

## Planning Committee

18 January 2018

**Reference:**  
**APP/17/01114**

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

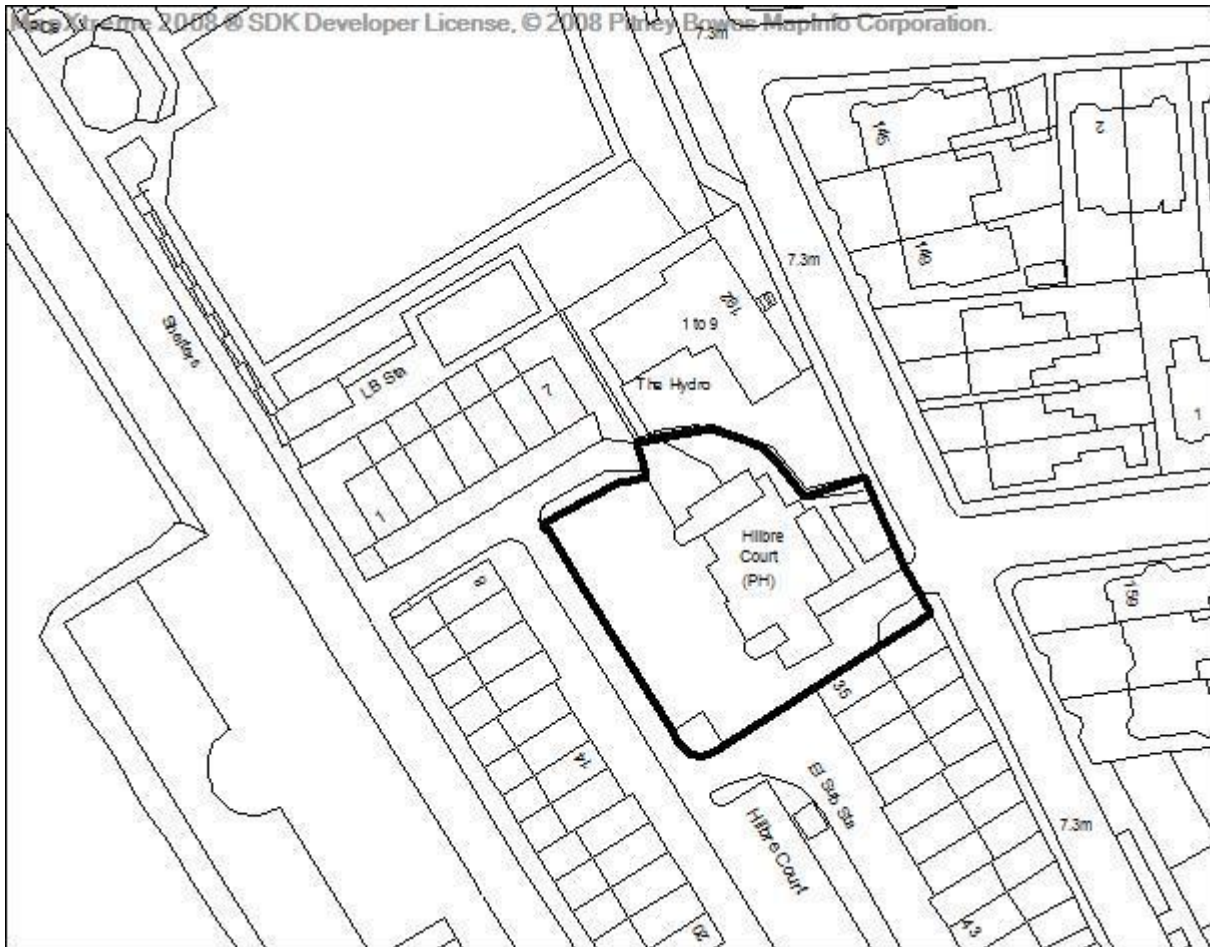
**Case Officer:**  
**Mr C Smith**

**Ward:**  
**West Kirby and  
Thurstaston**

**Location:** Hilbre Court Hotel, BANKS ROAD, WEST KIRBY, CH48 3HT  
**Proposal:** Retrospective planning application for proposed decking to front elevation and associated landscaping. Including door and window amendments. (Amended).

