

APPLICATION NO:	14/00574/FUL
LOCATION:	The Beechwood Hotel, Beechwood Avenue
PROPOSAL:	Proposed demolition of existing garage and creation of flagged beer garden with picket fence border
WARD:	Beechwood
PARISH:	None
CASE OFFICER:	Andrew Plant
AGENT(S) / APPLICANT(S):	IMD & Associates on behalf of Daniel Thwaites PLC
DEVELOPMENT PLAN ALLOCATION:	Primarily Residential Area Halton Unitary Development Plan (2005) National Planning Policy Framework (2012) Halton Core Strategy (2013)
DEPARTURE	No
REPRESENTATIONS:	7 representations received from the publicity given to the application.
KEY ISSUES:	Principle of Development in residential area, noise and disturbance.
RECOMMENDATION:	Approve
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The site subject of the application is adjacent to the Beechwood Public House accessed from Beechwood Avenue. The site is within the residential area of Beechwood and adjacent to Beechwood Primary and Beechwood Community Centre.

The proposed development is within the curtilage of the Public house.

2. THE APPLICATION

2.1 The Proposal

The application is for the demolition of an existing single garage attached to the pub on the west (car park) side elevation and the formation of a small formal flagged beer garden with seating, bounded by 900mm picket fencing on the footprint of the demolished garage. The beer garden will face the car park provided for this local centre.

Planning permission is not required for the use of the area to a beer garden as this area is already within the curtilage of the public house. Public houses also have permitted development rights for the creation of the hard standing providing that it drains to a permeable area.

In this case the hard standing is proposed to drain to existing drains on the site and an application has therefore been submitted to the Council.

2.2 Documentation

The application is for the demolition of an existing single garage attached to the pub on the west (car park) side elevation and the formation of a small formal flagged beer garden with seating, bounded by 900mm picket fencing on the footprint of the demolished garage. The beer garden will face the car park provided for this local centre. The planning application is supported by layout and elevation plans.

2.3 History

The only planning history related to the site is as follows:

Detached garage 2005

Canopy to the rear over beer garden 2003

Advertisement and detached garage 1997

Application for a porch in 1989

Original permission for the public house granted consent under the New Towns Acts for Beechwood 1970's

All of the above applications have been granted approval.

3. POLICY CONTEXT

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

3.2 Halton Unitary Development Plan (UDP) (2005)

The site is designated as a Primarily Residential Area in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- H8 Non Dwelling house uses

3.3 Halton Core Strategy (2013)

The following policies, contained within the Core Strategy are of particular relevance:

- CS5 A Network of Centres;

4. CONSULTATIONS

4.1 Environmental Health

The Council's Officer has raised no objections to the scheme and has recommended an hours restriction. As explained in the report this condition would not meet the tests for a lawful condition as it would not be reasonable condition.

5. REPRESENTATIONS

5.1 The application has been advertised by a site notice posted on 24/10/2014 and 8 neighbour notification letters.

5.2 The representations received have raised the following concerns/ objections (italics are responses to the concerns raised):

- Noise nuisance – *Dealt below in the report under Noise*
- No need already has a beer garden – *Not a material consideration*
- Members of the public, including parents with limited access to their children, could easily sit in the beer garden to observe our children without drawing attention to themselves or their behaviour and safeguarding of children. – *This would be a police matter and not a material planning consideration*
- Does not promote schools health agenda to pupils and fails to promote anti-smoking and anti-drinking message – *The site is already in use as a public house and the application does not seek the change of use of this area.*
- Surprised only two properties on Ullswater have been consulted and also lack of consultation. – *Neighbouring properties have been consulted and a site notice placed on site in accordance with the Development Management Procedure Order. The consultation process is not deficient.*
- Not enough parking- *The proposal does not alter parking for the customers of the pub and the proposal is unlikely to generate parking demand. Therefore this would not be able to be refused on highway grounds.*
- Impact on reputation of the school - *Not a material consideration*
- Increase in anti- social behaviour - *The site is already in use as a public house and the application does not seek the change of use of this area.*

6. ASSESSMENT

Planning permission is not required for the use of the area as a beer garden as this area is already within the curtilage of the public house. Public houses

also have permitted development rights for the creation of the hard standing providing that it drains to a permeable area.

In this case the hard standing is proposed to drain to existing drains on the site and an application has therefore been submitted to the Council. Given the above the Council's consideration of the application must realistically be restricted to the drainage issue.

Given the size of the hardstanding this application is not considered to give rise to significant drainage problems.

Noise concerns have been raised by residents. As the use of the site is not part of the consideration it would be unreasonable to attach conditions in relation to hours of use. If the outside seating area generates any noise complaints, these can be dealt with under Environmental Health Legislation. If the problems relating to the noise persist then this in turn can affect the licence of the property. Due to the above any condition in relation to hours of use would be unnecessary and unreasonable.

On this basis it is not considered that refusal could be justified and/ or successfully defended by the Council at appeal. The application has therefore been approved.

The application is recommended for approval subject to conditions.

7. RECOMMENDATIONS

Grant planning permission

8. CONDITIONS

1. Time Limit – Full Permission.

9. SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.