

Planning Committee

15 August 2019

**Reference:
APP/19/00657**

**Area Team:
Development
Management Team**

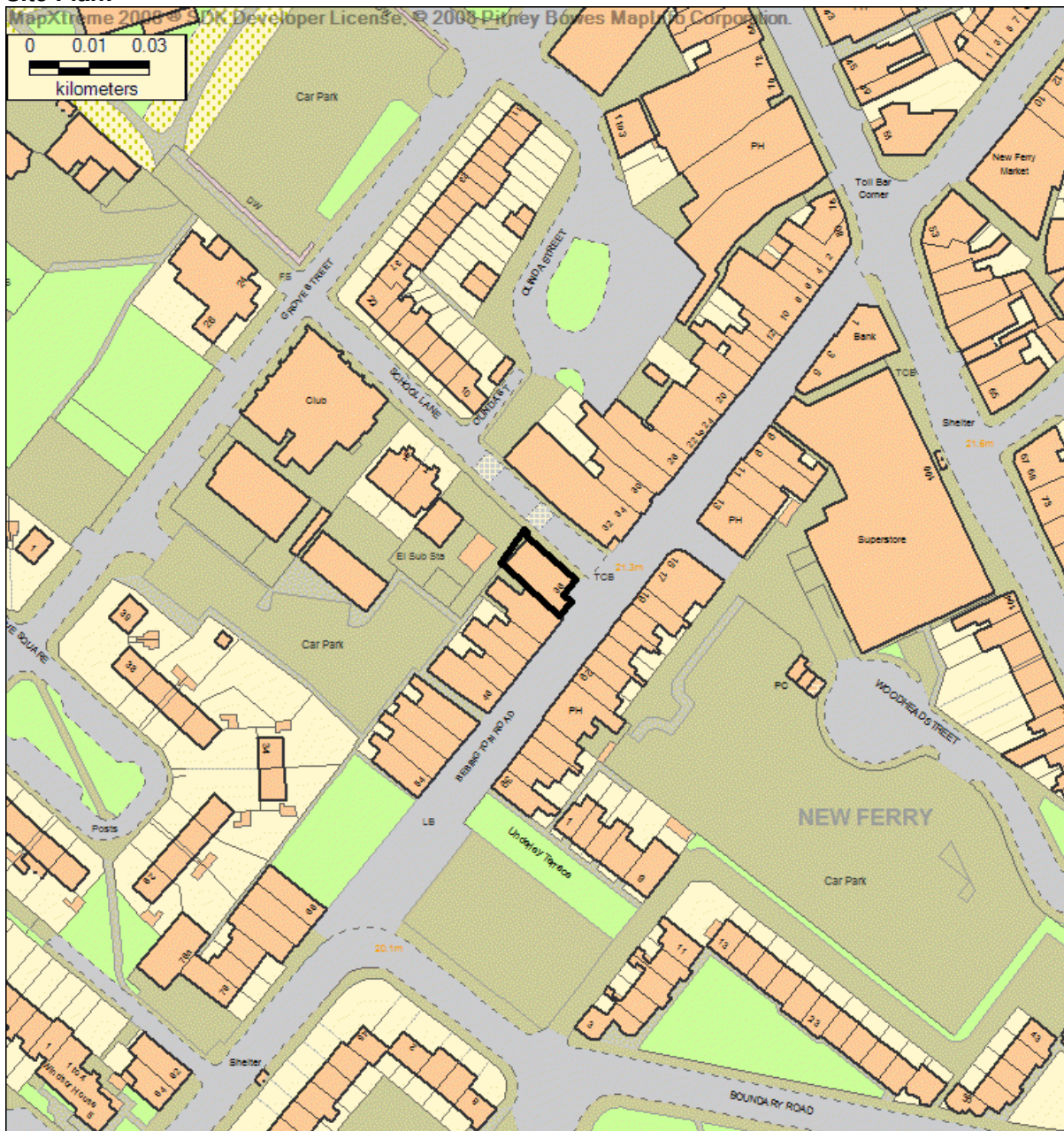
**Case Officer:
Mr B Bechka**

**Ward:
Bromborough**

Location: Lloyds TSB Bank, 36 BEBINGTON ROAD, NEW FERRY, CH62 5BH
Proposal: Change Of Use From A2 Bank To A4 Public House
Applicant: Mr McCreedy
Agent : Mr McHugh