**Applicant:** Mechanics Manchester Ltd  
**Agent :** d2 architects

### Site Plan:



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### Development Plan Designation:

Primarily Residential Area

### Planning History:

**Location:** Hilbre Court Hotel, BANKS ROAD, WEST KIRBY, CH48 3HT  
**Application Type:** Full Planning Permission  
**Proposal:** Retrospective planning application for proposed decking to front elevation and associated landscaping. Including door and window amendments. (Amended).  
**Application No:** APP/17/01114  
**Decision Date:**

Decision Type:

Location: Hilbre Court Hotel, Banks Road, West Kirby, Wirral, CH48 3HT  
Application Type: Full Planning Permission  
Proposal: Erection of a new timber pedestrian walkway at side, raising of land levels for limited area to side of building with retaining wall, and alterations to beer store.  
Application No: APP/01/06604  
Decision Date: 19/10/2001  
Decision Type: Approve

Location: Hilbrecourt PH,Banks Road,West Kirby ,Wirral,L48 3HU  
Application Type: Full Planning Permission  
Proposal: Extension to existing front porch.  
Application No: APP/83/22365  
Decision Date: 26/05/1983  
Decision Type: Approve

Location: Hilbre Court P.H., Banks Road, West Kirby. L48 3HU  
Application Type: Advertisement Consent  
Proposal: Illuminated wall sign.  
Application No: ADV/85/05622  
Decision Date: 23/05/1985  
Decision Type: Approve

Location: Hilbre Court, South Parade, West Kirby. L48 3JU  
Application Type: Full Planning Permission  
Proposal: Erection of gate posts and walls at entrance and exit.  
Application No: APP/87/06017  
Decision Date: 04/08/1987  
Decision Type: Approve

Location: The Hilbre Court, Banks Road, West Kirby. L48 3HT  
Application Type: Advertisement Consent  
Proposal: Erection of signs, some illuminated.  
Application No: ADV/93/05667  
Decision Date: 11/06/1993  
Decision Type: Approve

Location: Hilbre Court P.H., Banks Road, West Kirby. L48 3JU  
Application Type: Full Planning Permission  
Proposal: Single storey lounge extension to front and new mansard roof.  
Application No: APP/92/06681  
Decision Date: 01/12/1992  
Decision Type: Approve

Location: The Hilbre Court, Banks Road, West Kirby. L48 3HT  
Application Type: Advertisement Consent  
Proposal: Erection of an illuminated sign.  
Application No: ADV/93/05992  
Decision Date: 23/07/1993  
Decision Type: Approve

Location: Hilbre Court P.H., Banks Road, West Kirby. L48 3JU  
Application Type: Full Planning Permission  
Proposal: Proposed new mansard roof to existing flat roof structure and new external terrace with fencing.  
Application No: APP/92/06175  
Decision Date: 07/09/1992  
Decision Type: Approve

Location: The Hilbre Court Public House ,Banks Road ,West Kirby,L48 3JU  
Application Type: Advertisement Consent  
Proposal: Sign board affixed to front wall.  
Application No: ADV/82/20564  
Decision Date: 22/07/1982  
Decision Type: Refuse

Location: Hilbre Court Ph ,Banks Road ,West Kirby,L48 3HU  
Application Type: Advertisement Consent  
Proposal: Illuminated wall board  
Application No: ADV/82/21851  
Decision Date: 03/03/1983  
Decision Type: Refuse

Location: Hilbre Court,Banks Road,West Kirby,CH48 3HU  
Application Type: Advertisement Consent  
Proposal: Display of illuminated double sided box sign.  
Application No: ADV/79/13007  
Decision Date: 27/09/1979  
Decision Type: Refuse

Location: Hilbre Court Public House,Banks Road ,West Kirby, L48 3HU  
Application Type: Full Planning Permission  
Proposal: Erection of a pergola and outdoor drinking area at the premises  
Application No: APP/83/23702  
Decision Date: 24/11/1983  
Decision Type: Refuse

Location: Hilbre Court Public House,Banks Road, West Kirby,L48 3HU  
Application Type: Advertisement Consent  
Proposal: Illuminated fascia signs at the premises  
Application No: ADV/83/23723  
Decision Date: 24/11/1983  
Decision Type: Conditional Approval

Location: Hilbre Court Public House,Banks Road ,West Kirby, L48 3HU  
Application Type: Full Planning Permission  
Proposal: Formation of new porch and alterations to front elevation at the premises  
Application No: APP/83/23701  
Decision Date: 24/11/1983  
Decision Type: Conditional Approval

### **Appeal Details**

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

##### **REPRESENTATIONS:**

Having regard to the Council Guidance on Publicity for Applications 26 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 25 objections have been received and 9 letters of support in regard to the application.

