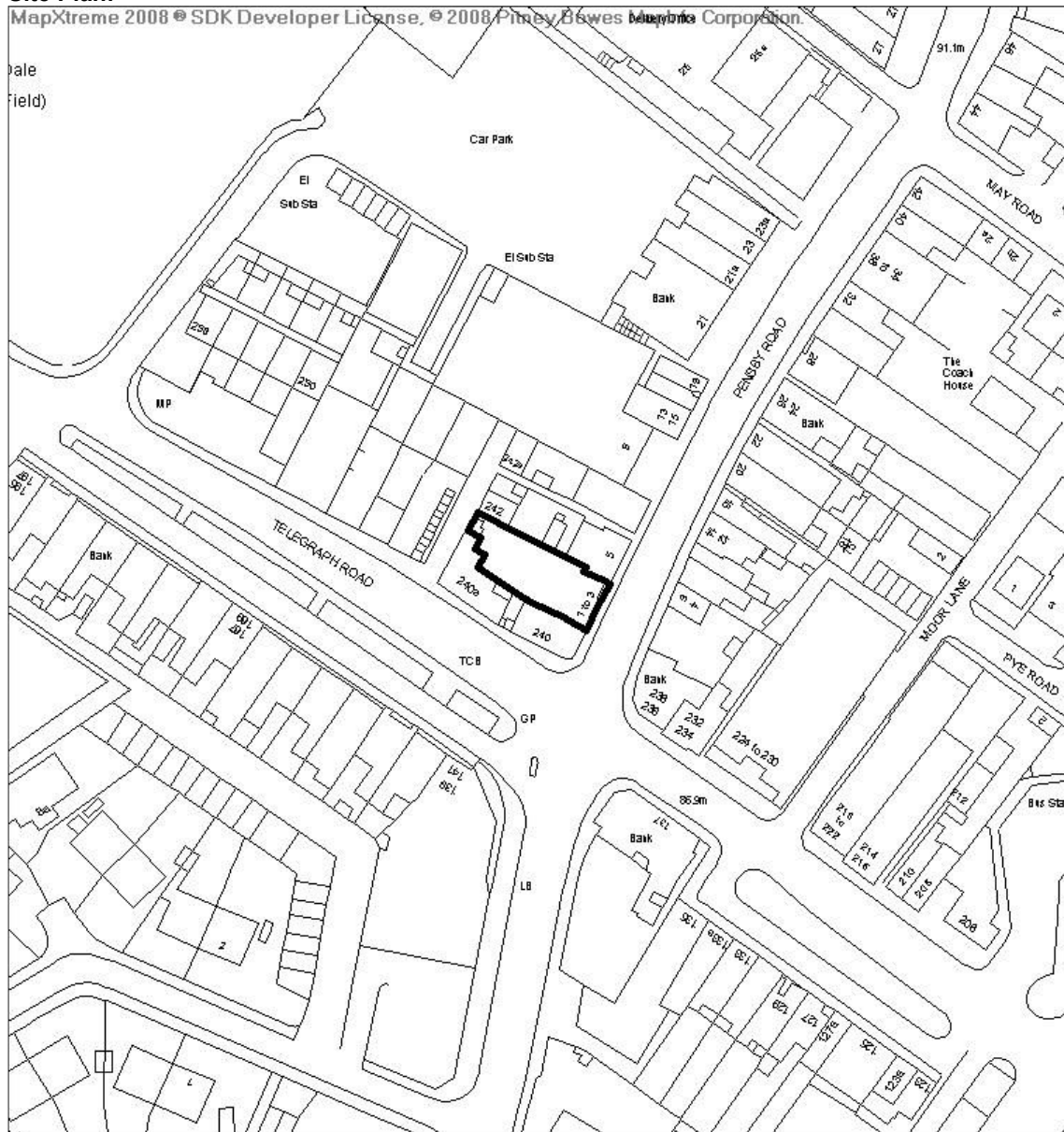
**Location:**  
**Proposal:**

1-3 PENSBY ROAD, HESWALL, CH60 7RA  
Proposed refurbishment of existing vacant shop (A1 use class) to a restaurant/café/bar with the introduction of a first floor partially glazed extension and rear first floor courtyard to become part of restaurant/bar. Supporting office accommodation, Re-design and fit out (amended plans)

