

**Planning Committee**

15 February 2011

**Reference:**  
**APP/10/01306**

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

**Case Officer:**  
**Miss A McDougall**

**Ward:**  
**Heswall**

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

Sheldrakes Restaurant, BANKS ROAD, HESWALL, CH60 9JS  
Material Amendments to two extant planning permissions (07/6813 & 08/5852) including; (i) First floor extensions with disabled access/facilities: (ii) improved circulation areas (ground and first floor); (iii) A new internal staircase; (iv) minor alterations to main entrance and first floor landing areas.

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

Miss H Demetrios  
SDA Architects

**Site Plan:**



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**Development Plan allocation and policies:**

Site of International Importance for Nature Conservation  
Area of Special Landscape Value  
Green Belt  
GB2  
TL10

**Planning History:**

APP/2007/5818 - Removal of condition 1 on 87/6191 to allow disco and dancing - Refused (allowed at appeal)

APP/2007/6813 - Alterations to entrance and facade - Refused (allowed at appeal)

APP/2006/6839 - The proposal is for alterations to façade and provision of disabled and courtesy parking to land at the rear of Sheldrakes. First floor extensions to private accommodation to front and side refused on impact onto green belt - Refused

APP/1982/20298 - Change of use to restaurant - Approved

APP/1990/5869 - First floor flat and extension to restaurant - Approved

APP/1990/6906 - Retention of patio and new sea wall - Approved

APP/1991/5263 - First floor flat and alterations and extensions to restaurant - Approved

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

A site notice was displayed. Letters of notification have been sent to properties in the area. At the time of writing this report 4 objections and 1 petition have been received, listing the following grounds:

1. noise and disturbance
2. increase in patrons
3. traffic safety issues
4. car park overflows
5. extension is unsightly
6. reduces natural light
7. windows will overlook
8. extension is out of character

**Consultations:**

Director of Law, HR and Asset Management – Environmental Health: No comments received at the time of writing this report

Director of Technical Services – Traffic Management: No objection

The Heswall Society: objections and concerns raised with regards to the scale and appearance of the extensions, materials proposed, noise and disturbance

Wirral Wildlife: No objection, the upper floor would make a beneficial observation platform.

Natural England:

Merseyside Environmental Advisory Service: No comments to make

The Environment Agency: No formal response required

**Director's Comments:****INTRODUCTION**

The proposal is for extensions and alterations to the existing restaurant. The changes include first floor extensions, alterations to the main entrance and disabled access.

**PRINCIPLE OF DEVELOPMENT**

There is a general presumption against inappropriate development within the Green Belt and such development will not be acceptable except in very special circumstances.

**SITE AND SURROUNDINGS**

The site comprises an existing restaurant premises which is situated fronting the River Dee estuary

the restaurant is predominately a two storey building with a glazed frontage to the first floor and open aspect to the ground floor frontage with a terraced area to the front of the restaurant. There is a stone wall which surrounds the terrace and which would prevent access to, or egress from this area. The rear of the restaurant building is part two storey and part single storey.

The external elevations of the restaurant are finished in a light wash over render with a terracotta tiled roof. There is a small car park to the side and attached to the restaurant which provides parking, in addition, further back from the restaurant, there is a public car park along Banks Road opposite a residential road, The Moorings. There is a small slipway to the side of the restaurant allowing access to the estuary beach. To the north of the restaurant and situated next to the property is a single storey residential property which is accessed off The Moorings. This property is situated some way back from the beach and from the side elevation of the restaurant with a large front garden. Next to this is another single storey residential property which overlooks the estuary and next door again is a Boat Yard with a slipway to the beach. There are no restrictions on the hours of operation or conditions relating to the operation of the Boat Yard.