##### Brief summary of objections:

1. The raised decking area has direct views into adjacent properties and is therefore intrusive. The development will further severely overlook neighbouring properties and is increasing the use of the internal building near the neighbouring flats.
2. The front elevation has been ruined and looks under construction. The cages are not in keeping with the area.
3. The noise from the premises will be easily heard from adjacent properties and will be increased. Currently noise disturbance from the staff and patrons is a regular occurrence.
4. During the summer the double doors to the decking will be open which will increase noise to local residents.

5. The side windows directly face bedroom windows.
6. The side windows should be obscured or have blinds to protect neighbours privacy.
7. The side windows will be opened and create noise disturbance to neighbouring residents.
8. The new access to the side patio from the new side windows should be refused, as it will cause increased disturbance.
9. The development means I feel uncomfortable sitting on my balcony, as I have no privacy.
10. During the summer neighbouring flats need to open their windows for heat ventilation and the noise from the proposal will be prominent.
11. The amended doors and windows result in significant light pollution to neighbouring dwellings.
12. The proposed development is on a raised level and not a street level.
13. The proposal will result in more on street parking. Most residents have no alternative to on-street parking.
14. The Council should consider their responsibilities under the Human Rights Act Protocol 1, Article 1, which states that a person has the right to peaceful enjoyment of all their possessions which include their home. Article 8 further states that a person has the substantive right to respect for their private family life.
15. The development has ignored the local community and planning restrictions.
16. I no longer feel welcome in the community pub.
17. The development has increased street littering.
18. If a resident built something without permission they would have to remove it then re-apply, so why not in this case?
19. The hotel has added white and blue string lights to the front elevation along with six small spot lights. These lights are on until late and are incredibly distracting and disturbing. These lights breach the Environmental Protection Act 1990 as a statutory nuisance, and interfere with the enjoyment of my home.
20. The steps down from front elevation patio doors did not exist.
21. I did not receive a notification.
22. The owners have disregarded the legacy of hosting traditional community groups, and are destroying committee life.
23. The previous owners of the pub had a good relationship with the neighbours and the new management have made no attempt to do so.
24. The proposed side facing windows will lead to the side patio area which will increase privacy issues to neighbouring dwellings. By the looks of the proposed plans this side patio area will be raised.
25. The plans include a side facing patio door section that should be included in the proposal.
26. The front elevation existing doorway is incorrect and a large tree has been omitted from the plans, this tree blocks light pollution and it should be retained.
27. The building is operating as a restaurant and not a pub, and the pub is meant to be an asset of community value. Planning permission should have been sought to change the use.
28. The location plans include land owned by Hilbre Court Management Ltd.
29. Rules of a covenant are being ignored.
30. The original site notice has not been updated to reflect the description change.

**Brief summary of letters of support:**

1. The building has been significantly improved with the renovations and finished to a high standard.
2. Previously when the building was a bar people would stand outside long after closing time during the summer and the noise was significant.
3. Diners will be less of a nuisance than drunken customers who hang around until late.

**CONSULTATIONS:**

Head of Environment and Regulation (Environmental Health Division) – No objection.

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

Lead Local Flood Authority – No objections received.

Environment Agency – No objections received.

**DIRECTORS COMMENTS:**

**REASON FOR REFERRAL**

The application received 25 individual objections and therefore qualifies under the Local Authority's

adopted Scheme of Delegation to be determined by the Planning Committee.

## **INTRODUCTION**

The proposal is seeking retrospective planning permission for the retention of a decking to front elevation and associated landscaping; including door and window amendments. The former Hilbre Public House was identified as Community Asset of Value on the Council's list on 11<sup>th</sup> December 2016 because the principal use of the asset furthers the social well-being, or cultural, recreational or sporting interests of the local community and it is realistic to believe this will continue.

An enforcement complaint was made against the site by a member of the public in regard to unauthorised development. This application was subsequently submitted to the Local Authority for its consideration.

