

**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 14<sup>th</sup> April 2021

**Subject:** [DC/2020/02392](#)  
[392 Stanley Road, Bootle, L20 5AB](#)

**Proposal:** Change of use from hairdresser/beauty salon to licensed bar (sui generis)

**Applicant:** Mr. Jonathan Smallwood      **Agent:** Mr. Brian Williams  
North Park Tavern      Williams Planning and Building  
Design Services

**Ward:** Derby Ward      **Type:** Full Application

**Reason for Committee Determination:** Call-in by Councillor Robinson

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## Summary

The proposal is to change the use of the property (ground and first floor) to a bar. The main issues to consider are the principle of development and impacts on the living conditions of neighbours. The application site lies within Bootle Town Centre; therefore development of hospitality uses is acceptable in principle, there would not be an overconcentration of similar uses within the vicinity and thus the proposal supports the vitality and viability of the centre.

There are a number of residential properties nearby including flats opposite and above commercial units. The Environmental Health Manager has raised no objection to the proposal subject to a scheme of soundproofing, no live music or entertainment taking place and for an appropriate hours' restriction. The hours originally requested by the applicant have been reduced while an outdoor beer garden within the rear yard area has also been omitted. Overall the proposal would bring into use a vacant unit within Bootle Town Centre and subject to conditions would not cause unacceptable harm to the living conditions of existing neighbours. The proposal complies with adopted local and national policy and is therefore recommended for approval.

## Recommendation: Approve with Conditions

**Case Officer**      Steven Healey

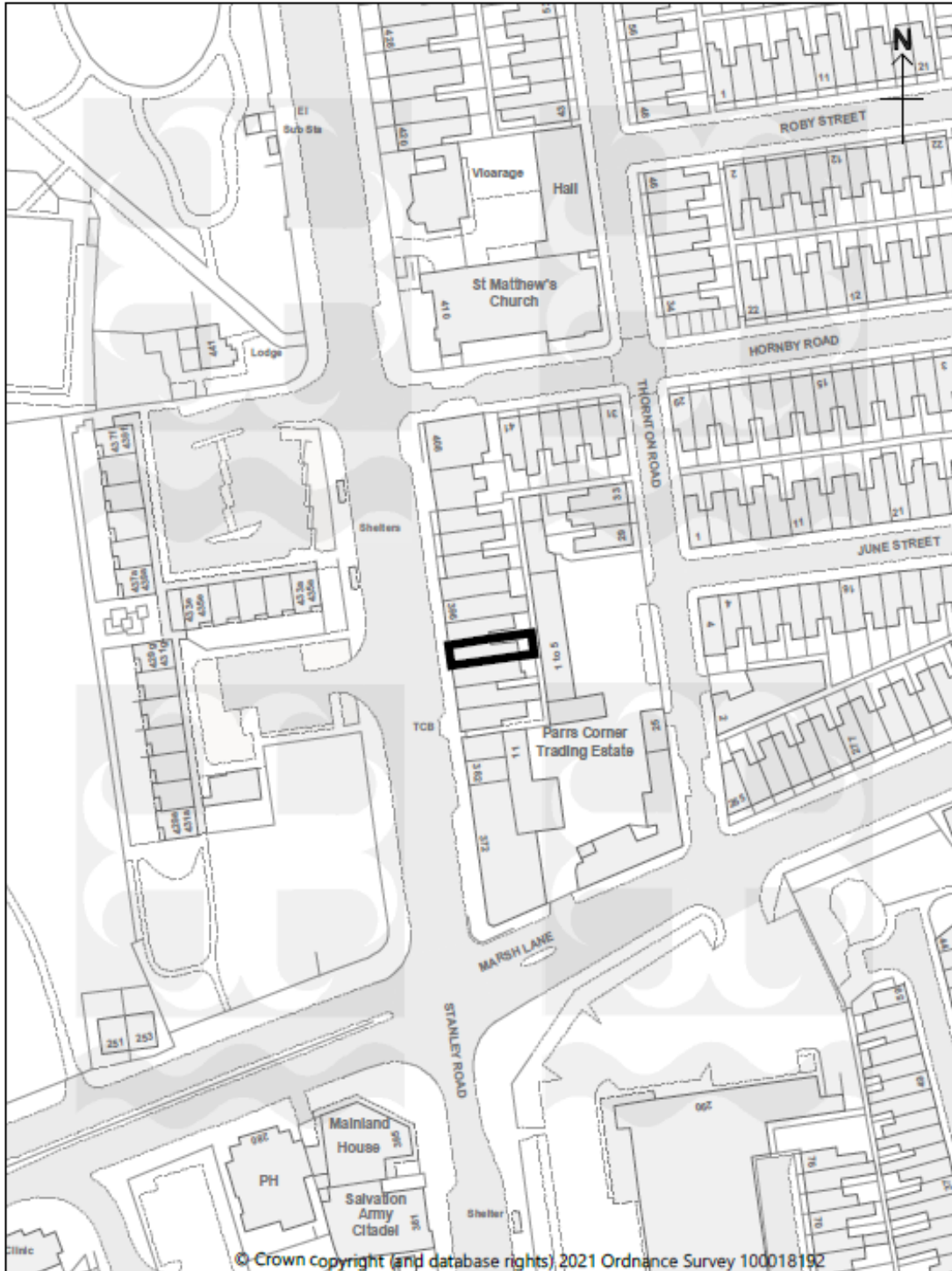
**Email**      [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