To the south of the restaurant is a single storey residential property, the entrance to which is located at the junction of The Moorings and Banks Road. It is not altogether visible from the beach due to mature foliage which is located along the boundary of the premises and the slipway and partly to the front of this property as well. To the rear of the restaurant, which is east of the restaurant, are other residential properties located along the southern half of The Moorings, typically, these are single storey chalet and cottage style dwellings with their rear gardens facilitating a separation distance between them and the restaurant. Further along The Moorings, there is a wider mix of dwelling types and styles with some two storey properties and bungalows as well as newer properties and those which have been extended. To the front of the restaurant, to the west, is the Dee Estuary and the land is open for many miles in this direction.

#### **POLICY CONTEXT**

The proposal is for development within the Green Belt, the site is an established restaurant building the development will be assessed against national policy PPG2, UDP Policies GB2 and TL10. Policies relating to development in the green belt outlines a general presumption against inappropriate development except in very special circumstances. The premises has permission to use the first floor for restaurant purposes previous approval on the site has granted alterations to create a balcony at first floor. The areas to be extended as part of this proposal serve the upper floor restaurant by providing a kitchen and disabled toilets/disabled access (lift shaft). The applicant has provided their very special circumstances as to the need to extend the existing restaurant. Namely that the extensions are required to improve health and safety and meet requirements relating to the Disability and Equality Act 2010 relating to access to services and facilities. The reasons stated by the applicant are considered to be very special circumstances as set out in Policy GB 2 and national policy PPG2.

#### **APPEARANCE AND AMENITY ISSUES**

The proposals are for alterations and extensions to the existing building. The main changes are to the two side elevations, the main elevational change is to the south facing side elevation that contains the main entrance, this elevation is to be altered at first floor, the proposals do not seek to extend the footprint of the building but will alter the upper floor. The extensions to the building provide disabled access, toilet facilities and an upstairs kitchen to serve the first floor restaurant that already has permission.

The overall scheme of works improves the ad hoc design of the current building due to the number of additions over time. The design is relatively modern with elements of the original character of the building for example the pitched roof of the building is to remain and no part of the proposed extensions will exceed the height of the pitched roof.

The extensions do raise the height of sections of the existing building however the footprint of the building will not to increase. As such, the development will not harm the openness of the Green Belt due to the extensions being contained within the built form of the existing structure. The main impact of the building is how the structure is viewed from the western elevation (the beach), the changes have a minimal impact onto the open view as they are contained predominantly to the two side elevations which follow the existing ground floor footprint.

## **SEPARATION DISTANCES**

Separation distances do not apply in this instance.

## **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.

## **CONCLUSION**

It is considered that the applicant has demonstrated their very special circumstances for the proposal. The overall scheme is acceptable in terms of scale, appearance and will not detrimentally impact on the openness of the Green Belt. Furthermore the proposal will not have an adverse impact on the amenities of the occupiers of nearby properties.

### **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:-

It is considered that the applicant has demonstrated their very special circumstances for the proposal. The overall scheme is acceptable in terms of scale, appearance and will not detrimentally impact on the openness of the Green Belt. Furthermore the proposal will not have an adverse impact on the amenities of the occupiers of nearby properties.

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

### **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 premises as extended shall only be open to the public between 0900 hours and 2300 hours, and all patrons shall vacate the premises no later than 2330 hours.

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

3. Before any construction commences, samples of the external materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy GB2 of the Wirral Unitary Development Plan.

4. The use hereby permitted shall not commence until a noise control scheme, which shall have first been submitted to and approved in writing by the local planning authority, has been implemented as approved.

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

5. Notwithstanding the details shown on the submitted plans, other than the balcony area directly in front of the main south-west facing first floor elevation, access to and use of, the balcony area (shown on plan ref301\_002 rev 02 as Ballasted Membrane Flat roof) shall be restricted to that necessary for essential maintenance and repairs.

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

6. Before any construction commences, details including siting of and materials to be used of the terrace railings shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

**Reason:** Having regard to appearance and impact onto the Green Belt.

**Further Notes for Committee:**

**Last Comments By:** 31/12/2010 14:40:42

**Expiry Date:** 12/01/2011