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Primarily Residential Area
Key Town Centre

Planning History:

Location: Lloyds TSB Bank, 36 Bebington Road, New Ferry, Wirral, CH62 5BH
Application Type: Advertisement Consent
Proposal: Illuminated light box sign
Application No: ADV/03/05524
Decision Date: 17/04/2003
Decision Type: Approve

Location: Lloyds TSB Bank, 36 Bebington Road, New Ferry, Wirral, CH62 5BH
Application Type: Full Planning Permission
Proposal: Installation of an ATM machine
Application No: APP/07/07516
Decision Date: 22/02/2008
Decision Type: Approve

Location: 36 & 38 Bebington Road, New Ferry, Wirral, CH62 5BH
Application Type: Advertisement Consent
Proposal: Erection of illuminated fascia signs and illuminated projecting signs
Application No: ADV/06/07095
Decision Date: 23/02/2007
Decision Type: Approve

Location: TSB, 36, Bebington Road, New Ferry. L62 5BH
Application Type: Advertisement Consent
Proposal: Illuminated projecting sign.
Application No: ADV/86/05461
Decision Date: 10/06/1986
Decision Type: Approve

Location: Trustee Savings Bank, 36 Bebington Road, New Ferry, Wirral, L62 5BH
Application Type: Advertisement Consent
Proposal: Erection of two illuminated fascia signs and an illuminated projecting sign.
Application No: ADV/98/06412
Decision Date: 20/10/1998
Decision Type: Approve

Location: Lloyds TSB Bank, 36 BEBINGTON ROAD, NEW FERRY, CH62 5BH
Application Type: Advertisement Consent
Proposal: Replacement of existing signage with 2 illuminated fascia signs, 2 illuminated projecting signs and 2 illuminated ATM surrounds.
Application No: ADV/13/00218
Decision Date: 22/04/2013
Decision Type: Approve

Location: Trust Bank ,36 Bebington Road ,New Ferry ,L62 5BH
Application Type: Full Planning Permission
Proposal: Erection of bank premises
Application No: APP/84/25488
Decision Date: 20/09/1984
Decision Type: Conditional Approval

Location: 36 Bebington Road ,New Ferry ,L62 5BH
Application Type: Full Planning Permission
Proposal: Change of use from shop to bank premises

Application No: APP/82/21519
Decision Date: 20/01/1983
Decision Type: Conditional Approval

Location: 36 Bebington Road ,New Ferry,L62 5BH
Application Type: Full Planning Permission
Proposal: New elevations to frontages and 2 storey extension at rear
Application No: APP/83/23979
Decision Date: 19/01/1984
Decision Type: Conditional Approval

Location: 36 Bebington Road ,New Ferry,L62 5BH
Application Type: Deemed
Proposal: 1 illuminated fascia sign, 2 illuminated logo signs, 1 illuminated projecting sign and 1 illuminated Speedbank sign
Application No: DPP/83/23980
Decision Date: 19/01/1984
Decision Type: Conditional Approval

Location: Trust Bank ,36 Bebington Road ,New Ferry ,L62 5BH
Application Type: Advertisement Consent
Proposal: Two illuminated bank signs, one projecting sign and an illuminated speedbank sign
Application No: ADV/84/25489
Decision Date: 20/09/1984
Decision Type: Conditional Approval

Summary Of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 No comments received.

2.0 SUMMARY OF REPRESENTATIONS

A total of 44 consultation letters were sent out to neighbouring properties. In addition a site notice was posted.