## **PRINCIPLE OF DEVELOPMENT**

The development is only permitted subject to compliance with UDP Policy HS15 Non-Residential in a Primarily Residential Area, UDP Policy PO3 Noise, and Supplementary Planning Document SPD3: Hotfood Takeaways, Restaurants, and Cafes & Drinking Establishments.

## **SITE AND SURROUNDINGS**

The proposal site is located in an area designated as a Primarily Residential Area. The proposal site is just over 200 metres away from a Key Town Centre as designated in Wirral's Unitary Development Plan.

The existing building on the proposal site visually appears two storeys from the front elevation and three storeys from the sides and rear elevations. From the front elevation the main internal floor of the building is approximately 1.5 metres higher than the street level, which gives the building some prominence in the street scene. The land level of the site drops considerably from the street level of Banks Road and plateaus at the rear of the site. The East, West and South boundaries of the proposal site consists of timber fencing that varies in height. The proposal site is surrounded on all sides by a mixture of residential flats and dwellings that are between two to four storeys in height.

The proposal site buildings main entrance consists of a slopping concrete ramp on the front elevation to the East of the site. The current building has a further double door access on the existing front decking, which is not accessible directly from the public highway. The sides and rear of the building also have a number of doorways which can be used for access to the internal building.

The proposal site has an existing front decking section which is being considered by this application. The front elevation of the building has had significant landscape alterations including the placement of a number of gabions along the front boundary of the site and three small trees. The proposal site has a further outdoor seating area which already exists to the North of the existing which is approximately 1.5 metres lower than the main floor of the existing building.

The proposal site can be accessed by vehicles from Banks Road along the East side of the site. This vehicle entrance slopes to the rear of the site and leads to a significantly large space which can be used for car parking behind and under the building. It is approximated that at least 15 cars could comfortably park in the rear of the site. The highway adjacent to the proposal site has no single or double yellow line restrictions.

## **POLICY CONTEXT**

The application shall be assessed under UDP Policy HS15: Non-Residential Uses in Primarily Residential Areas, PO3 Noise, and Supplementary Planning Document SPD3: Hot Food Takeaways, Restaurants, and Cafes & Drinking Establishments and the National Planning Policy Framework

HS15 states that proposals for small-scale built development will only be permitted where the proposal will not:

- (i) Be of such scale as to be inappropriate to surrounding development
- (ii) Result in a detrimental change in character of the area
- (iii) Cause nuisance to neighbour uses, particularly in respect to noise and disturbance, on-street parking and deliveries by vehicles.

Policy PO3 states; Development will only be permitted where noise arising from the proposal will not cause unacceptable intrusion or persistent nuisance. The Local Planning Authority will have particular regard to;

- (i) the location of the proposal in relation to noise-sensitive development or land uses;
- (ii) the existing overall level of background noise within the locality
- (iii) the level, tone, duration and regularity of noise likely to be emitted by the proposal, including any subsequent increase that may be expected in the foreseeable future; and
- (iv) the provisions made within the proposals for the mitigation or insulation of noise.

Where anticipated noise levels are considered to be within manageable proportions, the Local Planning Authority may seek to use conditions relating to the siting, screening or enclosure of noise sources' the limitation of operating times, especially outside of normal working hours, including other measures designed to reduce noise levels at source.

SPD3 makes it clear that proposals for restaurants/drinking establishments will directed to existing centres and the main objectives of local planning policy, in line with national and regional policy is to ensure that development takes place with a minimal impact on local amenity and on the character of the area and that it will not cause nuisance to neighbouring uses.

SPD3 paragraph 3.3 notes that the degree of subjectivity involved when assessing the potential impact from noise and disturbance on the neighbours' amenity has been questioned through planning application in the past. To address this, The Council resolved that the following measure would be applied in the assessment of future planning applications:

- (i) All proposed uses within Use Classes A3, A4 and A5 i.e. restaurants, cafes, drinking establishments and hot food takeaways should be at least 40 metres away from the main elevation of a dwelling house or a building used solely for self-contained flats, when measured along the public highway.

National Planning Policy Framework (NPPF) supports sustainable development which encompasses good design. Development should and make a positive contribution to an area and use opportunities to improve the character and quality of an area. It is a core principle that planning decisions should always seek to secure a good standard of amenity for all existing and future occupants.

