

Planning Committee

19 April 2018

Reference:
APP/17/01555

Area Team:
North Team

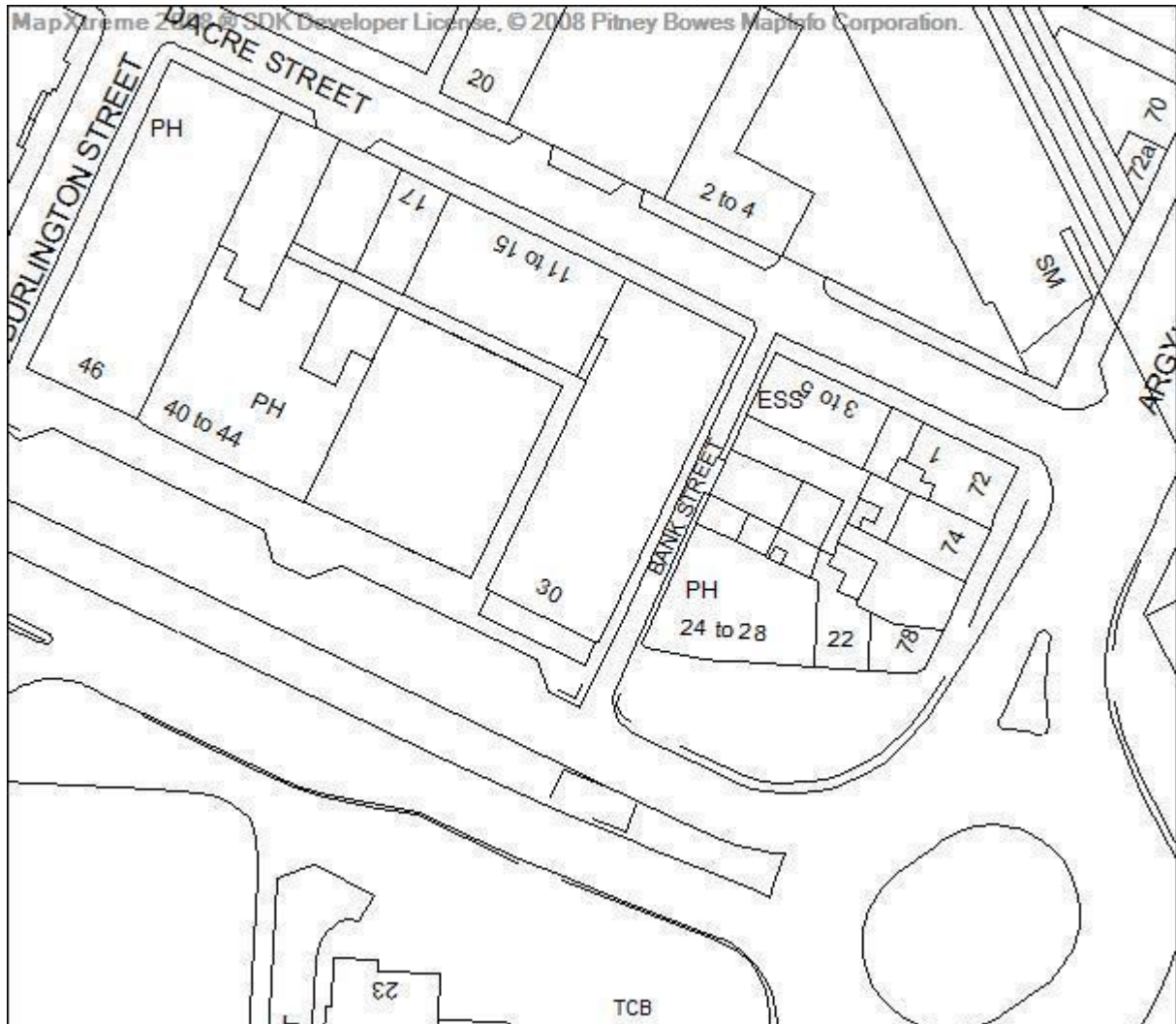
Case Officer:
Mr N Williams

Ward:
**Birkenhead and
Tranmere**

Location: 34 - 38 CONWAY STREET, BIRKENHEAD, CH41 6JD
Proposal: Change of use from club into a lap dancing club/bar (Retrospective)

Applicant: Mr Norman Baker
Agent : Mr Robert Graham

Site Plan:



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Development Plan designation:

Primarily Commercial Area

Planning History:

Location: 34-44 Conway Street ,Birkenhead ,CH41 6JD
Application Type: Full Planning Permission
Proposal: Use of first floor of the premises as a Casino/Restaurant
Application No: APP/76/04265
Decision Date: 19/01/1976
Decision Type: Conditional Approval

Location: 34-44 Conway Street,Birkenhead,Wirral,L41 6JD
Application Type: Full Planning Permission
Proposal: Ground floor extension of members club and alterations.
Application No: APP/79/13376
Decision Date: 13/09/1979
Decision Type: Approve

