

Planning Committee

26 May 2020

Reference:
APP/20/00141

Area Team:
**Development
Management Team**

Case Officer:
Mrs S Lacey

Ward:
Heswall

Location: 1-5 THE MOUNT, HESWALL, CH60 4RE
Proposal: Proposed ground floor extensions to the rear and side of the building with a glazed link along with a new extended kitchen and external alterations including canopy, fencing, chimney, staircase and condensing units

Applicant: JD Wetherspoon PLC
Agent : Just-H Architects

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Key Town Centre

Planning History:

Location: Chambers Bar and Grill, 1-5 THE MOUNT, HESWALL, CH60 4RE
Application Type: Full Planning Permission
Proposal: Variation of condition 3 of APP/05/07573 to enable the premises to stay open on a Friday and Saturday night until 01:00am. The current restriction is 23:30pm.
Application No: APP/18/01633
Decision Date: 08/02/2019
Decision Type: Refuse

Location: Chambers Bar and Grill, 1-5 THE MOUNT, HESWALL, CH60 4RE
Application Type: Full Planning Permission
Proposal: Extension to and change of use of existing outbuilding to mobile phone repair shop (retrospective).
Application No: APP/18/00109
Decision Date: 19/03/2018
Decision Type: Approve

Location: The Exchange Bar 1-5 THE MOUNT, HESWALL, CH60 4RE
Application Type: Full Planning Permission
Proposal: Variation of condition 3 attached to APP/05/07573 - so that the premises can stay open till 01:00am on a Friday and Saturday. The condition currently restricts opening hours to between 0900 - 2330 hours.
Application No: APP/16/01274
Decision Date: 28/11/2016
Decision Type: Refuse

Location: Land to the rear of, The Ravenscroft, 5 The Mount, Heswall, Wirral, CH60 4RE
Application Type: Full Planning Permission
Proposal: Creation of external seating area.
Application No: APP/09/05449
Decision Date: 19/06/2009
Decision Type: Approve

Location: The Ravenscroft, 3-5 The Mount, Heswall, Wirral, CH60 4RE
Application Type: Full Planning Permission
Proposal: Variation of condition 3 on planning permission APP/2005/7573 to allow premises to open between 09:00-00:00 daily (resubmission of APP/2007/5730)
Application No: APP/07/06792
Decision Date: 26/10/2007
Decision Type: Refuse

Location: The Ravenscroft, 3-5 The Mount, Heswall, Wirral, CH60 4RE
Application Type: Full Planning Permission
Proposal: Variation of condition 3 on planning permission APP/2005/7573 to allow premises to open between 0900- 0030 Sunday to Thursday and 0900- 0030 Friday to Saturday (amended description)
Application No: APP/07/05730
Decision Date: 27/06/2007
Decision Type: Refuse

Location: 3-5 The Mount, Heswall, Wirral, CH60 4RE
Application Type: Advertisement Consent
Proposal: Erection of various illuminated signs

Application No: ADV/06/06790
Decision Date: 03/11/2006
Decision Type: Approve

Location: Physical Fitness Studio, 3-5 The Mount, Heswall, Wirral, CH60 4RE
Application Type: Full Planning Permission
Proposal: Change of use from health & fitness studio to public house (A4), erection of a two storey rear extension and external alterations.

Application No: APP/05/07573
Decision Date: 27/01/2006
Decision Type: Refuse

Location: Physical Fitness Studio, 3-5 The Mount, Heswall, Wirral, CH60 4RE
Application Type: Full Planning Permission
Proposal: Change of use of former bookshop to mens changing rooms, showers and toilets (to be used as an extension of the existing fitness studio).

Application No: APP/01/07084
Decision Date: 08/01/2002
Decision Type: Approve

Location: 5 The Mount, Heswall, Wirral, CH60 4RE
Application Type: Full Planning Permission
Proposal: Change of use of first floor from storage to gym.

Application No: APP/00/06547
Decision Date: 13/10/2000
Decision Type: Approve

Location: Physical Fitness Studio, The Mount, Heswall, Wirral, L60 4RE
Application Type: Full Planning Permission
Proposal: Erection of a single storey rear extension.

Application No: APP/99/05044
Decision Date: 08/03/1999
Decision Type: Approve

Location: Land to rear of 5, The Mount, Heswall. L60 4RE
Application Type: Full Planning Permission
Proposal: Change of use from servicing own vehicles (mini buses and coaches) to general servicing and repairs to individual privately owned motor vehicles.

Application No: APP/94/06894
Decision Date: 07/02/1995
Decision Type: Approve

Location: Former British Telecom Building, The Mount, Heswall. L60 4RE
Application Type: Full Planning Permission
Proposal: Change of use to fitness centre.

Application No: APP/94/05556
Decision Date: 10/06/1994
Decision Type: Approve

Location: Heswall Directory Enquiry Bureau, The Mount, Heswall. L60 4
Application Type: Section 53 Determination
Proposal: Determination that planning permission is required for office use (class II of the use classes order).

