

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 18th September 2024

Subject: [DC/2024/01248](#)
[1 Harris Drive Bootle L20 6LD](#)

Proposal: Layout of an outside seating area with vehicle bollards and barrier system

Applicant: Mr Michael Parkes **Agent:** Mr Andrew Stott
The Feathers Group NW Ltd The Plan Centre

Ward: Litherland Ward **Type:** Full Application

Reason for Committee Determination: Discretion of Chief Planning Officer

Summary

The proposal seeks permission to the introduce an outside seating area to the front of 1 Harris Drive, Bootle which is currently used as a drinking establishment. The main issues to consider are the acceptability of the use in principle and any impact on neighbouring residents and the general environment and matters relating to parking and highway safety.

The seating area is located in a shopping parade where commercial vehicle activity is expected, and it is considered that subject to appropriate conditions any impacts can be managed. There are no highway safety concerns or unacceptable implications in terms of parking provision. There are no objections from any statutory consultees subject to appropriate conditions.

Recommendation: Approve with conditions

Case Officer John Kerr

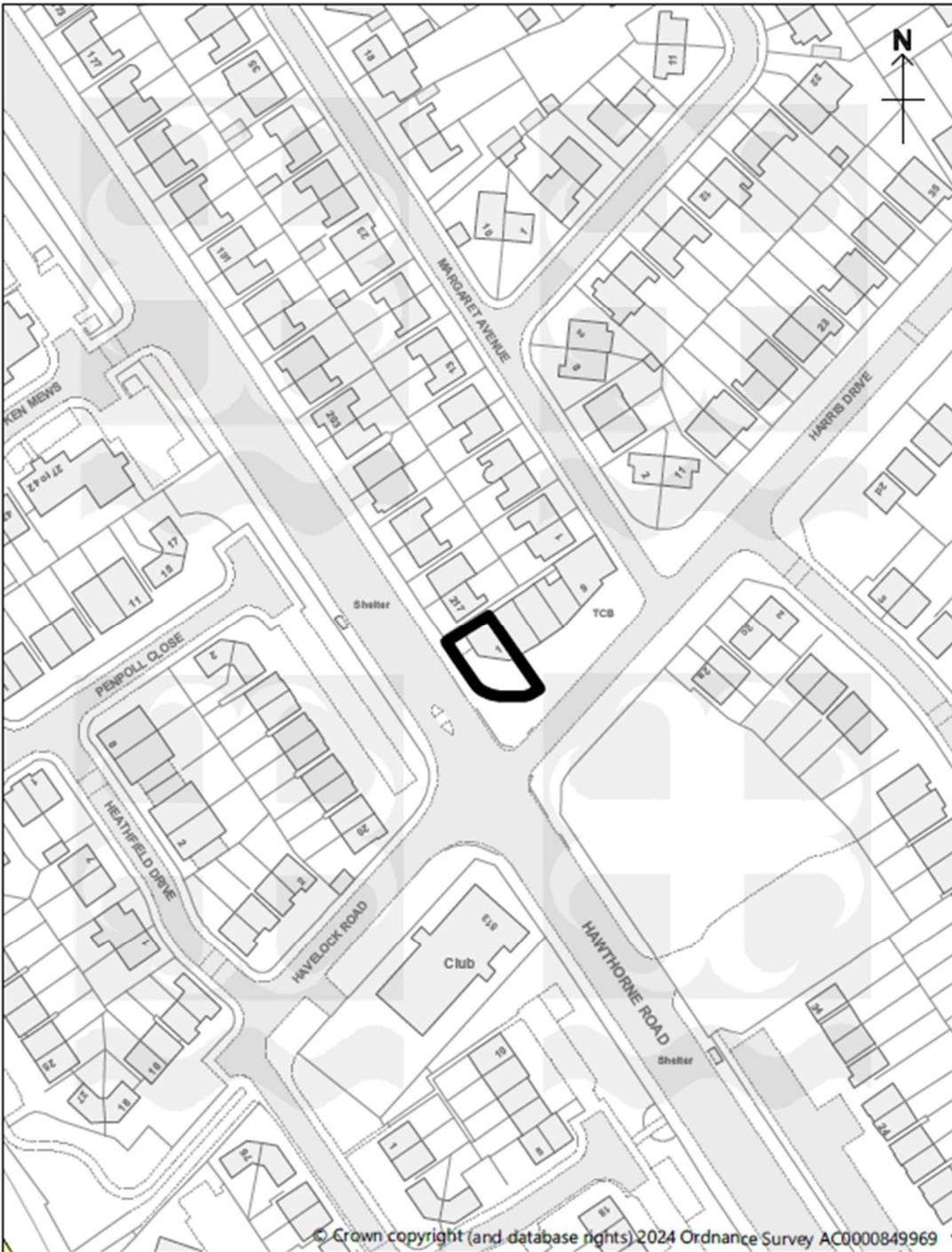
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SFXVQ0NWKP00>

