

Planning Committee

25th August 2020

Reference:
APP/20/00246

Area Team:
Development
Management Team

Case Officer:
Miss G Escoffery

Ward:
Liscard

Location:
Proposal:

45-51 ST ALBANS ROAD, LISCARD, CH44 5XH
To change use to micro bar with ancillary coffee shop within use class A4 (Drinking Establishments), install a new shopfront including bi-folding doors, an A/C unit and vents. (Amended description) amendment to proposed hours of operation – Sunday to Thursday 08:00 to 22:00 hours and Friday to Saturday 08:00 to 23:00 hours

Applicant:
Agent:

Mr S G Lomas
N/A

Qualifying Petition:
Petition Number:

Yes
Number of signatures:
1 58
2 184

Site Plan:



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Development Plan designation:
Key Town Centre

Planning History:

Location: 45-51 St Albans Road, Liscard, Wirral, CH44 5XY
Application Type: Full Planning Permission
Proposal: Erection of a single storey extension to side.
Application No: APP/00/05667
Decision Date: 26/05/2000
Decision Type: Approve

Location: 45 St Albans Road, Liscard, L44 5XH
Application Type: Full Planning Permission
Proposal: Change of use to hot food take-away shop at the premises
Application No: APP/84/24808
Decision Date: 24/05/1984
Decision Type: Conditional Approval

Summary of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 No comments received.

2.0 SUMMARY OF REPRESENTATIONS

2.1 REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications 39 notifications were sent to neighbouring properties. Following the first round of consultation 27 individual responses have been received objecting to the proposal, a petition consisting of 58 signatures and an e-petition (via www.change.org) consisting of 184 names in relation to the proposal.

The grounds of objection include:

1. Already affected by anti-social behaviour in the area particularly in the alley way to the rear of the site. This proposal will exacerbate the problem;
2. There are plenty of bars and late entertainment in the public bars already in Liscard;
3. The alley way to the rear of the application property is often used by drug users. Having a bar right next to the alley way, is not a good idea. Activities would just increase;
4. The alley way to the rear is always full of empty drinks and drug containers already from people at the nearby bars. This would increase the problems;
5. If alley gates were introduced at the alleyway, then it would help a lot with this problem;
6. It will lead to further late-night noise and disturbance which is already a problem in the area;
7. It will be overbearing and will lead to a loss of privacy;
8. It would have an adverse impact on the lives of local residents;
9. will lead to noise pollution;
10. Hard working people who need the rest, both night and day after shift work will not be able to enjoy our gardens as competing with the noise from a proposed bar would be unbearable. It will affect their mental health immensely;
11. Cecil Road already has a parking problem for just the residents parking their own vehicles;
12. Cars are already parked across kerbs, obstructing residents' access and damaging pathways. An accident may occur due to the drivers' obstructed view when manoeuvring out of the road. This congestion of vehicles in Cecil Road will only increase with another bar opening so close;
13. Risk of damage to the houses running along the back of 45-51 St. Alban's Road (Cecil Road);
14. From a Public Health perspective, another drinking establishment will not have any

positive impact on the local community or will add any social or economic value to the area

15. The proposal would be in close proximity to the school playground of St Alban's Primary School which raises concerns as it could lead to anti-social behaviour near to the school and there are enough places to purchase alcohol in the area;
16. The school and local residents would prefer it to remain as its current use which benefits more of the community;
17. Smells due to smoking and the impact on health;
18. In the current climate of social distancing and isolation, this will encourage large gatherings-not to mention distress to local residents. The lack of awareness and dismissive attitudes is causing this virus spread excessively. This proposal will exacerbate this virus and the impact on the community is potentially catastrophic

Following an amendment to the proposal a second round of consultation was carried out and 5 individual responses were received, setting out the following matters:

1. The lead petitioner objected on behalf of the residents of Cecil Road and the petitioners from the original petition. They still object to the proposal, regardless of the adjusted opening and closing times for the reasons previously stated;
2. There are already enough pubs in Liscard;
3. It is too close to a school;
4. Do not want anti-social behaviour at the rear of their house;
5. The hours of operation are unacceptable;
6. The bi-folding doors would encourage people to sit outside, obscuring the traffic lights and causing an obstruction;
7. It is a narrow thoroughfare that parents and children walk along on the way to and from school, possibly pushing prams and therefore being hindered by those patrons sitting outside;
8. It is not in line with Wirral's Harm Reduction Programme and other strategies;
9. There would be no restrictions on patrons smoking near to the school playground and the disposal of cigarette butts would be a concern;
10. Our children are entitled to be able to breathe the cleanest air possible and this would not be helping them. We need to consider our children's health and wellbeing.