Application No: DTR/86/07039
Decision Date: 13/01/1987
Decision Type: Approve

Location: Land rear of 5, The Mount, Heswall. L63 5QA
Application Type: Full Planning Permission
Proposal: Removal of conditions nos.3 and 4 on planning permission no.

W/APP/19024/S and variation of condition no.5 to include 19 seat minibuses.

Application No: APP/87/05997
Decision Date: 30/07/1987
Decision Type: Approve

Location: ad. hoc. Business Services 5, The Mount, Heswall. L60 4RE
Application Type: Full Planning Permission
Proposal: New shop front and awning.
Application No: APP/85/05814
Decision Date: 18/06/1985
Decision Type: Approve

Location: 5 The Mount ,Heswall ,L60 4RE
Application Type: Full Planning Permission
Proposal: Change of use of part of the existing taxi office/yard to include builders yard and storage of building materials.
Application No: APP/84/24309
Decision Date: 22/03/1984
Decision Type: Refuse

Appeal Details

Application No APP/05/07573
Appeal Decision Allowed
Appeal Decision Date 13/07/2006

Application No APP/07/05730
Appeal Decision Dismissed
Appeal Decision Date 27/06/2007

Application No APP/07/06792
Appeal Decision Dismissed
Appeal Decision Date 02/09/2008

Application No APP/16/01274
Appeal Decision Dismissed
Appeal Decision Date 26/09/2017

Summary Of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 No comments received.

2.0 SUMMARY OF REPRESENTATIONS

REPRESENTATIONS

Having regard to the Councils Guidance on Publicity for Applications, 30 letters were sent to adjacent properties and a site notice displayed. 23 individual objections have been received. The reasons for objection relate to:

1. Noise and disturbance - Neighbours are disturbed by people leaving the premises when they are intoxicated and loud, waking residents from their sleep, parking inconsiderately across driveways and returning to their vehicles shouting to each other and slamming car doors at unreasonable hours. Antisocial behaviour. The refuse collection services come at 5.30 a.m. The "beer garden" extension is likely to cause additional noise and disturbance, particularly during warmer weather when the bifold doors are open.

2. On-street parking - With the application to use the existing car-park for a proposed kitchen extension, there will be a greater demand for car-parking in the vicinity. It is likely to be at it greatest after 6pm and on Sundays when no parking restrictions are in force. Double yellow lines would be a solution. There is a gym proposed to open at the foot of

Castle Drive this will compound the amount of vehicles.

3. Can provision be made that the whole of the external front elevation be made non smoking and that smokers are discouraged from using the public pavement?

4. Development on land outside the applicant's ownership

5. Littering.

6. Lack of cycle parking provision.

One letter of support was received.

CONSULTATIONS

Highways - no objection

Environmental Health - no objection subject to a fume extraction condition.

Heswall Society - opening hours should be no longer than those previously applied, and that the open air areas should be closed earlier at 21.30. There should be no music in the open air areas at night, and only on special occasions during the day/early evening.

3.1 Site and Surroundings

3.1.1 The site comprises a vacant Public House situated in Heswall Key Town Centre and adjacent to a Primarily Residential Area. Heswall Key Town Centre contains a mix of daytime uses and late night uses including restaurants and drinking establishments.

3.1.2 The nearest residential property is opposite the site 30m away when measured by foot door-to-door. Castle Drive (opposite) is a residential street, with parking restrictions during the daytime Monday-Saturday only.

3.1.3 There are shops either side of the premises. To the rear of the site are industrial style buildings and a taxi company/vehicle repairs.

3.2 Proposed Development

3.2.1 The application proposes ground floor extensions to the rear and side of the building with a glazed link along with a new extended kitchen and external alterations including canopy, fencing, chimney, staircase and condensing units.

3.2.2 An objection was raised concerning inaccuracies with the submitted red-edge location plan and the position of the proposed external staircase and bin store would encroach on land outside the ownership. The agent has submitted an amended plan altering the location of the external stairs and bin store to remain within the site ownership. The bin store and staircase remain to the rear of the site.

3.3 Development Plan

3.3.1 The proposal shall be assessed against the relevant Unitary Development Plan Policy SH1 Criteria for Development in Key Town Centres and SPD3 Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments.

3.3.2 UDP policy SH1 requires that development within Key Town Centres should not undermine the vitality and viability of the area and should have no detrimental impact on highway safety. Care must be taken that the proposal will not cause nuisance to neighbouring occupiers as a result of noise and disturbance, on street parking or delivery vehicles. It recommends suitable conditions should be imposed on hours of opening/operation.

3.3.3 Supplementary Planning Guidance 3 states that restaurants, drinking establishments and hot food takeaways are generally acceptable within Key Town Centres provided it does not harm nearby residential properties. SPD3 recommends a 40-metre separation distance

from the main elevation of a dwelling house or a building used solely for self contained flats when measured along a public highway.

3.4 Other Material Planning Considerations

3.4.1 The updated NPPF looks to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development. 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. Decisions should create places that are safe, inclusive and accessible, which promote health and wellbeing with a high standard of amenity for existing and future users.