Site Location Plan



The Site

The application site comprises the external area to the front of 1 Harris Drive which is a single storey building used as a drinking establishment located at the junction with Hawthorne Road in Bootle. The premises are at the end of a shopping parade which runs from the corner of Hawthorne Road, towards Harris Drive and accommodates a number of different commercial uses. The Mell Inn Social club is located beyond the parade on the opposite side of Hawthorne Road. The wider area is predominantly residential.

History

DC/2024/00230 – Advertisement consent for the display of 2 No. illuminated signs. Approved.

DC/2024/00229 – Change of use from Class E to a drinking establishment (Sui Generis) with the provision of live music. Approved April 2024.
(The outside seating area was removed from the scheme).

DC/2024/01553 - Approval of details reserved by conditions 3 and 4 attached to planning permission DC/2024/00229. Pending decision.

Consultations

Highways Manager

No objections to the proposal as there are no adverse highway safety implications.

Environmental Health Manager

No objections to the proposal subject to conditions.

Neighbour Representations

One representation has been received supporting the application.

Policy Context

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

1. Introduction

1.1 The proposal seeks to introduce an outside seating area to the front of 1 Harris Drive which is currently used as a drinking establishment, having been granted planning permission 19th April 2024. The main issues to consider are the principle of development, impacts on neighbouring residents and matters relating to parking and highway safety.

2. Background

2.1 The initial application for a drinking establishment with an outside seating area was considered by Planning Committee in March 2024. The application was deferred to allow further discussions with the applicant with regard to how the proposal could be made safer both for customers using the outdoor space and pedestrians using the shopping parade. The application was determined at the next Planning Committee in April 2024 where Members continued to express concerns. Following confirmation from the applicant at the meeting, the seating area was withdrawn from the proposal and the amended scheme was approved.

2.2 An application for approval of details reserved by conditions 3 and 4 has been submitted which is currently under consideration. The details submitted are a waste management plan and also an acoustic assessment.

2.3 This proposal is an isolated application seeking permission solely for the outside forecourt to be used as a seating area to serve the approved drinking establishment.

3. Principle of Development

3.1 The application site is situated within a Primarily Residential Area subject to Local Plan policy HC3 (Primarily Residential Areas), which only permits non-residential development when it can be demonstrated that an unacceptable impact will not be had on the living conditions of neighbouring properties and that the character of the area will not be harmed.

3.2 The proposal would serve the approved use which is a non-retail development within a local shopping parade diversifying what the parade has to offer. Subject to conditions, it is considered that the principle of the proposal is acceptable.

4. Impact on Neighbouring Residents

4.1 The application site occupies a corner plot where Harris Drive meets Hawthorne Road. The nearest property to the site is no. 21 Hawthorne Road and its flank wall is 2.7m from the rear of the application site across the entrance to the rear alleyway. There are also two properties located on Willard Drive which face towards the site at a distance of approximately 30m.

- 4.2 The premises are small-scale with a seating capacity of approximately 16 people internally and 14 people externally. A key consideration is noise and disturbance associated with both internal and external activities.
- 4.3 The Mell Inn Social Club is the only use near to the local shopping parade which operates outside of standard business hours. There could be concern regarding noise and antisocial behaviour associated with the use. However, conditions are available to manage such concerns, therefore these issues are not in themselves considered reasonable grounds to refuse the application, particularly where there is not an over concentration of such uses. Outside of planning, the licensing regime has the ability to alter opening hours and require management to address issues should they arise.
- 4.4 Due to the proximity to residential neighbours, it is considered important to ensure that noise levels are suitably controlled. It would therefore be necessary to restrict live and amplified music and live entertainment from taking place in the outside area to reduce any potential or unwanted noise to nearby residents. Following advice from the Environmental Health Manager, it is considered that hours of use from 09:00 – 21:00 are reasonable. There are relatively high levels of road traffic noise as noted by the Environmental Health Manager, so it is not considered that the proposal would lead to any unacceptable impacts on the living conditions of neighbours.
- 4.5 Hours of use and the restriction of live and amplified music and live entertainment outside can be satisfactorily managed by condition. The management of customers attending the premises and using the seating area would be covered by licensing. The Licensing Act 2003 requires consideration of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. If these requirements and any other conditions of a licence aren't followed, a licence can be reviewed with the possibility of it being revoked or restricted, such as a reduction of opening hours.
- 4.6 Overall, it is considered that the outside seating area would not have an unacceptable impact on neighbouring properties through noise and disturbance and accords with policy HC3 (Primarily Residential Areas).