2.2 CONSULTATIONS

Environmental Health - no objection but requests a condition regarding the closure of all windows and doors after 7 pm till 8am and whenever music is being played.

Highways - no objections

3.1 **Site and Surroundings**

- 3.1.1 The application site relates to a single storey detached property forming a vacant retail unit sited to the west side of St. Alban's Road, to the rear of NatWest Bank which is situated on the corner of Wallasey Road and St. Alban's Road. The application site sits within Liscard Key Town Centre as designated within the Wirral UDP, whilst it is bound to its south-west by a primarily residential area. To the opposite side of St Alban's Road is Dominic House, an office block. St. Alban's Catholic Primary School is approximately 30 metres from the application property situated on St. Alban's Road but accessed mainly from Ashburton Road. Residential accommodation is located to the upper floors of a property fronting on to Cecil Road. Sited immediately to the rear of the application site is an alleyway. Dwelling houses situated on Cecil Road back on to this alleyway. Cecil Road is designated as a Primarily Residential Area within the Wirral UDP. The applicant has commenced works.

3.2 **Proposed Development**

- 3.2.1 The application proposes to change the use of an existing retail unit to a micro bar with ancillary coffee shop within use class A4 (Drinking Establishments), install a new shopfront including bi-folding doors, an A/C unit and vents. The proposed hours of operation – Sunday to Thursday 08:00 to 22:00 hours and Friday to Saturday 08:00 to 23:00 hours

3.3 **Development Plan**

- 3.3.1 Policy SH1 - Criteria for Development in Key Town Centres

The proposed use of A4 use (drink establishments) is acceptable within a key town centre,

provided the proposal does not harm the neighbouring uses in terms of nuisance or harm the vitality or viability of the retail centre

3.3.2 Policy SH8 Criteria for Shop Fronts

Proposals which include provision for new shop fronts will be permitted if the benefits of the proposal outweigh the disadvantages when assessed against the following criteria:

(i) company colours, logos, and advertising should be designed and applied with reference to the character of the area, the building concerned and its neighbours;

(ii) in older shopping streets, existing traditional shop front features should be restored or replicated, where possible, using traditional materials and respecting the dimensions of the original;

(iii) security shutters should be partly or wholly of a perforated design and must be painted rather than left in a raw galvanised state - if possible, the shutter housing should be accommodated behind the fascia; and

(iv) all new-build shop fronts should be fully accessible by disabled people, with level shop fronts and wide doorways

3.4.1 **Other Material Planning Considerations**

3.4.1 DCLG published the National Planning Policy Framework (NPPF) in February 2019. The NPPF will be referred to as appropriate within this report.

3.4.2 National Planning Policy Frameworks (NPPF, 2019) Paragraph 85 indicate that Planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Restaurants, bars and pubs are identified as main town centre uses in NPPF Annex 2.

3.4.3 Paragraph 180 of the NPPF also requires planning decisions to ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

3.4.4 The Council's SPD on hot food takeaways, restaurants, cafes and drinking establishments (adopted October 2006) seeks to direct such uses to town centres, suburban centres and commercial areas as identified on the UDP proposals map. In order to protect residential amenity, it sets a minimum distance of 40 metres for the type of use proposed to be separated from the main elevation of a dwelling, or building used solely for self-contained flats, when measured along the public highway.

3.5 **Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are:

- Principle of development;
- Vitality and viability;
- Design;
- Highways;
- Ecology;
- Amenity; and
- Other matters.

3.6 Principle of Development:

3.6.1 The site is located within Liscard Key Town Centre therefore, Policy SH1 of the UDP is

applicable. Policy SH1 permits town centre uses in this location including food and drink establishments subject to the criteria which provides protection for the amenity of the area and provides for controls in relation to noise and disturbance.

3.6.2 Supplementary guidance in SPD 3 states that proposals for drinking establishments will be directed to the Key Town Centres, Traditional Suburban Centres and Primarily Commercial Areas designated in the UDP. The principle has been established elsewhere within the centre and it is considered that the proposal could help the vitality and viability of the area. The proposal is considered acceptable, in principle, subject to other considerations such as highway safety and residential and general amenity.