### **APPEARANCE AND AMENITY ISSUES**

As the application is retrospective and seeking to retention of existing development to the site including a new front decking area, landscaping and window and door amendments.

The landscaping alterations being considered to the front of the building include a row of gabions along the front boundary of the proposal site along Banks Road and the placement of three small trees in front of the new decking area. The trees have been planted on a similar level to the proposed decking and have artificial grass covering the ground soil. A new red brick retaining wall has also been constructed but this is not visible from the street scene due to the neighbouring sites existing timber fence panels which abut the new retaining wall.

The existing front decking projects approximately 4.8 metres from the front elevation of the building and spans 12.0 metres. The decking floor level is approximately 1.8 metres above the natural ground level of Banks Road. The front decking has a glass balustrade that surrounds the entire decking which adds another 1.1 metre of height from the floor level of the decking. The front elevation doors and windows as proposed are considered acceptable and are not anticipated to cause any significantly increased nuisance to neighbouring uses that what previously existed on the front elevation of the building.

When considering the proposals to the front elevation of the building, the development is not thought to be of such a scale as to be inappropriate to surrounding development in terms of its physical appearance. The new decking area and landscaping features such as gabions and trees along the front boundary add interest to the site and use high quality materials. The decked area to the front of the site is not considered to cause significant overlooking of neighbouring property. The proposed

works that have already occurred to the East (front) elevation of the building are not considered to have any negative visual impact on the character of the area and have made a positive improvement to the visual aesthetic of the building and site.

The normal requirement for a 40 metre separation between exiting dwellings set out in SPD3 (paragraph 3.3) the front decking is not achieved.. The main front entrance serving the flats to the North of the site (The Hydro) are approximately 30 metres from the front decking. The dwellings opposite the highway are approximately 20 metres from the front decking. The flats to the South of the site are mainly accessed via Hible Court, not Banks Road and therefore comply with the 40 metre rule.

While the front decking does not meet SPD3 guidance in regard to the 40 metre rule, weight can be given to the fact that the previous front landscaping area on the site was used for temporary outdoor seating, albeit on a lower land level. The front decking area now under being consideration has the potential to cause amenity issues particularly during the quiet hours in the evening when ambient noise levels from traffic and other activities are generally lower than during the day. Given the site is located on a road leading directly to the West Kirby Town Centre, it is considered on balance having regard to the requirement to protect the amenity of those living in neighbouring residential properties, that a condition to control the hours when the external decking area use can be used could be reasonably applied .

It is considered reasonable and necessary to ensure the decked area to the front of the building could only be used for eating and drinking between the hours of 9:00am to 19:00pm Monday to Sunday and no music was played at any time outside the premises in the interest of protecting neighbouring amenity to accord with HS15.

The proposed South (side) elevation bi-folding door section serves the main floor of the building are currently clearly glazed. This side elevation bi-folding door sections faces the neighbouring flats to the north of the site. The neighbouring building to the North of the site forms an 'L' shape which means a number of the flat occupiers habitable windows look side onto the proposed side window.

The neighbouring flat windows that directly face the new side bi-folding doors are approximately 19 metres away from the bi-folding doors which are in situ. Normally the Local Planning Authority would expect habitable window to habitable window to be at least 21 metres apart. This guidance specifically relates to residential development and the use of the proposal site is considered more intensive than a residential use and the bi-folding doors allow clear views into neighbouring flats habitable windows. Given the above, the bi-folding doors to the side elevation are considered to harm neighbouring flats amenity in regard to privacy. The Local Planning Authority can therefore reasonably seek to apply a condition to require the bi-folding doors on the South (side) elevation to be obscurely glazed and non-opening up to a height of 1.7 metres from the internal floor level. This condition regarding the bi-folding section will ensure not only neighbouring privacy is maintained, but will remove or significantly restrict possible sound outbreak from the internal building.

It has been taken into account that directly outside the side elevation bi-folding door section is a seating area that is approximately 1.5 metres lower than the internal main floor level of the building. While it is possible for users of the establishment to currently sit in this area and drink and eat, the land level difference is significantly lower than the bi-folding door section, and therefore this decking area has a significantly less impact on neighbouring amenity in regard to privacy. The bi-folding doors on the South (side) elevation have no impact on the character of the building and area as the existing building has a number of side facing windows which are obscurely glazed.