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are the impact on the proposal on the viability of the Key Town Centre and neighbour's amenity, specifically noise, disturbance and on-street parking.

3.6 Principle of Development:

3.6.1 The proposal is acceptable in principle.

3.7 Design:

3.7.1 The proposed alterations to the external facade of the building are not considered to harm the character of the Key Town Centre. The extension is a contemporary addition to the building and remains subordinate. The timber canopy does not cut across the existing windows of the building. The staircase, bin store and condensing units will not be visually intrusive from the streetscene and will not harm the amenity of the commercial units to the rear.

3.8 Highways:

3.8.1 The site is located on a route served well by public transport and will not generate traffic in excess of that which can be accommodated by the existing highway network. The proposals are contained within the boundary to the development and do not impact on the adopted highway. The proposed extension will remove some of the available car parking located to the rear of the building however; there is considered satisfactory parking available at the Mount Avenue Pay & Display car park within a 2-minute walk from the building.

3.8.2 Furthermore, it is likely that the majority of customers to the restaurant will arrive by sustainable modes and travel to the restaurant using public transport and arrive on foot or by Taxicab or as part of a linked trip to the other bars and leisure uses in the area and as such the demand for specific car parking at the development will be minimal.

3.8.3 Highways had no objection to the proposal and there are no highway implications relating to this proposal. Neighbours have requested double yellow lines on surrounding residential streets, but Highways have not required this as a condition and therefore it is not deemed to meet the six tests.

3.9 Ecology:

3.9.1 There are no ecology, environmental/sustainability issues relating to these proposals.

3.10 Amenity:

3.10.1 SPD3 states proposals for A3, A4 and A5 uses should be situated a minimum of 40 metres away from the nearest building used solely as residential. The nearest buildings used solely as residential properties are located less than 40m away from the proposal. However the building is an existing Public House. Whilst it is vacant the use is not considered to be abandoned. The current application is to assess the impact of the extensions on amenity.

3.10.2 The extensions will increase the capacity of the building and therefore the potential number of patrons visiting the establishment, but it is not considered this will result in loss of amenity for the neighbours. The proposal is situated in a Key Town Centre with other late

night uses surrounding, and the proposed extension when assessed against the existing and surrounding uses is not considered to generate significant noise or disturbance. The proposal is not considered to result in harm to residential amenity. The site lies within the established Key Town Centre and, as SH1 and the NPPF states, these areas can support A3 development subject to no detrimental impact to the residential amenity of the area.

- 3.10.3 It is considered necessary to condition the existing hours of use, as later hours may have a detrimental impact on the amenity of neighbours. The current hours of opening are set under condition 3 of APP/05/07573 restricting opening hours to between 0900 -2330 hours. The outside seating area will be conditioned separately, as the seating area is to be expanded 21:00 hours is considered reasonable to protect neighbours' amenity.
- 3.10.4 Environmental Health have requested a condition requiring further details of fume extraction.
- 3.11 Other:
- 3.11.1 One objection was received concerning land ownership. The applicant has sent a revised red-edge location plan and drawings amending the location of the bin store and external staircase. It was not considered necessary to notify neighbouring properties of these minor amendments. Objections received regarding smokers not using the outside seating area are not considered to meet the six tests of a reasonable condition. Objections regarding littering are not considered to fall within the remit of the application in this instance. There are no other relevant planning considerations.

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 proposal will not harm the character of the Key Town Centre. The proposal will not result in harm to residential amenity. The site is located within an established parade of commercial uses as the proposed would not be detrimental to the character of the area. The proposal is considered to be compliant with Policy SH1 (Criteria for Development in Key Town Centres) and Supplementary Planning Document 3 - Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments and the principles of the National Planning Policy Framework.

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 listed as follows:

AP.01 SITE LOCATION PLAN REVISION C (dated 10.05.20)
AS.01 EXISTING GROUND FLOOR REVISION A (dated 17.01.20)
AS.01 EXISTING FIRST FLOOR REVISION A (dated 17.01.20)
AS.01 PROPOSED GROUND FLOOR REVISION D (dated 10.05.20)
AL.01 PROPOSED FIRST FLOOR REVISION C (dated 12.03.20)
AV.02 ELEVATIONS WEST REVISION A (dated 07.01.20)

AV03 ELEVATIONS NORTH AND SOUTH REVISION C (dated 14.05.20)
AV01 ELEVATIONS EAST REVISION E (dated 14.05.20)

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

3. A suitable scheme of fume extraction shall be submitted in writing to and approved by the Local Planning Authority prior to the business operating. When designing the fume extract system reference should be made to the Defra document: Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems. The approved scheme of fume extraction shall be installed prior to the business operating and retained thereafter.

Reason: In the interest of residential amenity

4. The premises shall remain closed between the hours of 23:30 hours and 09:00 hours.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

5. Prior to the first use of the development details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

6. The outside seating area shall not be used between 21:00 - 09:00 hours.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

Further Notes for Committee:

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details.

Last Comments By: 31/03/2020

Expiry Date: 21/04/2020