

Committee: **PLANNING**

Date of Meeting: **09 February 2011**

Title of Report: **S/2010/1726**
4a Liverpool Road, Birkdale
(Birkdale Ward)

Proposal: Construction of an external terrace with screening at the first floor level to the rear of the premises. (Alternative to S/2010/0864 withdrawn 29/07/2010)

Applicant: Mr R Adams FC Thwaites Will Trust

Executive Summary

The proposal is seeking consent for the construction of an external terrace with screening at the first floor level to the rear of the premises. (Alternative to S/2010/0864) withdrawn 29/07/2010).

The main issues for consideration are the principle of development in a Local Centre, impact on residential amenity and impact on the character and appearance of the Conservation Area.

Recommendation(s) Approval

Justification

The proposal will not have a significant detrimental impact on residential amenity given the mitigation measures proposed and will not affect the character and appearance of the Birkdale Village Conservation Area. The proposal therefore complies with policies R6, MD6 and HC1 of Sefton's Adopted UDP.

Conditions

1. T-1 Full Planning Permission Time Limit
2. Prior to the first use of the terrace hereby permitted, the proposed sound lobby, 2.3m high wall and box hedge surrounding the terrace shall be erected and planted as per the approved plan ref: 01E, and retained as such thereafter.
3. M-1 Materials (matching)
4. The first floor terrace / external seating area hereby approved shall not be used outside the hours of 08.00 to 22.00.
5. No live music, amplified music or live entertainment shall take place on the external terrace hereby approved.
6. X1 Compliance

Reasons

1. RT-1
2. To protect the residential amenity of neighbouring residential properties and to comply with Policies CS3 and MD6 of the Sefton UDP.
3. RM-1
4. To protect the residential amenity of neighbouring residential properties and to comply with Policies MD6 and CS3 of the Sefton UDP.
5. To prevent noise and disturbance to nearby residents and to comply with policy EP6 in the Sefton Unitary Development Plan.
6. RX1