For the reasons stated above the proposed development is thought to be appropriate to the existing building and surrounding development, and will not result in a detrimental change to the character of the area. Subject compliance with a condition to control outdoor activities, the development is not anticipated to cause any increased nuisance to neighbouring uses in regard to noise, disturbance, on-street parking and delivery's by vehicles. The proposal would therefore be considered too

compliant with HS15, PO3, PO4, SPD3, NPPF, and is therefore recommended for approval.

Other matters:

The application received a total of 25 objections and 9 letters of support.

A number of objections raised concerns that the decking and side bi-folding doors would result in overlooking of neighbouring properties. For the reasons previously stated above, the entire development is not thought to cause any significant increase in overlooking than what already exists at the site. In regard to the side elevation bi-folding door section, the Local Authority will seek to condition obscure glazing. It is therefore considered that the privacy of neighbouring uses will not be significantly impacted by the development.

A number of objections stated the development has and will result in significant noise disturbance. The building is an existing pub and therefore a certain level of disturbance is expected within reason at the site. As previously stated, the front of the site could previously be used as an outdoor seating area and it is not thought that the proposed front decking will significantly increase disturbance or noise at the site. In the interest of protecting neighbouring amenity in regard to noise and disturbance the Local Authority will seek to condition the hours of use of the front decking area. The side elevation bi-folding doors will be conditioned to be obscurely glazed and non-opening, which will significantly reduce any potential noise spill from the use of the building. If significant disturbance were to occur in future at the proposal site the Local Authority Environmental Health Department would have statutory powers to remedy any possible disturbance.

In regard to the side elevation bi-folding doors, a large external seating area already exists in this location and therefore the bi-folding door section is not anticipated to cause any increased disturbance than what already exists at the site. The Local Authorities Environmental Health Department have made no objection to the proposed development and it is therefore considered the development will not harm neighbouring amenities in regard to noise and disturbance. If significant disturbance were to occur in future at the proposal site the Local Authority Environmental Health Department would have statutory powers to remedy any possible disturbance.

A number of objections focused on the appearance of the development. The development is however considered to make a positive contribution to the character of the existing building and wider area.

One objection stated that during the summer the double doors on the front elevation will be open which will increase noise to local residents. As previously stated, the existing building had two separate entrances/exits on the front elevation and the relocated doorway to the proposed raised decking area is not thought to significantly increase disturbance to neighbouring uses.

A number of objections stated that the development will and has resulted in significant light pollution. The Local Authority's Environmental Health Department has made no objection to the proposed development and therefore the development is not thought to cause disturbance to neighbouring uses. Again, the Local Authority's Environmental Health Department have statutory powers to remedy possible issues in regard to excessive light pollution.

A number of objections stated the development will result in increased parking issues along Banks Road. The proposal site has a number of off road parking spaces at the rear of the site, and there are no significant restrictions on parking on the highway along Banks Road. The Local Highway Authority's has made no objection to the proposal and it is therefore considered that this specific development is unlikely to result in any significant highway safety or congestion issues.

One objection stated that the proposed development should be considered under the Human Rights Act. The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community. The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination)



and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property). The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Local Authority to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. In carrying out this balancing exercise the Local Authority will of course wish to be satisfied that it has acted proportionately. In this instance the development is thought to comply with the relevant local and national planning policy documents and guidance and is therefore not assumed to contravene The Human Rights Act 1998.

A number of objections state that the development has ignored the local community and planning restrictions. The site is listed as an Asset of Community Value and has a use class of A4 (drinking establishment). The Council has received enforcement complaints that the site is no longer a pub(A4) and have allegedly changed use to a restaurant (A3 use class) which would have required planning permission. There has, however, been a change in planning legislation which enables a A4 drinking establishment that is Asset of Community Value to operate as mixed use with expanded food provision (Use Class A3) without a formal planning application to the Local Planning Authority (SI 2017 No. 619 refers). The possible change of use of the site is an on-going enforcement investigation, which is currently in the process of establishing if a material change of use, which comes under the jurisdiction of the Local Planning Authority, has occurred. In regard to this current application objections relating to the alleged change of use are not considered to form material considerations that warrant refusal as the developer is seeking retrospective permission for the external works on the site rather than a change of use.

