

# Planning Committee

19 July 2018

**Reference:**  
**APP/18/00223**

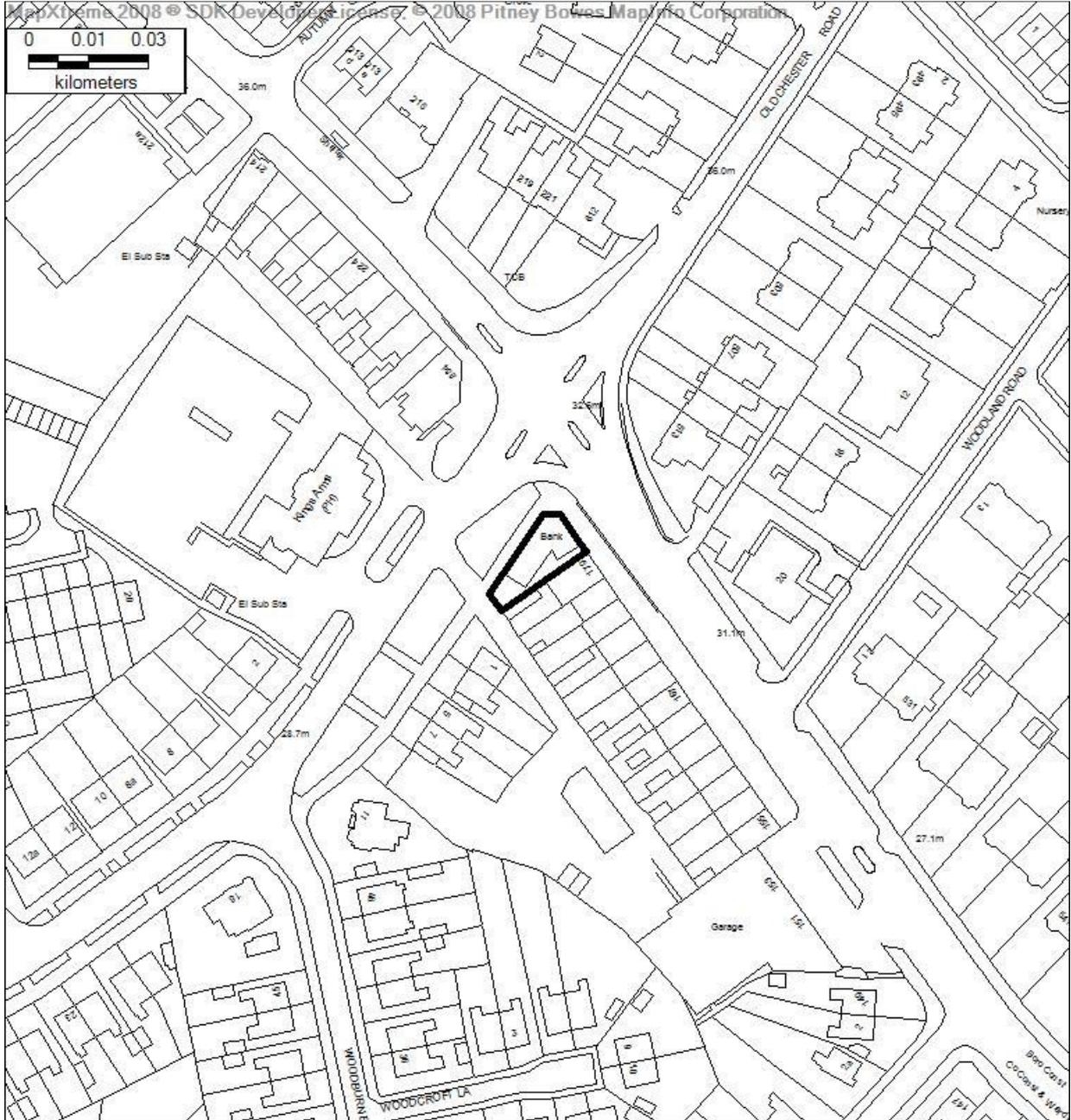
**Area Team:**  
**South Team**

**Case Officer:**  
**Mr K Spilsbury**

**Ward:**  
**Rock Ferry**

**Location:** Lloyds TSB Bank, 181 OLD CHESTER ROAD, ROCK FERRY, CH63 8NF  
**Proposal:** Change of use from former bank building to restaurant and bar  
**Applicant:** LTFD Man Limited  
**Agent :** Rivergate Limited