**Telephone**      0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QK8X0SNW08800>

# Site Location Plan



Sefton Council



Reference: Map reference  
Date: 30/03/2021  
Scale: Scale: 1:1250  
Created by: Initials

## The Site

The application site is 392 Stanley Road, Bootle, a two storey mid-terrace property close to North Park most recently occupied by a hair and beauty salon 'Rouge'.

## History

None of relevance.

## Consultations

### **Conservation Officer**

No objection.

### **Environmental Health Manager**

No objection subject to conditions.

### **Highways Manager**

No objection.

### **Merseyside Police Architectural Liaison Officer**

No objection.

## Neighbour Representations

Application has been called in to Planning Committee by Cllr Robinson at the request of a local resident due to concerns over noise and anti-social behaviour.

Objections received from two addresses on Stanley Road, one on Hornby Road and one on Thornton Road on the following grounds: -

- Noise and disturbance due to drunk patrons
- Noise during unsociable hours will disrupt sleep and religious practices
- Impact on mental health and wellbeing of neighbours
- Anti-social behaviour and activity within rear alleyway
- Will have to relocate if proposal is allowed
- Insufficient consultation with neighbours

## Policy Context

The application site lies within an area designated as Bootle Town Centre and a Regeneration Area in the Sefton Local Plan which was adopted by the Council in April 2017.

## Assessment of the Proposal

The proposal is to change the use of the whole building to a bar. The applicant has submitted a statement outlining their business model which specialises in craft and continental beers, also offering soft drinks, tea and coffee. The main issues to consider are the principle of development, impacts on the living conditions of neighbours and matters relating to access and highway safety.

### Principle of Development

The application site lies towards the northern end of Bootle Town Centre subject to Local Plan policy ED2 where retail, leisure and other main town centre uses (including bars and pubs) are deemed acceptable in principle.

The site lies outside of the Primary Shopping Area and retail frontages therefore there is no requirement to retain a certain percentage of units as retail. Nevertheless, policy EQ10 states that food and drink uses ought not to result in unacceptable groupings of similar uses where they would harm the character of the area or vitality and viability of the town centre.

The proposal would occupy a currently empty unit within a run of around a dozen units beyond the junction of Stanley Road and Marsh Lane. There are various uses within the immediate vicinity but no drinking establishments and only one hot food takeaway. In this respect it is not considered there would be an unacceptable grouping of similar uses.

The site also lies within the Bootle Central Regeneration Area subject to policy ED6 of the Local Plan. One of the objectives of this policy is to support the development of new restaurants, leisure facilities and other appropriate town centre uses.

Overall it is considered that the proposal is acceptable in principle.

### Impact on Living Conditions of Neighbours

While the application site lies within Bootle Town Centre, it is close to the centre's edge and it is understood there are flats to the first floor either side of the property, alongside other dwellings in the vicinity. Local Plan policies EQ2 and EQ10 require consideration to be given to the living conditions of neighbouring residents, with the latter indicating that development of food and drink uses ought only to be refused if significant harm would be caused to local amenity.

With regard to internal noise activity, the Environmental Health Manager has raised no objection subject to a condition requiring details of soundproofing and another preventing live music and entertainment. The applicant has agreed to the following hours' restriction: 08:00-22:30 weekdays and 08:00-12:00 weekends. This is a substantial reduction on the hours initially applied for and is deemed acceptable with respect to the site's town centre location. The encompassing shopping parade contains a convenience store and hot food takeaway which operates until 10pm on weekdays, therefore comings and goings and general activity continue within the locality outside

of traditional business hours and indicate that the opening hours of the proposed bar are acceptable.

The application was initially submitted incorporating a beer garden within the rear yard. The Environmental Health Manager raised concerns over noise impacts and requested a Noise Assessment, however the applicant elected to omit this element of the proposal. It has also been agreed that the rear yard will not be accessible for patrons to smoke or otherwise congregate. This would also prevent unauthorised access to the rear alley.