Location: 34/40 Conway Street ,Birkenhead ,L41 6JD
Application Type: Full Planning Permission
Proposal: Change of use of ground floor from showroom to wine and food bar
Application No: APP/83/22070
Decision Date: 14/04/1983
Decision Type: Conditional Approval

Location: 34 - 44 Conway Street, Birkenhead, Wirral, CH41 6JD
Application Type: Full Planning Permission
Proposal: Change of use of ground floor retail premises to restaurant and change of use of first floor to casino
Application No: APP/02/07158
Decision Date: 23/12/2002
Decision Type: Approve

Location: 34 - 44 Conway Street, Birkenhead, Wirral, CH41 6JD
Application Type: Full Planning Permission
Proposal: Variation of condition 4 on planning approval no. 2002/7158/E to allow hours of opening from 10:30 am to 3:00am
Application No: APP/05/06336
Decision Date: 12/08/2005
Decision Type: Approve

Location: 34-42 Conway Street, Birkenhead, Wirral, CH41 6JD
Application Type: Full Planning Permission
Proposal: Change of use of first floor to bar with outdoor terrace area to rear (A4)
Application No: APP/05/07249
Decision Date: 14/12/2005
Decision Type: Approve

Location: 34-44 Conway Street, Birkenhead, Wirral, CH41 6JD
Application Type: Full Planning Permission
Proposal: Variation of condition 4 on planning approval no. 2002/7158/E to allow hours of opening until 4:30am
Application No: APP/05/07555
Decision Date: 27/01/2006
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 14 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there had been no objections received.

CONSULTATIONS

Environmental Health - No objection

Highways - No objection

DIRECTORS COMMENTS:

REASON FOR REFERRAL

The application is a departure from the Unitary Development Plan.

INTRODUCTION

The application is for retrospective permission for the change of use of a former nightclub into a lap dancing club/bar.

SITE AND SURROUNDINGS

The application site takes up part of the ground floor of a three-storey building fronting onto Conway Street, and was previously used for a bar/nightclub. The application site is within an area designated as a Primarily Commercial Area, with the Key Town Centre of Birkenhead adjoining the front of the site.

POLICY CONTEXT

There is no provision for lap dancing clubs in the Unitary Development Plan (UDP). The most relevant policy is UDP Policy SH6: Development within Primarily Commercial Areas, which indicates that uses such as shops, services, food and drink in A Use Classes, together with B1 Business and D1 Non Residential uses will be permitted, subject to various criteria, including ensuring that the proposal does not cause nuisance to neighbouring uses, or lead to loss of amenity. The lap dancing club is a sui generis use and is therefore a departure from the Unitary Development Plan.

The previous use of the property was as a bar/nightclub and is located within a row of properties used for late-night town centre uses which face directly onto Conway Street and Birkenhead Town Centre. The premises are currently operating retrospectively as the use applied for. The previous use of the premises was as a bar and the change of use of one of these premises from one late-night town centre use to another is therefore not considered to be detrimental to the character of this particular part of Birkenhead Town Centre.

The National Planning Policy Framework (NPPF) indicates that planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para. 17). Competitive town centres that promote customer choice and a diverse retail offer should be promoted (para 23). Paragraph 123 says decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise and disturbance.

The premises will operate as a late night venue, which is likely to be busier at weekends - the applicant has indicated that the premises is only open Thursday to Sunday at present. This is similar to the previous use of the property, as well as others within the immediate area. The applicant has applied for opening hours between 9pm and 5am, which is only a marginal increase in the opening hours from those allowed for the previous use, which benefitted from planning permission to open until 4:30am. It is not considered that the additional 30 minutes will increase any noise, disturbance or anti-social issues. There are no residential properties in close proximity and given the location of the premises, fronting onto the busy Conway Street within a town centre setting, it is considered to be a suitable location for such a late-night use. A condition has been attached to allow the premises to open between 7pm until 5am, allowing some minor flexibility above what has been requested.

An additional consideration in support of the application is that the applicant has stated that the use creates 19 'full time equivalent' jobs, whilst the use also contributes to the late-night economy which is fairly vibrant in this location

APPEARANCE AND AMENITY ISSUES

The proposed use has minimal visual impact on the surrounding area, with the existing frontage being utilised, albeit being blacked out to prevent views into the premises. It is not considered that the proposal has a detrimental impact on the general character and appearance of the street scene, especially when compared to the previous use of the premises and the other properties on this side of Conway Street.

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

Although the use is a departure from the UDP, the use is considered to be compatible with other uses in this particular commercial part of the town centre which contains other late-night uses after having regard to the Unitary Development Plan and the National Planning Policy Framework, on balance the application is 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 use is considered to be compatible with other uses in this particular commercial part of the town centre which contains other late-night uses. After having regard to the Unitary Development Plan and the National Planning Policy Framework.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12th December 2017 and listed as follows:
1711.01

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

2. The use hereby permitted shall only be open between the hours of 19:00 and 05:00
Thursday to Sunday

Reason: For the avoidance of doubt

Further Notes for Committee:

Last Comments By: 21/03/2018 14:30:18
Expiry Date: 06/02/2018