## Site Plan:



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**Development Plan designation:**  
Traditional Suburban Centre

## **Planning History:**

Location: Lloyds Bank, 181 Old Chester Road, Higher Bebington, Wirral, L63 8NF  
Application Type: Advertisement Consent  
Proposal: Erection of illuminated individual letters and illuminated projecting sign.  
Application No: ADV/98/06446  
Decision Date: 23/10/1998  
Decision Type: Approve

Location: Lloyds TSB Bank, 181 Old Chester Road, Higher Bebington, Wirral, CH63 8NF  
Application Type: Advertisement Consent  
Proposal: Erection of illuminated fascia signs to the front and side elevation.  
Application No: ADV/00/05059  
Decision Date: 11/02/2000  
Decision Type: Approve

Location: Lloyds TSB Bank, 181 OLD CHESTER ROAD, ROCK FERRY, CH63 8NF  
Application Type: Advertisement Consent  
Proposal: 3 No. internal A1 illuminated window marketing unit 1No. ATM collar surround signage to replace existing  
Application No: ADV/12/01264  
Decision Date: 21/12/2012  
Decision Type: Approve

Location: Lloyds TSB Bank, 181 OLD CHESTER ROAD, ROCK FERRY, CH63 8NF  
Application Type: Advertisement Consent  
Proposal: Erection of 3 fascia signs (2 illuminated), 3 projecting signs (illuminated), and one ATM surround (illuminated).  
Application No: ADV/13/00219  
Decision Date: 22/04/2013  
Decision Type: Approve

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

### REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications, 47 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report, objections have been received from three neighbouring properties. The objections are summarised as follows:

1. The applicant is planning on turning the land behind 1-7 Kings Lane into a parking area
2. There is no parking provision and the area is already busy with parked cars
3. Increased opening hours to Kings pub
4. Noise as they already experience noise from the Kings pub

### CONSULTATIONS:

**Engineers** - No Objections

**Environmental Health** - No Objections

### **Director's Comments:**

#### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

A director in the agency submitting this application, Rivergate Limited, is an Elected Member of the Council and therefore this application is required to be determined by the Planning Committee having regards to the provisions of the Scheme of Delegation for Determining Planning Applications.

## **INTRODUCTION**

The proposal is for the change of use from former bank to a restaurant and bar

## **PRINCIPLE OF DEVELOPMENT**

The application site is located within an area designated as a Traditional Suburban Centres in the Proposals Map for the UDP. The application will be assessed against-

Policy SH2 - Criteria for Development in Traditional Suburban Centres

SPD4 Hot Food takeaways, Restaurants, Cafes and Drinking Establishments

## **SITE AND SURROUNDINGS**

The application site comprises of a vacant building that was previously occupied by a bank within a parade of shops. The area contains a mixture of uses including other late night uses, restaurants and takeaways, as well as shops and offices. The adjoining side streets off Old Chester Road are predominantly residential.