Drawing Numbers

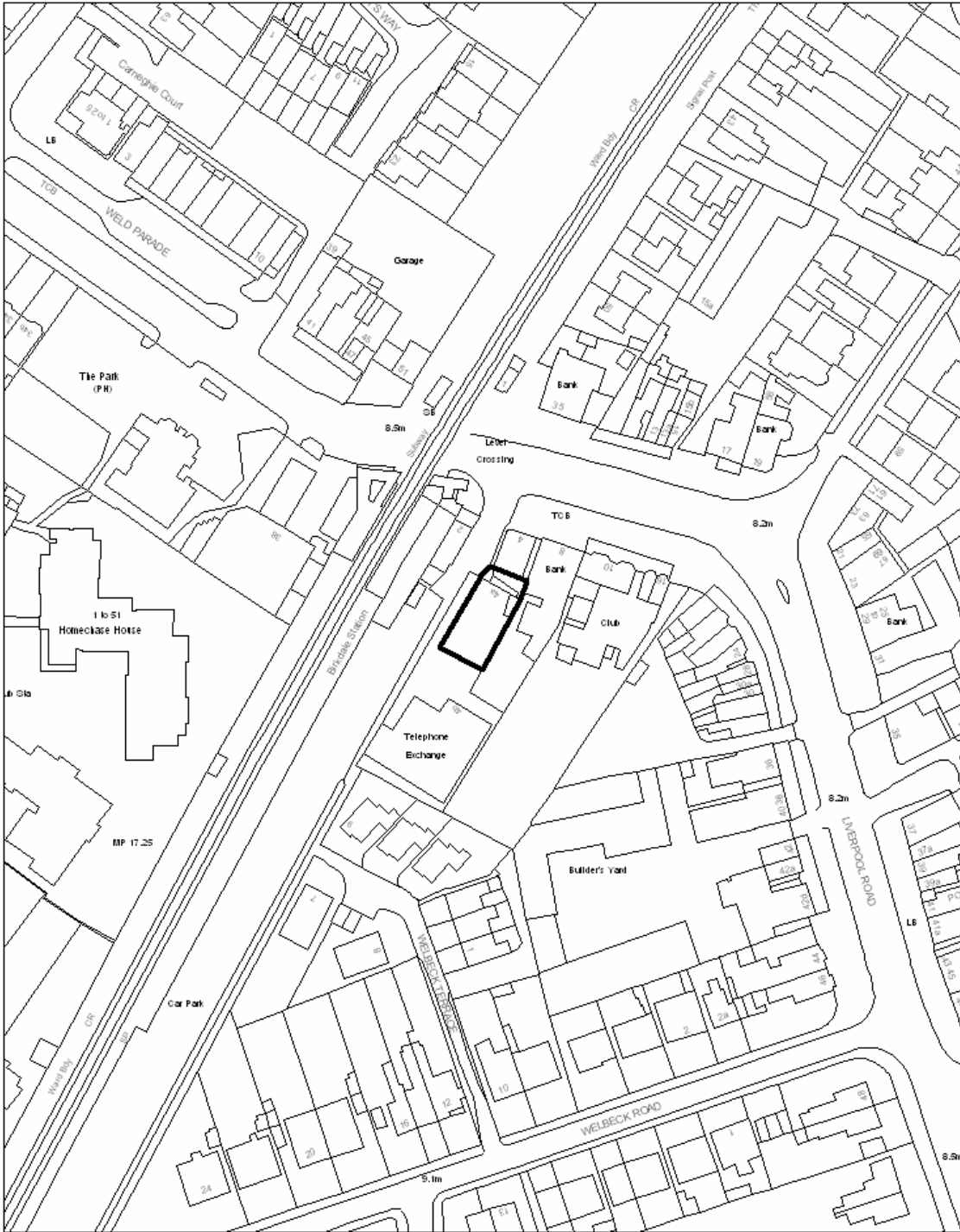
01E; 02

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council
Planning & Economic
Regeneration Department
 Andy Wallis - Director
 Planning & Economic Regeneration is part of the
 Regeneration & Environmental Services Directorate

S/2010/1726
 4a Liverpool Road
 Birkdale
 PR8 4AR
 OSGR: 333041, 416733
 Sheets: 449A
 Area: 285 sqm

Standard Site Plan
 Scale: 1:1250
 Date: 23/1/2011
 Drawn By: EBERTON

Ward(s): Birkdale
 Postcode Sector(s): PR8 4
 Polling District(s): S1
 Parish(es): None Found

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The Site

The proposed terrace is at first floor level at the rear of an existing bar at 4a Liverpool Road. The site is at the rear of frontage units fronting Liverpool Road and is adjacent to the access to the car park serving Birkdale rail station. There are residential properties close to the site at 2 Liverpool Road and also above the frontage units at 4 and 6.

Proposal

Construction of an external terrace with screening at the first floor level to the rear of the premises. (Alternative to S/2010/0864 withdrawn 29/07/2010)

History

S/2008/0514 Change of use from retail (A1) to wine bar (A4) involving alterations to the elevations. Granted 14/08/2008.

S/2009//0301 Retrospective application for a change of use from retail unit (A1) to restaurant / wine bar (A3/A4), comprising an external seating area to the front at ground floor level, replacement roof and exterior cladding, new external doors and external refurbishment. Granted 23/09/2009

S/2010/0733 ADV for retention of 2 externally illuminated fascia signs to the side and rear of the premises. Granted 10/09/2010.

Consultations

Highways Development Control – No objections as there are no highway safety implications.

Environmental and Technical Services – I have some concerns with the use of the proposed external terrace to the operational hours of the A4 use of the premises. The house at no. 2 Liverpool Road and the residential accommodation at 4 and 6 Liverpool Road are substantially closer to the terraced area than indicated in the acoustic report. Noise levels from patrons using this kind of facility can be annoying to local residents especially in summer months when windows are likely to be open and the occupation of the terrace is likely to be high. It is acknowledged that this type of establishment benefits from the use of an outside area such as a the proposed terrace. I would confirm that the proposed barrier and sound lobby to the bar area will minimise the noise impact on residential amenity. In conclusion, I would have no objection to the use of the terrace if restricted to 22.00 hours.

Neighbour Representations

Last date for replies: 8th January 2011

A petition of 36 signatures endorsed by Councillor Shaw is attached.