One objection stated that previously the internal use of the building along the side closest to the Hydro flats was used as a store and the new internal layout will increase disturbance to residents on this side. The developer could have previously changed the internal layout of the building significantly without planning permission and it is considered the development, and conditions being imposed will ensure neighbouring amenity in regard to noise and disturbance will not be significantly harmed as a result of the development.

One objection stated that the development should have been removed then the developer should have applied for permission. The Local Authority in this instance would ask a developer to submit a retrospective application or remove any unauthorised development. In this instance the developer has submitted retrospective applications for the Local Authorities consideration.

One objection stated that the development has increased littering. As the building is an existing pub, it is not thought this specific concern has significant weight in this particular instance.

One objection stated that they did not receive a notification. The Local Authority placed a site notices outside the site and sent out 26 notification letters to neighbouring sites in accordance with the Local Authorities Publicity For Applications guidance.

One objection stated the site notice displayed was not updated after the description change. The description of the development was updated and an amended site notice was displayed at the site.

One objection stated that the boundary crosses land owned by 'Hilbre Court Management Ltd'. Certificate B was signed by the developer which indicates they have notified all the relevant land owners and interested parties. Land ownership issues are rarely material consideration to the determination of planning applications.

One objection stated that the steps on the existing plans did not exist. The Local Authority has assessed the information provided by the developer in coming to its recommendation in regard to the

acceptability of the retrospective application.

One objection stated the plans should include a side facing patio door. This was originally not submitted by the developer but was later added to the description and plans. After this amendment was received, all the statutory consultees and neighbours were re-notified to the change.

One objection stated that an existing tree had been omitted by the plans, and it should be retained to block light. The site is not under a Tree Preservation Order or within a Conservation Area so any trees on the site could currently be removed without permission.

One objection stated that rules of a covenant are being ignored. Covenants are civil matters and not material to planning applications.

The letters of support received by the Local Authority stated that the development significantly improved the building and that previously customers would stand outside long after closing time causing significant noise which no longer occurs. A number of the letter of support stated that the development will have a positive impact on West Kirby as a whole and bring business and interest to the area.

### **HIGHWAYS**

There are no highways objections.

### **ENVIRONMENTAL HEALTH**

There are no environmental health objections.

### **CONCLUSION**

The development is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy subject to compliance with a condition for obscure glazing and to control the hours when the external balcony can be utilised. The proposal is considered acceptable under with provisions of Policy HS15 of the adopted Wirral Unitary Development Plan, Supplementary Planning Document SPD3: Hot Food Takeaways, Restaurants, Cafes & Drinking Establishments and the guidance in the National Planning Policy Framework.

### **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 development is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy subject to compliance with a condition for obscure glazing and to control the hours when the external balcony can be utilised. The proposal complies with the provisions of Policy HS15 & PO3 of the adopted Wirral Unitary Development Plan, Supplementary Planning Document SPD3: Hot Food Takeaways, Restaurants, Cafes & Drinking Establishments and the guidance in the National Planning Policy Framework.

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

### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved

plans received by the local planning authority on 16/11/17 and listed as follows: Drawing No. PL-01 Rev:A, PL-02 Rev:C, 01 Rev:X, 02 Rev:X.

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

3. Within 2 months of the date of this decision notice; the window(s) hereby permitted on the South (side) elevation shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7m above the internal floor level of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.

**Reason:** To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity, in accordance with Policy HS15 of the Wirral Unitary Development Plan.

4. The external 'Decked veranda' as shown on Drawing No: PL-01 Rev:A shall not be used by customers (except for egress) between the hours of 19:00 to 9:00 Monday to Sunday.

**Reason:** To protect residential amenity, in accordance with Policies HS15 and PO3 of the Wirral Unitary Development Plan.

5. No amplified sound, voice or any music shall be played in external areas at any time.

**Reason:** To protect residential amenity, in accordance with Policies HS15 and PO3 of the Wirral Unitary Development Plan.

**Further Notes for Committee:**

1. A site inspection is required for the highway adjacent to the development to determine if any consequential damage has occurred - any damage to the existing highway as a result of the development would require reinstatement, at the developer's expense, to the LA specification and written approval. For further details contact Highway Management area manger via [www.wirral.gov.uk](http://www.wirral.gov.uk).

**Last Comments By:** 07/12/2017 15:22:09

**Expiry Date:** 25/10/2017