

Comment to portal 24/01990/FUL

The planning committee of the Parish Council met at 18:30 on Monday 12 August. This meeting had been posted in advance on the council's website and also on social media channels. Four members of the public were in attendance and spoke about this application. An informal meeting had also been hosted by the Parish Council on Saturday 3 August which was attended by a number of residents. The applicant was also present at that meeting. The applicant was unable to attend the the 12 August meeting due to holiday commitments.

The committee has taken into account the views expressed at these meetings, it has also considered posts to the planning portal and those to social media channels when arriving at its decision to make a comment as a Statutory Consultee. In addition, with regard to the Neighbourhood plan for Upton, we make the following observations.

- Policies E1/E2 – Subject to recommendations in the Decision section below - Supports local trade that is not a fast food outlet.
- Policies T1/T2/T3 – providing a new local facility that should not entail car use (thus exacerbating parking issues) while leaving adequate provision for pedestrians.
- Policy PC2 – The proposal to reuse an empty shop will not result in any significant change in appearance that will look out of place with surroundings.

This application has received a high level of support from Upton residents with comments such as “something badly needed in Upton”, “helping regenerate the local shops”, “a community hub”. The number of positive comments far outweigh those against although the committee has treated this with caution.

The committee has to consider both the general approval it senses with those who have expressed concerns, generally those are the immediate neighbours of the proposed site. In arriving at its stance it believes it has struck a balance between the opposing views.

The main negative concerns expressed are that of noise pollution, both internally (the impact it may have on properties attached), and externally due to conversations taking place outdoors particularly later at night.

Another concern is the use of the public footpath causing deprivation of space and that of the veranda which may protect the public during inclement weather.

While it is not intended that the first floor of the premise will be used in the normal course of business, the toilets are located on that floor and customers may congregate there. The concern here being that they may look into the residential properties on the opposite side of Weston Grove.

“Operational noise” is a feature of the normal course of business and the committee believes that the conditions attached will achieve an acceptable compromise between the requirements of the business and the impact it will have on the public, especially those living close by.

The committee's conditions largely mirror many of the technical requirements imposed by the planning authority for a similar operation known as "Sandstone" in Westminster Park, with a number of alterations to fit local needs in Upton.

Decision

The council supports the application and would ask the planning authority to consider the undernoted points. The committee believes that the Notice of Planning Permission dated 17 August 2022 reference 22/01752/FUL should act as a model for agreement to this application **with the following additions/amendments.**

- Restriction of the space available to outdoor trade limited to 2 meters from the door of the premise.

Reason - The paved area can carry high levels of pedestrian traffic at times. Vehicles park "fronting" this paved area and it is felt the applicant in requiring more space would create a danger by bringing vehicular and non vehicular traffic in too close proximity.

- Any outside seating only to be used by patrons and suitable signage to be visible.

Reason – to prevent these facilities being seen as public space.

- Outdoor trade to cease at 2100 hours

Reason – to contain noise pollution within a closed space, thus offering some relief to immediate neighbours.

- Measures to be taken to ensure that patrons cannot look out of the street from the first floor (suggested a means of making the view opaque)

Reason – to afford privacy to the residential properties opposite

By reference to the conditions attaching to 22/01752/FUL – proposed changes/amendments.

- 5. The tipping/disposal/transfer of glass containers (except inside the building) shall not take place outside the hours of 0800 and 1900 every day.

Reason: To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected.

- 8. The same soundproofing/noise insulation referred to in this condition be extended to side walls of the premise.

Reason – There is no flat above but there are adjoining business and residences that can reasonably expect adequate protection.

Alan Lingard Chair Planning Committee
Upton by Chester & District Parish Council