Letters of objection received from 1, 2, 6, 8 Welbeck Terrace; 2, 16, 22 Welbeck Road; letters from apartments 1, 3, 10, 16, 19, 20, 26, 32, 37, 40, 44, 50, Wardens Flat, Homechase House, Chase Close; 3, 18 Weldale, Chase Close; 36B Liverpool Road and a letter from an unknown address raising the following concerns:

- Fails to comply with policies MD6, H10 and EP6 in terms of noise and disturbance especially at weekends and during the summer.
- Would cause significant harm to residential amenity.
- Acoustic report is not credible for number of reasons – survey carried out on a Monday evening which is probably the quietest evening. Fridays and Saturdays would give a very different picture.
- Acoustic report may be biased as it was not commissions by the Council
- Report only considers noise receptors at flats above shops on Liverpool Road and not dwellings in Welbeck Terrace and has ignored the request of the Planning Department previously which was for a review of the operation as a whole and take into account noise propagation from the building envelope in all directions.
- Rail noise is not worse than noise from Birkers according to residents as report suggests.
- Noise from Birkers is already a problem and this terrace would worsen the situation.

Representation received from Conservative party nominated candidate for Birkdale Ward, Alastair McNair who acts on behalf of residents of Welbeck Terrace:

- Terrace would be grossly unfair invasion of the lifestyle and comfort of residents in Welbeck Terrace, a number of whom are retired, not fully mobile, or both.
- Terrace will create amount of noise and have negative and unnecessary effect on quiet unassuming community.
- Would be supportive of the management team of Birkers in developing their plans for the business but in an alternative and creative manner which will not disturb and harm the local residents.

Policy

The application site is situated in an area allocated as Birkdale Local Centre on the Council's Adopted Unitary Development Plan.

CS3	Development Principles
EP6	Noise and Vibration
HC1	Development in Conservation Areas
R6	Development in District and Local Centres

Comments

Main issues – principle of development in a Local Centre; impact on residential amenity and impact on character and appearance of Conservation Area.

The site lies within the boundary of Birkdale Local Centre where food and drink uses

are acceptable provided they (among other things) would not cause significant harm to amenity. In this case the use of the property as a food and drink use is already established and is not therefore up for debate at this time. The only issue in terms of policy MD6 is whether the proposed external terrace at first floor level is acceptable in terms of residential amenity.

The previous application for this terrace was withdrawn to allow the applicant time to prepare an acoustic report on the potential noise associated with the terrace proposed. A noise report has been submitted with this application and concludes that noise can be controlled by creating sound lobby from the bar area to the terrace with two self-closing acoustic doors and the erection of a 2.3m high wall surrounding the terrace lined internally with 2m high box hedging.

It is accepted by the Council's Environmental and Technical Services Department that the proposed barrier and sound lobby to the bar will sufficiently minimise noise impact on residential amenity. Noise breakout from the bar area inside the building will be limited and given that no amplified music is played externally on the terrace, this is considered on balance to be appropriate.

There are residential dwellings at 2 Liverpool Road and also above shops fronting Liverpool Road at 4 and 6. Concerns have been raised by residents relating to noise and disturbance. The acoustic report suggests that as the terrace is at the rear of the building, the building itself acts as a barrier for noise carrying to the properties. On the basis that the site lies within a Local Centre and not a quiet residential area, it is accepted that residents living close to such centres can expect an increased level of noise than those living in a quiet residential street for example. Whilst Welbeck Terrace is a residential street not within the Local Centre boundary, the closest dwelling (no. 6) is over 40 metres from the proposed terrace. Furthermore, the two storey telephone exchange building acts as a physical barrier between the terrace and residential properties which will help to mitigate noise pollution.

Environmental Protection have concluded that given the proximity of residential dwellings and, bearing in mind that the dwellings closest to the site are within a Local Centre, it is reasonable to accept this use by restricting the hours to a closing time of 22.00. It is considered that this hours restriction will also be possible to enforce on the basis that the terrace is isolated from the main bar area, and is only accessible from the bar area via the sound lobby. It will be a simple management task to ensure that the sound lobby doors are locked at 22.00 and the use of the terrace will cease at that time. Conditions will be used to ensure that the use of the terrace is restricted and that its use will not begin until the sound lobby, wall and hedging are erected in situ.

It is therefore considered that the proposal will not have a significant detrimental impact on amenity, given the mitigation measures proposed, and as such complies with policies MD6 and R6.

In terms of the Conservation Area, it is considered that the proposed terrace and

increase in the height of the wall surrounding the terrace to 2.3m from first floor level will not overly impact on the appearance of the building or affect architectural features of any significance to the Conservation Area. The proposal therefore complies with policy HC1.

In conclusion, the proposal is considered to be acceptable given the use of the terrace can be sufficiently controlled to protect residential amenity to a reasonable degree.