REPRESENTATIONS

23 no. objections were received. A summary of these representations are listed as follows:

- too many pubs within local area
- will lead to undue noise disturbance and increase in anti-social behaviour
- late opening hours will need to prolonged noise disturbance to residents
- have negative impact on regeneration of area
- former bank not an appropriate property to accommodate proposed A4 Use

8 no. letters of support were received. A summary of these representations are listed as follows:

- existing business hoping to improve area
- bringing business back into the area

CONSULTATIONS

Highways:

No objections

Environmental Protection:

No objections to revised scheme. Lack of openings in rear elevation and no openings in side

elevation of property to School Lane facing onto the rear of the pub would not result in any significant noise disturbance. Any sound loud enough to transmit through walls would readily be controllable under noise nuisance and/or licensing legislation.

3.1 Site and Surroundings

3.1.1 The application a site relates to a two-storey property forming a vacant bank (A2 Use Class) sited to the north-western side of Bebington Road and the corner with School Lane. The application site sits within New Ferry Key Town Centre, whilst it is bound to its north-west by a primarily residential area. Bebington Road is a pedestrianised street within this centre, comprising a mix of town centre uses to either side. Residential accommodation is located to the upper floors of the adjoining property, whilst sited to its rear is a small irregular shaped service yard leading onto School Lane. Sited immediately to the rear of the application site is a substation and approximately 20m to the rear of the application site and sitting within the primarily residential area lie residential properties.

3.2 Proposed Development

3.2.1 Permission is sought for the change of use from a vacant bank (A2 Use Class) to a Public House (A4 Use Class).

The proposed opening hours for the Public House would be 11:00 - 23:30 Monday - Sunday.

No external alterations or extensions are proposed to the property.

There would be no change to the existing floorspace as a result of the proposed development.

3.2.2 Added Value

At the request of the case officer the applicant has removed the outside smoking area to the rear. The applicant has also agreed to restrict the hours of opening.

3.3 Development Plan

3.3.1 Policy SH1 - Criteria for Development in Key Town Centres

3.4 Other Material Planning Considerations

3.4.1 DCLG published the National Planning Policy Framework (NPPF) in February 2019. The NPPF will be referred to as appropriate within this report.

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development;
- Design;
- Highways; and
- Amenity

3.6 Principle of Development:

3.6.1 Although resulting in the loss of an A2 unit, it is considered that in this case this loss would be acceptable, given that the A4 Use Class of the proposal is considered an appropriate use for a key town centre location. A number of objections received as part of this planning application voice concern about the addition of another public house to an area already saturated by similar uses and to the detriment of the vitality of the town centre. However, there are only two public houses (A4 Use Class) currently located to Bromborough Road, with the next closest being sited approximately 138m to the north of the application site to New Chester Road. The proposal would not only bring a vacant unit back into use, but an one which is considered an appropriate town centre use and which would in turn positively contribute to the vitality and vibrancy of the wider New Ferry Key Town Centre. As such, the principle of the proposed development is considered acceptable subject to its compliance

with Policy SH1 of Wirral's UDP and subject to its impact on the amenity of neighbouring properties and to the local highway network.

3.7 Design:

3.7.1 The proposed change of use would not involve any external alterations to the building and it is therefore considered that it raises no issues in terms of visual amenity.

3.7.2 It is considered that the scale and nature of the proposed works, within the context of a key town centre would not appear inappropriate to the surrounding development or result in a detrimental change to the character of the area and would therefore comply with Policy SH1 of Wirral's UDP.

3.8 Highways:

3.8.1 The application site is considered to be located within a sustainable location in a Key Town Centre, accessible on foot, by bicycle and public transport.

3.8.2 The proposals are therefore considered to hold no undue impact upon the local highway network and for parking within the area and upon this basis are further supported by Highways.

3.9 Ecology:

3.9.1 There are no Environmental/Sustainability issues relating to these proposals.

3.10 Amenity:

3.10.1 SH1 makes allowances for development within Key Town Centres, subject to it not causing a nuisance to neighbouring uses or lead to a loss of amenity, as a result of noise and disturbance.