3.6.3 A number of objections received as part of this planning application voice concern about the addition of another public house to an area already saturated by similar uses and to the detriment of the vitality of the town centre. The proposal would not only bring a vacant unit back into use, but it would introduce a use which is considered an appropriate town centre use and which would in turn positively contribute to the vitality and viability of the wider Liscard Key Town Centre. As such, the principle of the proposed development is considered acceptable subject to its compliance with Policy SH1 of Wirral's UDP and subject to its impact on the amenity of neighbouring properties and to the local highway network.

3.7 Vitality and Viability

3.7.1 This key town centre retains a variety of uses at ground floor level. It cannot be said that the proposal would lead to an over-concentration of such uses that would undermine the vitality or viability of the wider key town centre. The scale of the development would not affect trade in any key town centre within or outside of the Borough. As such the proposed use would not conflict with criterion (i) of saved UDP policy SH1 and has economic benefits through bringing a commercial unit, which has been vacant since January 2019 back into use. It will also lead to the creation of two full time jobs and one part time job.

3.8 Design:

3.8.1 The proposal includes the introduction of a new shopfront, including bi-folding doors and an A/C unit and vents to the side and rear elevations.

3.8.2 The introduction of a new shopfront, including bi-folding doors, is considered acceptable. The property at present has four shop windows and four doors into the property. The proposal would create just two doorways into the property at the front and a set of bi-folding doors. In relation to shop front design, there is no consistency in design in this location and therefore, the proposed design is considered acceptable. The design of the shopfront largely follows the form and proportions of other properties in the vicinity. The existing shopfront has a painted roller shutter which is remaining in place. This is considered acceptable. Policy SH8 requests that all new-build shop fronts should be fully accessible for all, the proposal includes level access into the building which is considered to be policy compliant. The shop front design is considered to meet the objectives of saved UDP policy SH8 and does not detract from the character and appearance of the area

3.8.3 The proposal includes other minor alterations to the external appearance of the property including the introduction of an A/C unit to the side elevation and a number of vents to the side, rear and front elevations. All of these alterations are considered acceptable as they will not harm the visual amenity of the application site or the surrounding area.

3.9 Highways:

3.9.1 It is acknowledged that there have been a number of objections received raising concerns about the proposal having an adverse impact on highway safety, leading to an increase in parking particularly on Cecil Road. Traffic and Transportation have raised no objections to the proposal, as they consider that it is unlikely to generate significant additional trips on the network when compared to the building's former use as retail shop. Servicing can be carried out from the adopted highway, observing the loading ban on St Albans Road which operates Monday - Friday between 8:00 - 9:30am and 4:30 - 6pm. In light of this, it is considered that the proposed use would not cause a highways safety concern to the highways network.

3.10 Ecology:

3.10.1 There are no Environmental/Sustainability issues relating to these proposals.

3.11 Amenity:

3.11.1 When submitted the applicant had included the following hours of operation within the application form, Monday to Friday 12:00 to 22:00 hours and 12:00 to 23:00 hours on Saturdays and Sundays. Since the submission of the application the applicant has confirmed that he wishes to operate the business from 08:00 to 22:00 hours Sunday to Thursday and from 08:00 to 23:00 hours on Fridays and Saturdays

3.11.2 There has been a substantial amount of opposition to the proposal in the form of petitions and individual responses. It is acknowledged that there are a number of residential properties close to the application property (located on Cecil Road) which may be affected to some degree by general activity associated with the use. However, it is considered that such activity is not unreasonable given the nature of the surrounding area, within a designated town centre. In this instance it is felt that the proposal would not exacerbate disturbance in the area or cause harm to residential amenity, particularly bearing in mind the size of the premises and their location on a busy road within a town centre.

3.11.3 Many of the objections received relate to the proposed late opening hours and the noise disturbance and anti-social behaviour which may occur as a result into the early hours of the morning. Although located within a Key Town Centre, the application site also bounds a Primarily Residential Area to its north-west. As such, in order to protect the amenity of nearby residents it is considered that the operating hours should be restricted by means of condition so that the business does not operate outside the hours of 08.00 to 22.00 hours on Sunday to Thursday and 08:00 to 23:00 hours on Friday and Saturday, thus limiting any undue or adverse impact on the amenity of neighbouring residential properties.

3.11.4 Environmental Protection have raised no objection to the proposed change of use to a drinking establishment (A4 Use Class). However, in order to prevent any potential late night noise and disturbance, a condition is to be attached to any planning permission to ensure that all doors and windows remain closed between the hours of 19:00 and 09:00 and whenever music is playing within the property. It is considered therefore that the proposal would not result in any significant harm to the amenity of residential neighbours and other sensitive land users and that the proposed development complies with the relevant criteria set out in Policy SH1 of the Wirral Unitary Development Plan.

