

Planning Committee

15 April 2021

**Reference:
APP/21/00268**

**Area Team:
Development
Management Team**

**Case Officer:
Miss A McDougall** **Ward:
Bebington**

Location: 5-7 BROADWAY, HIGHER BEBINGTON, CH63 5ND
Proposal: Extension onto frontage of non-standard construction for standing & seating area of restaurant to encourage further spacing between clientele

Applicant: Mr Jones
Agent: N/A

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

- Location: 5-7 BROADWAY, HIGHER BEBINGTON, CH63 5ND
Application Type: Full Planning Permission
Proposal: Change of use to restaurant with ramped access to the front
Application No: APP/17/01402
Decision Date: 11/01/2018
Decision Type: Approve
- Location: 5-7 BROADWAY, HIGHER BEBINGTON, CH63 5ND
Application Type: Advertisement Consent
Proposal: Retention of an illuminated sign within automated teller machine.
Application No: ADV/13/00437
Decision Date: 21/06/2013
Decision Type: Approve
- Location: 5-7 BROADWAY, HIGHER BEBINGTON, CH63 5ND
Application Type: Full Planning Permission
Proposal: Retention of an Automated Teller Machine.
Application No: APP/13/00436
Decision Date: 21/06/2013
Decision Type: Approve
- Location: 5-7 Broadway, Bebington, L63 5ND
Application Type: Full Planning Permission
Proposal: Installation of new shop front.
Application No: APP/81/19223
Decision Date: 26/11/1981
Decision Type: Approve
- Location: 5-7, Broadway, Higher Bebington. L63 5ND
Application Type: Full Planning Permission
Proposal: Erection of roller shutter guards.
Application No: APP/88/06137
Decision Date: 28/07/1988
Decision Type: Approve
- Location: Threshers, 5-7 Broadway, Higher Bebington. L63 5ND
Application Type: Advertisement Consent
Proposal: Erection of an illuminated fascia sign.
Application No: ADV/94/05116
Decision Date: 18/03/1994
Decision Type: Approve
- Location: 5-7 Broadway, Higher Bebington, L63 5ND
Application Type: Advertisement Consent
Proposal: Illuminated shop fascia sign and projecting sign
Application No: ADV/84/24531
Decision Date: 24/05/1984
Decision Type: Refuse
- Location: 5-7 Broadway, Higher Bebington, L63 5ND
Application Type: Advertisement Consent
Proposal: Erection of an illuminated fascia sign
Application No: ADV/84/25202
Decision Date: 26/07/1984
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

2.1 REPRESENTATIONS

The Council has received 20 letters of objection on the following grounds;

1. noise/nuisance behaviour
2. impact onto residential properties due to loss of privacy/smell/noise
3. anti-social behaviour from patrons outside of the premises
4. impact onto highway safety
5. increased demand in parking requirements
6. detrimental impact onto neighbouring businesses due to pressure of parking demands
7. the structure is unsightly and would not continue the existing design of the row
8. cause an obstruction to the pavement
9. quality of the structure including ventilation requirements

There have been 227 representations in support of these proposals that support the business and believe that these measures will enable it to respond to the COVID-19 pandemic whilst opening in a safe manner that will support the local economy.

2.2 CONSULTATIONS

Environmental Health - No objection

Highways - No objection

3.1 Reason for referral to Planning Committee

3.1.1 The application has received over 15 individual letters of objection.

3.2 Site and Surroundings

3.2.1 The property is a large commercial unit currently used as a restaurant, located to the south side of Broadway within a small enclave of shops that serve the wider residential area. The building is set back from the public highway and includes a canopied row to the front, the area underneath forms part of the planning unit as this is within the site area of the application and does not form part of the pedestrian highway.

3.2.2 The restaurant faces north east across the roundabout, there is a small vehicle pull in to the front of these shops, this is mirrored on the other side of the road. There is also public parking accessed via Kingway to the west of the site off Broadway.

3.2.3 The area is within the designated Primarily Residential Area, the use of the building was granted as a restaurant under planning reference APP/17/01402.

3.3 Proposed Development

3.3.1 The proposal is to construct an enclosed area within the canopy to be used as additional seating for the restaurant. The proposed structure does not extend out past the boundary of the site, which is the canopy area, the canopy structure will be retained.

3.4 Development Plan

3.4.1 HS15 Non-Residential Uses in Primarily Residential Areas Policy

Within the Primarily Residential Areas as defined on the Proposals Map, proposals for

small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not:

- (i) be of such scale as to be inappropriate to surrounding development;
- (ii) result in a detrimental change in the character of the area; and,
- (iii) cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

Proposals should make adequate provision for off-street car parking standards and servicing requirements.