3.10.2 Flats are located to the upper floors of adjoining property No. 38, whilst approximately 20m to the north-west of the application site, along School Lane are sited residential dwellings.

3.10.3 Given that no external works are being proposed as part of this change of use application, the proposal would appear no more overbearing or visually intrusive to neighbouring residential properties. Sufficient separation distances would be retained to any habitable openings within the side of No. 10 School Lane and there are no openings sited within the side elevation of the application property facing onto adjoining property No. 38, so as to result in any overlooking or loss of privacy to those properties.

3.10.4 Noise and Disturbance

There is an existing service yard and bin store area located to the rear of the application site which is accessed via School Lane. In addressing concerns as to the proximity of the yard to neighbouring residential properties, the scheme has been amended to omit the smoking area to this rear yard. A condition is therefore recommended as part of any planning permission restricting the use of this rear yard area to use by employees and for the purpose of service and deliveries. To further protect the amenity of neighbouring properties a further condition is recommended, restricting hours of servicing and deliveries.

3.10.5 Whilst formally a bank, it appears from the planning history that it was not built as a bank and the case officer cannot therefore safely assume that it would have the wall thicknesses associated with purpose built banks. Given that adjoining property has flats to its upper floors, a condition is recommended restricting any music (live or recorded) being played in the 'Darts Room', which directly adjoins and shares a wall with the first floor level residential accommodation to No. 38, thus restricting any significant transmission of sound through the wall to the occupants of that flat.

3.10.6 Many of the objections received relate to the proposed late opening hours and the noise disturbance and anti-social behaviour which may occur as a result into the early hours of the morning.

- 3.10.7 Although located within a Key Town Centre, the application site also bounds a Primarily Residential Area to its north-west. As such, the applicant has agreed to restrict the hours of opening for the A4 Use to 11:00 - 23:30 Monday - Sunday, thus limiting any undue or adverse impact on the amenity of neighbouring residential properties.
- 3.10.8 Environmental Protection has raised no objection to proposed change of use to public house (A4 Use Class).
- 3.10.9 It is considered therefore that the proposal would not result in any significant harm to the amenity of residential neighbours and other sensitive land users and that the proposed development complies with the relevant criteria set out in Policy SH1 of the Wirral Unitary Development Plan and the NPPF and is recommended for approval.

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 proposed changed of use to a Public House (A4 Use Class) would result in no adverse effect on visual or residential amenity, and highway or public safety.

The application is therefore considered to be in accordance with Policies SH1 and HS15 of Wirral's Unitary Development Plan and the NPPF.

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 20th May 2019 and listed as follows:

 Location Plan, received 20th May 2019; and
 2019 017 300 002/01. received 19th June 2019.

Reason: For the avoidance of doubt and to define the permission.
3. Servicing and deliveries to or from the premises shall not take place between the hours of:

 23:00 - 07:00

Reason: In the interest of residential amenity and having regard to Policies SH1 and HS15 of Wirral's Unitary Development Plan.
4. In relation to the hereby approved Public House (A4 Use Class), the premises shall only be open for trade or business between the hours of:

 11:00 and 23:30 Mondays to Sundays

Reason: In the interest of amenity to neighbouring residential uses and having regard to Policies SH1 and HS15 of Wirral's Unitary Development Plan.

5. No music (live or recorded) or any other amplified sound shall be permitted within the first floor level 'Darts Room' as showing on submitted plan no. 2019 017 300 002/01.

Reason: In the interest of residential amenity and having regard to Policy SH1 of Wirral's Unitary Development Plan.

6. There shall be no access to the rear service yard of the hereby approved Public House (A4 Use Class) at all times by customers/patrons.

Reason: In the interest of residential amenity and having regard to Policies SH1 and HS15 of Wirral's Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 21/06/2019
Expiry Date: 15/07/2019