Contact Officer: **Mrs S Tyldesley Telephone 0151 934 3569**

Case Officer: **Andrea Fortune Telephone 0151 934 2208
(Tues- Fri)**

We the undersigned, object to the planning application S/2010/1726 for an external roof terrace to 4a Liverpool Road (Birkers bar)

Name	Address	Signed	Date
K C Lawrence	4 WELBECK TERRACE	K Lawrence	20.1.11
Rhonda Lawrence	4a Welbeck Terrace	Rhonda Lawrence	20-01-11
KAREN MCMURDO	22 WELBECK ROAD	Karen McMurdo	20.1.2011.
Alistair McMurdo	22 Welbeck Road	A McMurdo	20/1/11
S. Moriarty	20 WELBECK RD	S Moriarty	20/1/11
M. Murphy	20 WELBECK RD	M Murphy	20/1/11
LUCY FLETCHER	7 Welbeck Terrace	LFC	20/1/11
GEO FLETCHER	7 Welbeck Terrace	GFC	20/1/11
GEO WRIGHT	2 WELBECK TERRACE	G Wright	20/1/11
Jo Wright	2 Welbeck Terrace	Jo Wright	20-1-11
AMANDA TAYLOR	1 WELBECK TERRACE	Amanda Taylor	20th Jan '11
HOWARD TAYLOR	1 WELBECK TERRACE	H Taylor	20/01/11
JO DUFFIN	1 Welbeck Terrace	J Duffin	20/1/11
V Rizzuto	2 Welbeck Road	V Rizzuto	21/1/11
F Rizzuto	2 Welbeck Road	F Rizzuto	21/1/11
E Webster	3 Welbeck Terrace	E Webster	21/1/11
N Baldwin	8a Heyland Road	M Baldwin	21/1/11
J. Flanagan	6, Welbeck Terrace	J. Flanagan	21/1/11

We the undersigned, object to the planning application S/2010/1726 for an external roof terrace to 4a Liverpool Road (Birkers bar)

Name	Address	Signed	Date
JOHN JONES	FLAT 37 HOMIE CHASE HOUSE	[Signature]	24.1.11
MARIE EDITH JONES	FLAT 37 HOMECHASE HOUSE CHASE CLOSE BIRKDALE SOUTH	M E Jones	24.1.11
MARY WILDMAN	WARDENS FLAT HOMECHASE HOUSE CHASE CLOSE BIRKDALE	M Wildman	24.1.11
HARRY WILDMAN	WARDENS FLAT HOMECHASE HOUSE CHASE CLOSE BIRKDALE PR8 2DG	H Wildman	24.1.11
BERYL McDONALD	39, HOMECHASE HOUSE CHASE CLOSE, BIRKDALE PR8 2DG	B. McDonald	24.1.11
[Signature]	19 HOMECHASE HOUSE PR8 2DG	[Signature]	24.1.11
P McDONALD	39 HOMECHASE HOUSE CHASE CLOSE PR8 2DG	P McDonald	24.1.11
L. WRIGHT	26 HOMECHASE HOUSE CHASE CLOSE PR8 2DG	L Wright	24.1.11
[Signature]	51 HOMECHASE HOUSE PR8 2DG	[Signature]	24.1.11
B. HOSKER	FLAT 43 PR8 2DG.	B. Hosker	24.1.11
M. WILLIAMS	FLIT 23 HOMECHASE HOUSE PR8 2DG	M Williams	24.1.11
F. J. WILLIAMS	FLAT 23 HOMECHASE HOUSE PR8 2DG	F J Williams	24.1.11
J CLARKE	APT 1 HOMECHASE HOUSE BIRKDALE PR8 2DG	J Clarke	24.1.11
A. M. UNSWORTH	45 HOMECHASE HOUSE BIRKDALE, PR8 2DG	A M Unsworth	24.1.11
Mrs C POLLARD	APT 38 HOMECHASE HOUSE PR8 2DG	C Pollard	24.1.11
MR JB ANKER	APT 40 HOMECHASE HOUSE PR8 2DG	[Signature]	24.1.11
MR D O'BRIEN	APT 33 HOMECHASE HOUSE CHASE CLOSE PR8 2DG	[Signature]	24.1.11
Mrs M. A. BOOK	17 WARDENS BIRKDALE PR8 2DG	M A Book	24.1.11