5. Parking and Highway Safety

- 5.1 The Council's Highways Manager has raised no objection to the proposal. Information has been received in relation to the proposed chairs and tables which would be put away each evening and the barriers to demarcate the seating area within the private forecourt. The indicative seating in the forecourt is for 14 people and it is similar in size to the internal bar area. The layout shows how the seating area would be set away from the main entrance. This would mean pedestrians would not be forced to walk around the seating area closer to the junction and would instead allow them to freely move between the outside seating space and the main entrance. It is considered that this arrangement would help to improve the safety of pedestrians using the shopping parade.

5.2 Vehicle bollards are also proposed around the edge of the outdoor seating area towards the northeast and northwest of the site. It is considered that the bollards would help to prevent vehicles driving over the pedestrian walkway which would improve the safety of customers using the outdoor seating area.

5.3 The applicant has confirmed that Tensator's Café Barriers will be used which will provide a rigid structure to the seating area. The barrier system consists of a weighted base plate and vertical posts connected with horizontal rods. The bar has also previously stated that a management policy to monitor customers/public will be implemented to ensure the barriers are not tampered with. This too would help improve the safety of customers using the seating area.

5.4 There are double yellow lines which encompass the junction at Harris Drive and Hawthorne Road to prevent dangerous parking. It is acknowledged that parking in front of units within the parade still takes place and does not appear to be managed. There are bollards which prevent the pedestrian crossing on Harris Drive from being used as a vehicular access to the forecourts. There is also fencing around the junction protecting pedestrians and encouraging the use of the formalised crossing points.

5.5 There is no concern in highway safety terms over the lawful use of the forecourts in relation to the commercial units. The Highways Manager does not envisage that the loss of the parking arrangements in front of the unit would have a significant impact on the wider area, as parking is available on the east side of Hawthorne Road to the north within 100m walking distance of the site. There would be less demand for parking later into the evening with the majority of uses on the parade closing by 18:00.

5.6 Concerns were originally raised by Planning Committee over vehicles crashing into the barriers located at the junction of Hawthorne Road with Harris Drive along the edge of this forecourt. Only one incident in the last three years has been recorded which relates to the replacement of 2 panels of guardrail, in September 2022.

5.7 Overall, it is considered that the layout of the outside seating area would not have an unacceptable impact on pedestrians or customers with regard to parking and highway safety and accords with policy EQ2 (Design).

6. Equality Act Consideration

6.1 Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

6.2 The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

7. Conclusion

7.1 It is considered that, subject to conditions, the proposal would be acceptable in principle and would not cause unacceptable harm to neighbouring residents. The Highways Manager has no concerns with regard to parking and considers the proposal can be accommodated without causing harm to highway safety. The application therefore complies with adopted local policy and is recommended for approval.

Recommendation – Approve with conditions

- 1) The development hereby permitted shall be commenced before the expiration of three 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).

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

1865 / 03 – Proposed Site Plan
1865 / 03 – Proposed Ground Floor Plan
1865 / 04 – Proposed Harris Drive Elevation
1865 / 5 – Location Map & Site Plan

Reason: For the avoidance of doubt.

- 3) The outdoor seating plan shall be carried out in accordance with the Proposed Site Plan ref. 1865/03.

Reason: For the avoidance of doubt and to ensure control is maintain over the scale of the outdoor seating area to protect neighbouring residents.

- 4) The outdoor seating area shall not be open for business and shall be removed from the external pavement outside the hours of 09:00 to 21:00

Reason: To protect nearby residents from unacceptable levels of late evening and night time noise and disturbance.

- 5) No live music, amplified music, or live entertainment shall take place in the outside seating area.

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.

Informative

- 1) A licence is required from the Highway Authority for the pavement cafe and the number of tables and chairs would be agreed under the terms of the licence. Please contact Sefton Council Network Management on telephone number 0151 934 4321.