**Applicant:**  
**Agent :**

The Courtyard  
Condy & Lofthouse Architects Ltd

**Site Plan:**



**Development Plan allocation and policies:**  
Key Town Centre

**Planning History:**

Location: 3, Pensby Road, Heswall. L60 7RA  
Application Type: Full Planning Permission  
Proposal: Erection of a new shop front.  
Application No: APP/88/06781  
Decision Date: 27/10/1988  
Decision Type: Approve

Location: 3, Pensby Road, Heswall. L60 7RA  
Application Type: Advertisement Consent  
Proposal: Erection of a non-illuminated fascia sign.  
Application No: ADV/88/06780  
Decision Date: 13/09/1988  
Decision Type: Permitted development

Location: 3, Pensby Road, Heswall. L60 7RA  
Application Type: Advertisement Consent  
Proposal: Erection of an illuminated fascia sign.  
Application No: ADV/95/05921  
Decision Date: 02/08/1995  
Decision Type: Approve

**Summary Of Representations and Consultations Received:**

**REPRESENTATIONS**

Having regard to the Council's Guidance on Publicity for Planning Applications, 13 notifications have been sent to adjoining properties and a site notice has been displayed near the site. An objection has been received from the occupiers of 242 Telegraph Road (The Old Stables) stating:

1. The structure would block light to the windows of the side elevation of 242 Telegraph road
2. The structure would impede access to their property
3. The structure may prevent or impede access to the side elevation
4. The structure would obscure existing signage for the business as this is on the elevation visible from the main road
5. The proposed glazed atrium would obscure the "quaint old building"
6. Alternative designs could be feasible without the need for a raised structure

Following the receipt of amended plans, a further objection has been received from the occupiers of 242 Telegraph Road repeating the original objection and raising concern that works are being carried out on site and that the works will cause difficulties with maintenance of their wall.

A qualifying petition with 27 signatures has been received objecting to the proposal and state that the construction of the fire escape atrium at the rear of the development would be detrimental to the amenity value of the neighbouring 'Old Stables' building at 242 Telegraph Road.

Heswall Society - Concern expressed over the impact of the proposal on the side elevation of The Old Stables and the protuberance of the enclosure makes a negative contribution to the area.

**CONSULTATIONS**

Head of Environment and Regulation (Pollution Control Division) - No objection subject to conditions

Head of Environment and Regulation (Traffic and Transportation Division) - No objection

**Director's Comments:**

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

A qualifying petition with 27 signatures has been received objecting to the proposal and state that the construction of the fire escape atrium at the rear of the development would be detrimental to the amenity value of the neighbouring 'Old Stables' building at 242 Telegraph Road.

## **INTRODUCTION**

The proposal is for the refurbishment of existing vacant shop (A1 use class) to a restaurant/café/bar with the introduction of a first floor partially glazed extension and rear first floor courtyard to become part of restaurant/bar, supporting office accommodation, re-design and fit out. The proposal has been amended during the process of the planning application. The amendments removed part of the structure immediately adjacent to the neighbouring building, 242 Telegraph Road as it was considered that the close proximity would have a detrimental impact due to loss of light. The structure is for a fire escape and this is now located 2.5 metres away from the neighbouring elevation.

## **PRINCIPLE OF DEVELOPMENT**

The principle of the proposed use of the premises as a restaurant/cafe and bar is an acceptable use in a key town centre. The external alterations are acceptable in principle subject to meeting the criteria set out in UDP Policy SH1 and the National Planning Policy Framework.

## **SITE AND SURROUNDINGS**

The premises fronts onto Pensby Road and is located close to the crossroads with Telegraph Road. The premises extend to the rear where it backs onto a narrow access road adjacent to the parade of shops set back from Telegraph Road. The narrow road provides access to the Old Stables, 242 Telegraph Road and a barber/hairdressers. 242 Telegraph Road, formerly a wine bar, is a brick built building which is attractive in appearance and has recently been granted planning permission to a fabric/haberdashery shop and cafe APP/14/00024 - approved 26/02/14. The premises has not opened for business at the time of writing this report. Apart from 242 Telegraph Road and the hairdressers having their main front access from the narrow road, the appearance of this part of the road is characterised by the rear of the shops/businesses that front both Pensby Road and Telegraph Road.

