

## Planning Committee

17 August 2017

**Reference:**  
**APP/17/00461**

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

**Case Officer:**  
**Mrs S Lacey**

**Ward:**  
**Bebington**

**Location:** 106 TEEHEY LANE, HIGHER BEBINGTON, CH63 8QT  
**Proposal:** Conversion of take away into a restaurant, including a single storey rear extension to provide new toilets and change in position of external extract duct.

**Applicant:** Mr Khan  
**Agent :** Rivergate Limited

### Site Plan:



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**Development Plan allocation and policies:**

Primarily Residential Area

**Planning History:**

Location: 106, Teehey Lane, Higher Bebington. L63 8QT  
Application Type: Full Planning Permission  
Proposal: Change of use of ground floor from shop to estate agents, surveyors and building society offices.  
Application No: APP/85/06769  
Decision Date: 08/01/1986  
Decision Type: Approve

Location: 106, Teehey Lane, Higher Bebington. L63 8QT  
Application Type: Full Planning Permission  
Proposal: Change of use of first floor to estate agents office.  
Application No: APP/87/05004  
Decision Date: 26/02/1987  
Decision Type: Approve

Location: 106, Teehey Lane, Higher Bebington. L63 8QT  
Application Type: Advertisement Consent  
Proposal: Installation of illuminated fascia sign and projecting box sign.  
Application No: ADV/86/05237  
Decision Date: 16/05/1986  
Decision Type: Approve

Location: 106 Teehey Lane, Higher Bebington, Wirral, L63 8QT  
Application Type: Full Planning Permission  
Proposal: Erection of a new shop front.  
Application No: APP/97/06443  
Decision Date: 12/11/1997  
Decision Type: Approve

Location: Band & Spencer, 106 Teehey Lane, Higher Bebington, Wirral, CH63 8QT  
Application Type: Full Planning Permission  
Proposal: Change of use to takeaway  
Application No: APP/01/06279  
Decision Date: 01/10/2001  
Decision Type: Approve

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

Having regard to the Council Guidance on Publicity for Applications, 7 letters of notification were sent to neighbouring properties. A Site Notice was displayed. No representations have been received from neighbouring properties.

**CONSULTATIONS:**

Traffic & Transportation Division: No objection.

Environmental Health Division: No objection subject to conditions.

**DIRECTOR'S COMMENTS:****REASON FOR REFERRAL TO PLANNING COMMITTEE**

The agent is an elected member.

## **INTRODUCTION**

The application proposes a single storey rear extension and a change in permission of an external duct. The change of use from the previous A5 hot food takeaway to an A3 restaurant is classed as permitted development and therefore does not require planning permission.

a change of use to A3 restaurant and cafe (which does not require planning permission), single-storey rear extension and change position of external extract.

## **PRINCIPLE OF DEVELOPMENT**

The proposal is acceptable in principle under Policy HS15 of the Wirral Unitary Development Plan and SPD3 Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments.

## **SITE AND SURROUNDINGS**

The site comprises a commercial unit last used as a hot food takeaway, situated on a row of A1 uses in a Primarily Residential Area. There are flats at first floor above the commercial row. There is Social Club and Public House opposite the site and garages to the rear of the site. The nearest self-contained flats (Rowan Court) when measured along the highway are 47m away (door to door).

## **POLICY CONTEXT**

The proposal shall be assessed against the relevant Unitary Development Plan Policy HS15 Non-Residential Uses in Primarily Residential Areas and SPD3 Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments. This is to be evaluated against the NPPF.

UDP policy HS15 requires that development should be of an appropriate scale and not result in a detrimental change in the character of the area or cause nuisance to neighbouring occupiers as a result of noise and disturbance, on street parking or delivery vehicles.

Supplementary Planning Document 3 states that restaurants are generally acceptable provided they does not harm nearby residential properties, and 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, which the proposal achieves.

## **APPEARANCE AND AMENITY ISSUES**

The key objectives of policy HS15 and SPD3 are to protect the amenity of neighbouring uses. In this instance the change of use from hot food takeaway (existing) to restaurant is not considered to result in an increase in noise or disturbance. The proposal is more than the 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 (Rowan Court when measured along the highway is 47m away), as set out in SPD3. There are other late night uses in the vicinity, including a Public House, Social Club and a petrol garage. The applicant has applied for 16:00 - 23:00 hours Mon-Sat and 16:00 - 22:00 hours Sunday which are not considered to be harmful to neighbouring residential properties or the character or viability of the centre. The requested hours can be conditioned.

The proposed extension and fume extract is considered appropriate in scale and will not harm the character of the area. The extension and extract are not considered to appear overbearing to the adjacent A1 use or first floor flat, and there are no residential dwellings directly to the rear.

The proposal enjoys a high degree of accessibility by public transport. The proposal complies with Policy HS15 of the adopted Wirral Unitary Development Plan and SPD3 Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments. It is deemed not to have an adverse impact on the character of the area, nearby residential properties, or the vitality and viability of the Primarily Residential Area.

## **SEPARATION DISTANCES**

The proposal is not considered to result in overlooking or loss of privacy to residential properties.

## **HIGHWAY/TRAFFIC IMPLICATIONS**

The development is situated in a sustainable location on bus routes and close to residential areas. There are no highway implications relating to this proposal.

## ENVIRONMENTAL/SUSTAINABILITY ISSUES

Environmental Protection Division had no objection to the proposal in relation to noise and disturbance. There are no environmental or sustainability issues relating to these proposals.

## HEALTH ISSUES

There are no health implications relating to this application.

## CONCLUSION

The proposal complies with Policy HS15 of the adopted Wirral Unitary Development Plan and SPD3 Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments. It is deemed not to have an adverse impact on the character of the Primarily Residential Area or the amenity of nearby residential 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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal complies with Policy HS15 of the adopted Wirral Unitary Development Plan and SPD3 Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments. It is deemed not to have an adverse impact on the character of the Primarily Residential Area or the amenity of nearby residential properties.

**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 received by the local planning authority on 03 May 2017 and listed as follows: drawing numbers 04\_2017\_02 Revision A (dated 10.04.2017), 04\_2017\_03 Revision A (dated 13.04.2017), 04\_2017\_04 Revision A (dated 13.04.2017), 04\_2017\_05 Revision A (dated 13.04.2017).

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

3. The premises shall not be used except between the hours of 16:00 hours and 23:00 hours Mondays to Saturdays, and 16:00 hours and 22:00 hours Sundays.

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

4. No development shall take place until full details of a scheme for noise insulation between ground floor and residential accommodation above (adhering to "Building Regulations Approved Document E - Resistance to the passage of sound") has been submitted to and approved in writing by the Local Planning Authority, unless the accommodation is to be used solely by the owner of the business. The scheme shall be implemented prior to commencement of the development and retained as such thereafter.

**Reason:** In the interest of amenity

5. No development shall take place until a suitable scheme for fume extraction has been submitted to and approved in writing by the Local Planning Authority. When designing the fume extraction system reference should be made to the Defra document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems". The scheme shall be implemented prior to commencement of the development and retained as such thereafter.

**Reason:** In the interest of amenity

**Further Notes for Committee:**

The provision, removal or amendment of waiting restrictions has to follow a legal process which is carried out by the Council and takes several months to programme and complete. The applicant is advised to make early contact with the Council's Traffic Network Management Team via [www.wirral.gov.uk](http://www.wirral.gov.uk) in relation to any conditions requiring such work to be carried out.

**Last Comments By:** 14/07/2017

**Expiry Date:** 07/08/2017