## **POLICY CONTEXT**

Policy SH2 - Criteria for Development in Traditional Suburban Centres advises within the Traditional Suburban Centres listed below, proposals falling within Class A1, Class A2 and Class A3 of the Town and Country Planning (Use Classes) Order 1987, will be permitted provided that it does not undermine the vitality and viability of any Key Town Centre or Traditional Suburban Centre as a whole or other town centre outside the Borough boundary; the proposal does not generate traffic in excess of that which can be accommodated by the existing or proposed highway network; the proposal meets highway access and servicing requirements and includes off-street car parking in line with Policy TR9 and cycle parking in line with Policy TR12; the siting, scale, design, choice of materials and landscaping is not detrimental to the character of the area; proposals for Class A2 uses should incorporate the provision of a shop front and permanent window display; the proposal does not cause nuisance to neighbouring uses or lead to loss of amenity, as a result of noise and disturbance, on-street parking or delivery vehicles - where necessary, a suitable condition will be imposed on hours of opening/ operation; where a proposal for Class A3 use is located on a street containing similar establishments, cumulative levels of noise and disturbance, from both the existing and proposed activities, should not exceed a level likely to be detrimental to the amenity of the area, proposals for Class A3 uses should include measures to mitigate smells and internally-generated noise - these measures should not be visually intrusive in the street scene and should be fully installed before the business commences trading

SPD4 Hot Food takeaways, Restaurants, Cafes and Drinking Establishments states that in order to reduce the impact of noise and disturbance on neighbours amenity, the council will require drinking establishments to be at least 40m away from the main elevation of a dwelling house or a building used solely for self-contained flats, when measured along a public highway.

## **APPEARANCE AND AMENITY ISSUES**

As with the appeal decision APP/W4325/A/13/2199815 at 56 Mill Lane, Wallasey for the change of use of existing ground floor retail shop (Use Class A1 currently vacant) to micro-pub (Use Class A4) the main issue is the effect of the proposed development on the living conditions of nearby residents with particular regard to noise and disturbance.

At the time of writing this report, 3 objections have been received from one neighbouring properties. The objections are summarised as follows:

1. The applicant is planning on turning the land behind 1-7 Kings Lane into a parking area
2. There is no parking provision and the area is already busy with parked cars
3. Increased opening hours to Kings pub
4. Noise as they already experience noise from the kings pub

This application is solely for the conversion of the bank to a restaurant and bar and as such car park does not fall within the remit of this planning application. The increase in traffic has been assessed by the Engineers Department who have raised no objection to the scheme. The site is located in a sustainable location with good public transport links running along Old Chester Road and the nearby residential roads are protected by yellow lines preventing on street parking outside houses.

The property is located within a parade of shops that have retail units on the ground floor and flats on the upper floors. Similar shop units are also located on the other side of the road. It is situated on a busy main road that acts as the main thoroughfare in Bebington. Although the surrounding streets are predominantly residential, the character of Old Chester Road itself is of a mixed use area.

Whilst the majority of the other retail units appear to operate daytime hours there are convenience stores and hot food take aways located within the vicinity that are open in the evening. The area was busy at the time of my visit, mid-morning on a weekday, and given the locational characteristics of the area, the noise environment is unlikely to be particularly quiet during the day and into the evening. However, the surrounding residential streets were considerably quieter.

In order to protect the amenity of local residents, Policies HS15 and SH2 of the Unitary Development Plan for Wirral (adopted February 2000) (UDP), require that developments do not have an adverse impact on neighbouring uses in terms of noise and disturbance. Further guidance on this is provided in SPD3 - Hot Food Take Aways, Restaurants, Cafes and Drinking Establishments (adopted October 2006) (SPD) which states that such uses should be at least 40m from the main elevation of a dwelling house or a building used solely for self-contained flats. In this case the site is less than the 40m from the closest dwelling 513 Old Chester Road located on the opposite side of the road.

The building fronts onto Old Chester Road with access into the property at the corner running along the traditional suburban centre. There is a busy main road separating the premises from the adjoining neighbour and as a result the noise generated within the building is unlikely to be excessive for surrounding residents living along Old Chester Road or Kings Lane.

A condition is also proposed limiting the opening hours to 23:00 in the week to ensure the noise generated within the building would be in line with neighbouring uses and unlikely to cause a disturbance to the immediately adjacent neighbours.

The disposal of refuse at night could impact upon neighbours. However, a condition limiting the deposit of waste in the rear yard to daytime hours would restrict the potential of noise disturbance from this. Similarly, a condition controlling delivery hours would limit the noise and disturbance to the occupiers of the dwellings in the immediate vicinity from this source.