3.5 Other Material Planning Considerations

3.5.1 SH4 Small Shopping Centres and Parades Policy

Within small shopping centres and parades in Primarily Residential Areas, development falling within Class A1, Class A2 and Class A3 of the Town and Country Planning (Use Classes) Order 1987, will be permitted, subject to Policy HS15 and the following criteria as appropriate:

- (i) where a proposal for Class A3 uses 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;
- (ii) proposals for Class A3 uses should include measures to mitigate smell 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;
- (iii) the proposal does not cause nuisance to neighbouring uses, or lead to loss of amenity, particularly in respect of noise and disturbance, on-street parking or delivery vehicles - where necessary a suitable condition will be imposed on hours of opening/ operation;
- (iv) proposals for Class A3 uses should be located a reasonable distance from the principal elevation of the nearest dwelling house or block of flats;
- (v) proposals for Class A2 uses should incorporate the provision of a shop front and permanent window display.

SPD3 - Hot food take away, restaurants and cafes

A3, A4 and A5 uses should be set a minimum of 40m from nearest residential dwellings.

3.6 Assessment

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

- Principle of development (appropriateness of residential development in rural location);
- Design;
- Highways and PROW and
- Amenity

3.7 Principle of Development:

3.7.1 The proposal is for an extension to an established restaurant business, the use has been established therefore the assessment of the structure will be against the requirements set out in Policy HS15 and the NPPF.

3.8 Design:

3.8.1 The proposed structure is to be located within the established footprint underneath the

canopy and will be lower half solid structure and upper half glazed.

- 3.8.2 It is noted that the materials described are UPVC to the lower half and aluminium windows to the upper section with access doors opposite the existing entrance doors into the restaurant.
- 3.8.3 It should be noted that the application is for the structure only, the use of the premises as a restaurant has been established as per application APP/17/01402.
- 3.9 Highways:
- 3.9.1 No objections have been raised from the Councils Highway Authority, it should be noted that this external area forms part of the original planning use as a restaurant, therefore the use is established, the area to the front of the building sited underneath the canopy does not form part of the public highway. It is also noted that there is off street parking available to the rear of the building located off Kingsway. Therefore there are no Highway Implications relating to this proposal.
- 3.10 Ecology:
- 3.10.1 There are no Environmental/Sustainability issues relating to these proposals.
- 3.11 Amenity:
- 3.11.1 In terms of the concerns raised the appearance will reflect that of the existing restaurant frontage although this will be set further forward than the existing and will come out to the front of the canopy. Given that the canopy will be retained, the visual impact of the extension is considered to be minimal having regard to the setting and appearance of the existing building and the row.
- 3.11.2 Concerns have been raised with regards to noise and anti-social behaviour, the proposed use has been established the structure itself may as stated in some objections push patrons out further into the public highway.
- 3.11.3 As the use has been established the proposed structure is considered to fit within the curtilage of the existing building, whilst the frontage is currently an open canopy style area, this could still be used for the same purposes.
- 3.11.4 The extension itself is not considered to have an additional detrimental impact onto the character of the area or nearby amenity. There are flats above the shops/commercial premises however the closest sole residential dwelling as per the Policy guidance in SPD3 are located at least 40m from neighbouring sole residential dwellings with the exception of 17 Broadway which is roughly 38.7m, however as the premises has consent to be used as a restaurant, the enclosed area is unlikely to cause any additional impact than the restaurant and the outdoor seating area.
- 3.11.5 The consent for the use of the site restricted opening hours until 11pm Monday to Saturday and 10pm on Sundays - although this condition relates to the planning unit as a whole, it is advisable to repeat this condition for the use of the enclosed area as proposed.

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:-

Given the use has been established, the siting of the extension within the existing canopy is considered acceptable in terms of the character of the area, local amenity and the visual impact onto the street scene, having regard to Wirral's UDP Policy HS15, SH4 and SPD3.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The building hereby permitted shall be removed and the land restored to its former condition on or before 12 months from the date of this decision in accordance with a scheme of work(s) to be submitted to and approved in writing by the Local Planning Authority.

Reason: The proposed building is not considered to be a suitable form of permanent development, having regard to Policy HS15 of the Wirral Unitary Development Plan.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 23 February 2021.

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

3. The premises shall not be used except between the hours of:- 1100 hours and 2300 hours Mondays to Saturdays and 1100 hours and 2200 hours Sundays and Bank Holidays without the written consent of the Local Planning Authority.

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

4. Before any above ground construction commences, samples of the facing and window materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS15 of the Wirral Unitary Development Plan.

Last Comments By: 23/03/2021
Expiry Date: 22/04/2021