While concerns have been raised over possible anti-social behaviour there is no evidence to suggest this would occur and cannot be considered a ground for refusal. The Police Architectural Liaison Officer has also raised no objection to the proposed development, however has made recommendations in terms of security measures which can be set out within an informative. There is no indication of a kitchen or need for extraction equipment. Overall it is considered that subject to conditions the proposal would not cause unacceptable harm to the living conditions of neighbouring residents.

### **Access and Highway Safety**

The proposal has been reviewed by the Highways Manager who has raised no objection on highway safety grounds. While there are no off-street parking spaces proposed the site is located within Bootle Town Centre and there is some on-street parking directly fronting the site and public car parks nearby. It is likely that the proposal will result in a small number of new trips, however some of these will either be a redistribution of patronage between existing businesses or linked trips. Furthermore, the site is considered to be highly accessible with bus and train services in walking distance.

### **Other Matters**

#### Neighbour Comments

The above report addresses the majority of concerns raised by existing neighbours. Numerous personal circumstances have been referred to in terms of shift patterns, medical conditions and religion. However, subject to conditions being attached securing soundproofing, preventing use of outdoor areas and restricting opening times there is no evidence to suggest that the bar would cause significant adverse impacts on health or wellbeing. Furthermore, a Premises Licence for the sale of alcohol has already been granted for the bar which can be reviewed should any issues emerge.

Concerns have been raised over a purported lack of consultation, however all neighbours within 30m of the application site have been notified which accords with the Council's Statement of Community Involvement.

### **Planning Balance and Conclusion**

Overall the proposed use of the property as a bar is acceptable given its location within Bootle Town Centre. It would bring into use a vacant property, diversifying and supporting the centre's vitality and viability while not causing an unacceptable concentration of similar uses. The applicant has addressed concerns raised by Planning Services in relation to hours of opening and use of outdoor space.

It is considered that subject to conditions the proposal would not cause unacceptable harm to the living conditions of existing neighbours nor would general comings and goings. The site is within an accessible location with on-street parking available nearby. Overall it is considered that the proposal complies with adopted local and national policy and is therefore recommended for approval.

## **Recommendation - Approve with Conditions**

### **Conditions**

This application has been recommended for approval subject to the following conditions and associated reasons:

#### **Time Limit for Commencement**

- 1) The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

#### **Approved Plans**

- 2) The development shall be carried out in accordance with the following approved plans and documents:

Reason: For the avoidance of doubt.

#### **Before the Development is Occupied**

- 3) A scheme of sound insulation which protects adjoining residential units from noise disturbance must be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the bar being brought into use and be retained as such thereafter.

Reason: In order to protect the living conditions of nearby occupants.

## Ongoing Conditions

- 4) No primary cooking of raw food shall be carried out within the premises. Only cold food or reheated food that has been prepared elsewhere shall be served within the premises.

Reason: To allow assessment of odour impact should the premises diversify in the interest of preventing the emission of fumes that would be detrimental to the amenity of the area.

- 5) A scheme of noise control for any plant and equipment installed on site must be agreed in writing with the Local Planning Authority. The approved scheme must be installed before the plant becomes operational and retained thereafter.

Reason: To prevent noise and disturbance to nearby residents and to prevent the emission of noise above a level that would be detrimental to the aural amenity of the area.

- 6) No live music, amplified music or live entertainment shall take place on the premises.

Reason: To prevent noise and disturbance to nearby residents and to prevent the emission of noise above a level that would be detrimental to the aural amenity of the area.

- 7) The rear yard must not be made accessible to patrons of the bar at any time.

Reason: To prevent noise and disturbance to nearby residents and to prevent the emission of noise above a level that would be detrimental to the aural amenity of the area.

- 8) The premises shall not be open for business outside of the hours of 08:00 to 22:30 on Mondays to Thursday, 08:00 to 00:00 Friday and Saturday and 09:00 to 22:00 on Sunday and Bank Holidays.

Reason: To prevent potential late-night noise and disturbance to nearby residents.

## Informatives

### Background Music

- 1) Background music is not prescribed under the Licensing Act 2003 and is exempt from other activities regarded as regulated entertainment. It shall be defined as any amplified music, which has a music noise level not exceeding LAeq 10min 65dB. Measurements to determine the music level shall be made at a position not less than 1 metre from any loudspeaker, instrument or wall.

### Security



- 2) Merseyside Police Architectural Liaison Officer recommends the following measures be put in place: -
- The main entrance door be controlled with a maglock
  - CCTV and an alarm system to be installed
  - A management area be included for cash handling
  - The rear yard be lit and kept tidy
  - Rear door/gate be kept locked to prevent access for patrons