In addition the general noise arising from the arrival and departure of customers could result in noise and disturbance outside the property. However, the scale of the proposed use is relatively small and low key and the floorspace available would restrict the number of customers. This would limit the volume of comings and goings. Furthermore, given the proposed closing time and existing busy nature of, and background noise on Old Chester Road, it is unlikely that in this regard the proposed use would significantly increase the noise and disturbance experienced by nearby residents.

It is accepted that smokers are likely to use the area at the front of the premises. However, given the limited number of customers it is unlikely that this would result in large numbers of people congregating in this area at any one time. As a result the noise and disturbance created is likely to be limited and is unlikely to be any more significant than would result from people standing at the bus stop in the front of the adjoining apartment block. Given the background traffic noise on Telegraph Road, it is considered that in this respect the proposal would be unlikely to significantly increase the noise and disturbance experienced by local residents.

Consequently, the Local Planning Authority is satisfied that, despite being within 40m of residential properties, in this case the proposal would not materially harm the living conditions of nearby residents with particular regard to noise and disturbance. As a result it would not be contrary SH2 of the UDP which seek to ensure that developments are not detrimental to the amenity of local residents.

#### **SEPARATION DISTANCES**

The nearest residential property is located opposite the site and is within the 40m buffer.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal. The Engineers have not objected to the

proposed scheme.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/sustainability issues relating to this proposal

### **HEALTH ISSUES**

There are no health implications relating to this application.

### **CONCLUSION**

The Local Planning Authority is satisfied that, despite being within 40m of residential properties, in this case the proposal would not materially harm the living conditions of nearby residents with particular regard to noise and disturbance. As a result it would not be contrary to SH2 of the UDP which seek to ensure that developments are not detrimental to the amenity of local residents and does not undermine the vitality and viability of any Key Town Centre or Traditional Suburban Centre as a whole or other town centre outside the Borough boundary.

### **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 Local Planning Authority is satisfied that, despite being within 40m of residential properties, in this case the proposal would not materially harm the living conditions of nearby residents with particular regard to noise and disturbance. As a result it would not be contrary to HS15 and SH2 of the UDP which seek to ensure that developments are not detrimental to the amenity of local residents.

**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 use hereby permitted shall not be open to customers outside the following times

Monday to Friday: 10:00 to 23:00  
Saturday - 10:00 to 23:50  
Sunday and Bank Holiday - 12:00 to 23:00

**Reason:** In the interest of amenity having regards to policy SH2 of the Wirral UDP.

3. No deliveries shall be taken at, or despatched from, the site outside the hours of 10:00 to 18:00 Monday to Saturday nor at any time on Sundays, Bank or Public Holidays.

**Reason:** In the interest of amenity having regards to policy SH2 of the Wirral UDP.

4. No disposal of refuse in the rear yard shall be undertaken outside the hours of 10:00 to 18:00.

**Reason:** In the interest of amenity having regards to policy SH2 of the Wirral UDP.

5. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 7th March 2018 and listed as follows:

2018\_11, 2018\_10, 2018\_09, 2018\_08, 2018\_07, 2018\_06, 2018\_05, 2018\_04, 2018\_03  
(Dated 19.02.2018)

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

6. No external refrigeration/condenser or air conditioning units shall be installed at the premises without the prior written consent of the Local Planning Authority.

**Reason:** In the interest of amenity having regards to policy SH2 of the Wirral UDP.

7. NO DEVELOPMENT SHALL TAKE PLACE until 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.

8. Prior to commencement of development, a suitable scheme of fume extraction shall be submitted to and approved in writing by the Local Planning Authority (with reference made to the Defra document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'). The approved scheme shall be implemented in full prior to the premises first opening, and be retained as such thereafter unless otherwise agreed in writing

**Reason:** In the interests of amenity

**Further Notes for Committee:**

**Last Comments By:** 25/05/2018

**Expiry Date:** 07/06/2018