3.11.5 The Council's SPD on hot food takeaways, restaurants, cafes and drinking establishments (adopted October 2006) seeks to direct such uses to town centres, suburban centres and commercial areas as identified on the UDP proposals map. In order to protect residential amenity, it sets a minimum distance of 40 metres for this type of use to be separated from the main elevation of a dwelling, or building used solely for self-contained flats, when measured along the public highway. At present this proposal accords with the SPD as it is over 40 metres from such a property. It is noted that there is an office block (Dominick House) across the road which has recently gained prior approval to convert from B1 offices to C3 residential. It is noted that the proposal would not accord with this section of the SPD but as this is a Key Town Centre location where the premises are separated by a busy main road and Environmental Protection subject to conditions have not raised any objections to the proposal the proposal is considered to be acceptable in this particular case after taking account of local circumstances.

3.11.6 The proposal includes an internal bin store area. In order to control the management of the waste it is considered that a condition should be attached to the permission to ensure that all waste generated by the use is stored within the designated area until the day of collection. Concerns have been raised by local residents that the proposal would lead to increased littering in the area, this is acknowledged but it is considered that there is no evidence to suggest that the proposal will increase the amount of littering in the area, it is considered that there are sufficient numbers of litter bins in the surrounding area to cope with any additional amounts of litter created by the proposal.

3.11.7 A number of objections received refer to existing anti-social behaviour issues within the area, particularly within the alleyway which is located to the rear of the application property

and the dwelling-houses situated on Cecil Road which back on to the application property. There have also been concerns about introducing a bar/pub near to a primary school and church. However, it is considered that there is no evidence to suggest that the proposal will increase anti-social behaviour in the area.

- 3.11.8 Having regard to the limited size of the use and proposed hours of operation for the site (which would be secured by condition) and its location within a key town centre, it is not considered that the proposed use would result in increased levels of disturbance or nuisance to a point that would be unduly detrimental to the amenity of nearby residents or be the source of anti-social behaviour. The proposal is considered to be in compliance with Policy SH1.
- 3.12 Other matters:
- 3.12.1 Development proposals for a building that the public will use should provide safe, easy and inclusive access for all people. This should include access to, into and within the building and its facilities. The proposal includes a level access into the building and also an accessible WC which is welcomed. However, the finer detail of their acceptability will be addressed via the building regulations process.
- 3.12.2 Concerns were raised that the applicant had been carrying out works during the lockdown period associated to the Covid 19 breakout. Any works that the applicant has carried out without planning permission is entirely at their own risk. With regards to works being carried out during the lockdown period, although this is not a planning matter, government guidance was formulated to allow that construction works could be carried out if in accordance with the suggested guidelines.
- 3.12.3 Concerns have been raised that the proposal will encourage smoking outside of the property which would affect the air quality near to a school. The concerns raised are acknowledged. However, it is considered that there is no evidence to suggest that this would lead to excessive smoking to an unacceptable degree within the vicinity.

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 is considered to be acceptable for these premises. The change of use would not significantly harm the vitality and viability of the key town centre and, subject to conditions will not have an adverse effect on residential amenity or the character of the area. There are no highway or access concerns with regard to the development and therefore the application complies with the relevant requirements of the development plan and comprises sustainable development.

Recommended Decision: **Approve**

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 16th March 2020 and listed as follows:

DWG 1 (REV A) Existing Floor Plans
DWG 2 (REV A) Existing Elevations
DWG 3 (REV A) Proposed Elevations
DWG 4 (REV A) Proposed Floor Plans

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

3. The premises shall not be open to customers outside the following hours: -

08:00 and 22:00 Sunday to Thursday
08:00 and 23:00 Friday and Saturdays

Reason: To ensure that nearby occupiers are not adversely affected by the development.

4. In so far as this permission relates to the provision of an A4 use, all windows and doors of the premises shall remain in the closed position between 19:00 and 09:00 hours and whenever music is playing, other than use of doors for access to and from the premises.

Reason: To safeguard the amenity of nearby occupiers.

5. PRIOR TO FIRST USE of the business hereby approved arrangements for the storage and disposal of refuse including recycling facilities, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan.

Further Notes for Committee:

Last Comments By: 21/07/2020

Expiry Date: 11/05/2020