

Planning Committee

17 September 2015

Reference:
APP/15/00828

Area Team:
North Team

Case Officer:
Mr K Spilsbury

Ward:
**West Kirby and
Thurstaston**

Location: The Collingwood, 19 BLACK HORSE HILL, WEST KIRBY, CH48 6DS
Proposal: Proposed single storey rear extension, repositioning of retaining wall to beer garden and replacement of small window to larger window to front elevation
Applicant: Flying Pig & Lobster Ltd
Agent : Mr A Lodge

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Location: The Black Horse Inn (P.H), Black Horse Hill, West Kirby. L48 6DS
Application Type: Full Planning Permission
Proposal: Conversion of disused land to children's play area.
Application No: APP/89/06926
Decision Date: 16/11/1989
Decision Type: Approve

Location: Black Horse Hotel, Black Horse Hill, West Kirby, Wirral, CH48 6DS
Application Type: Full Planning Permission
Proposal: Erection of a single storey side extension rear extension and front extension and elevational alterations.
Application No: APP/06/07216
Decision Date: 28/12/2006
Decision Type: Withdrawn

Location: BI Horse Inn BI Horse Hill W Kby
Application Type: Full Planning Permission
Proposal: To provide additional car parking
Application No: APP/74/00799
Decision Date: 09/06/1975
Decision Type: Conditional Approval

Location: Black Horse Hotel, Black Horse Hill, West Kirby
Application Type: Advertisement Consent
Proposal: Illuminated sign.
Application No: ADV/74/00219
Decision Date: 09/08/1974
Decision Type: Conditional Approval

Location: The Black Horse Hotel, Black Horse Hill, West Kirby. L48 6DS
Application Type: Full Planning Permission
Proposal: Change of use of public house to public house and restaurant and first floor function room to staff accommodation and erection of an extension at rear.
Application No: APP/91/06733
Decision Date: 25/10/1991
Decision Type: Approve

Location: The Black Horse Hotel, Black Horse Hill, West Kirby. L48 6DS
Application Type: Full Planning Permission
Proposal: Erection of a single storey and two storey extensions, elevational alterations internal alterations and alterations/extension to outside drinking area at the rear.
Application No: APP/06/07537
Decision Date: 02/02/2007
Decision Type: Approve

Location: Black Horse Public house ,Blackhorse Hill ,West Kirby,L48 6DS
Application Type: Full Planning Permission
Proposal: Erection of porch and rear doorway
Application No: APP/81/18862
Decision Date: 27/08/1981
Decision Type: Conditional Approval

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 17 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 2 objections have been received from the occupiers of 8 Smith Hey, 17 Black Horse Hill and Jeff Stephens (no address). The objections are summarised as follows:

1. The premises are a regular source of nuisance
2. Extension to a live performance area would cause further breaches of conditions
3. Past issues relating to; leaving the doors/windows open of kitchen resulting in noise, cooking odours and late night parties.
4. Privacy of those living opposite due to the new window.

CONSULTATIONS:

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

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

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application has been taken out of delegated powers by Councillor Watt on the following grounds:

I have been approached by nearby residents who are concerned that the proposed development, by reason of its proximity to residential property, is likely to exacerbate ongoing problems of noise and disturbance that are already well documented in connection with the existing premises, contrary to policy HS15 of the Wirral Unitary Development Plan and the National Planning Policy Framework.

INTRODUCTION

The proposed development is for the erection of a single storey rear extension, repositioning of retaining wall to beer garden and replacement of small window to larger window to front elevation

PRINCIPLE OF DEVELOPMENT

The proposed development is on an existing public house within the primarily residential area of West Kirby as such the principle of the development is acceptable subject to the policies outlined below.

SITE AND SURROUNDINGS

The Collingwood public house is located on Black Horse Hill. The area is residential in character and as such is surrounded by residential properties.

To the rear of the site is a beer garden that is part hardstanding, part grass. The houses to the rear of the site are predominately bungalows (Smithy Hey) and are set higher than the development site.

POLICY CONTEXT

The site is an established A4 Use (Drinking Establishment) within a primarily residential area. Policy HS15 - Non-Residential Uses in Primarily Residential Areas is therefore directly relevant. The policy states that proposals for small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not be of such scale as to be inappropriate to surrounding development, result in a detrimental change in the character of the area; and, cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

The proposed alterations will involve the construction of a single storey rear extension at the rear of the public house and the repositioning of a retaining wall and associated works to enhance the hardstanding area of the beer garden. The new window is located at the front of the building.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The development will enhance the existing public house thereby creating a more attractive business. This ties in with the principles of the NPPF, paragraph 20 states; "To help

achieve economic growth, local planning authorities should plan pro-actively to meet the development needs of business and support an economy fit for the 21st century".

The proposed extension will further update an existing facility thereby creating a sustainable development that will secure economic, social and environmental benefits. The premises are an established public house set within a residential context. It is considered that the development will improve the urban fabric of the area by enhancing the external appearance of the building and thereby preserve the facility for future generations.

APPEARANCE AND AMENITY ISSUES

At the time of writing this report the 3 letters of objection have been received from the occupiers of 8 Smith Hey, 17 Black Horse Hill and Jeff Stephens (no address). The objections are summarised as follows:

1. The premises are a regular source of nuisance
2. Extension to a live performance area would cause further breaches of conditions
3. Past issues relating to; leaving the doors/windows open of kitchen resulting in noise, cooking odours and late night parties.
4. Privacy of those living opposite due to the new window.

The Pollution Control Division has raised no objection to the proposed scheme with regards to noise and disturbance. They comment that the development should improve the acoustic insulation at the rear of the property. It is therefore considered that the proposed development will not result in any further detrimental impact upon residential amenity of local residents at the rear of the site. With regards to the new window at the front of the site this will replace an existing window and as such the impact upon residential amenity will be negligible.

It is considered that proposed development will retain and enhance the best of the buildings existing characteristics through the refurbishment of the existing structure. The proposal will create a sustainable development that will preserve and enhance the building for future generations.

It is considered that the proposed changes are modest; the details are in keeping with character of the building and will generally enhance the character of the conservation area. The development is therefore deemed acceptable in terms of the criteria set out in HS15 of Wirral's Unitary Development Plan and the NPPF.

HIGHWAY/TRAFFIC IMPLICATIONS

The Head of Environment & Regulation (Traffic & Transportation Division) has been consulted as part of the decision process and has raised no objections to the proposed scheme.

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 development has been designed in such a way to make maximum use of the site whilst having minimal impact on the amenities of the neighbouring residents. It is considered that the proposed design, scale and siting of the proposal is in keeping with the character of the existing building and the surrounding residential area. The proposal will support the continued use of this established community facility and is in accordance with the advice set out in the National Planning Policy Framework and UDP Policy HS15 and is therefore recommended for approval.

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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development has been designed in such a way to make maximum use of the site whilst having minimal impact on the amenities of the neighbouring residents. It is considered that the proposed design, scale and siting of the proposal is in keeping with the character of the existing building and the surrounding residential area. The proposal will support the continued use of this established community facility and is in accordance with the advice set out in the National Planning Policy Framework and UDP Policy HS15 and is therefore recommended for approval.

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 18th June 2015 and listed as follows: PL.1511.002 (Dated 25.05.2015)

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

3. No music or amplified voices shall be played on the outside terrace area.

Reason: In the interest of residential amenity having regards to policy HS15

4. All external lights shall be fixed and adjusted so as not to cause nuisance to neighbouring properties.

Reason: In the interest of residential amenity having regards to policy HS15

Last Comments By: 29/07/2015 16:28:36
Expiry Date: 13/08/2015