## **POLICY CONTEXT**

The premises is located within Heswall Key Town Centre where UDP Policy SH1 states that proposals falling within Class A1, Class A2, Class A3 and Class D1, together with other uses appropriate to a town centre location, including cinemas, theatres and taxi businesses, will be permitted provided that the proposed development does not undermine the vitality and viability of any Key Town Centre or Traditional Suburban Centre as a whole or other town centre outside the Borough boundary; the siting, scale, design, choice of materials is not detrimental to the character of the area and that the proposal does not cause nuisance to neighbouring uses, or lead to loss of amenity, as a result of noise and disturbance, on-street parking or delivery vehicles. Proposals for Class A3 or other non-retail use is located on a street containing similar establishments, cumulative levels of noise and disturbance, from both the existing and proposed activities, should not exceed a level likely to be detrimental to the amenity of the area and A3 uses should include measures to mitigate smells and internally-generated noise.

The National Planning Policy Framework (NPPF) sets out the need for sustainable development that seeks positive improvements in the quality of the built environment. Proposals should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The Framework recognises that town centres area at the heart of the community and should support viability and vitality to promote competitive town centres that provide customer choice.

It is considered that following the submission of the amended plan dated 17 April 2014, there will be no loss of amenity to the occupier of the adjacent property in terms of detrimental impact to the outlook of windows and this is in accordance with UDP Policy SH1. The use of the premises as a restaurant/cafe and bar (A3 and A4) is acceptable in the town centre and will not result in an additional provision that would exceed a level likely to be detrimental to the amenity of the area. In accordance with the guidance set out in the NPPF, the proposed use and external alterations would bring a vacant building into use, which supports the viability and vitality of Heswall Town Centre.

## **APPEARANCE AND AMENITY ISSUES**

The proposal seeks to use the currently vacant property as a restaurant/cafe and bar, which for the reasons set out above is an acceptable use of the premises within a key town centre. The proposal includes the general refurbishment of the premises and includes the introduction of a first floor partially glazed extension to the rear of the property. This effectively incorporates the rear courtyard and provides seating area in the form of a roof terrace. As set out above, the originally submitted plans showed that there would be a wall directly adjacent to the neighbouring property that would block the windows. This was considered unacceptable as this would obstruct light into the windows and therefore harm the amenity of the occupiers. This element of the proposal has been amended and the structure has been moved away from the windows by 2.5 metres, and no longer blocks light and this overcomes the original objection received from the occupiers of this property.

Objections have been raised over issues relating to access for maintenance to the building including the side elevation. Such issues relate to the Party Wall Act and this is not a planning consideration that can form part of the assessment of the planning application. A further objection states that the structure would obscure the building at 242 Telegraph Road including the existing signage. This has been raised on the basis that the adjacent business will be affected. This is not a planning consideration and furthermore, 242 Telegraph Road does not currently have a frontage to the main shopping street due to its location along the access road.

The objection also states that an alternative design could be feasible without the need for a raised structure. It is considered that the amendments to move the structure away from the windows is acceptable and removes any harm that would have previously existed. As such, there is no requirement to seek further amendments.

It is considered that the proposed use is appropriate at this location and the design of the glazed extension and rear courtyard area including the glazed structure will not detract from the character of the area in this town centre location.

## **SEPARATION DISTANCES**

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

## **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no 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**

The proposal will bring a vacant unit within the Key Town Centre into use which supports the viability and vitality of the town centre. The proposed extension and alterations are considered acceptable and will not detract from the character of the area or will detrimentally affect the amenity of the occupiers of adjacent properties. The proposal therefore accords with the National Planning Policy Framework and Policy SH1 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 proposal will bring a vacant unit within the Key Town Centre into use which supports the viability and vitality of the town centre. The proposed extension and alterations are considered acceptable and will not detract from the character of the area or will detrimentally affect the amenity of the occupiers of adjacent properties. The proposal therefore accords with the National Planning Policy

Framework and Policy SH1 of the Wirral Unitary Development Plan.

**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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on the 17 April 2012 and listed as follows: 13-078-121 Revision C, 13-078-151 Revision C, 13-078-152 Revision A dated April 2014

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

3. The premises shall not be open to the public before the hours of 8.00am nor after 12.00 midnight Monday to Saturday and before 9.00am nor after 11.00pm on Sundays or any Bank Holidays.

**Reason:** In the interests of amenity.

4. Prior to the commencement of the development a scheme of fume extraction shall be submitted and approved in writing to the Local Planning Authority. When designing the fume extraction system reference should be made to the Defra document "Guidance on the control of Odor and Noise from Commercial Kitchen Exhaust Systems". The approved fume extraction scheme shall be implemented in the development prior to the use as a restaurant/cafe and bar commences.

**Reason:**

**Further Notes for Committee:**

**Last Comments By:** 23/04/2014 14:56:00

**Expiry Date:** 07/04/2014