

**Planning Committee**

19 December 2013

**Reference:**  
**APP/13/00960**

**Area Team:**  
**North Team**

**Case Officer:**  
**Mrs S Lacey**

**Ward:**  
**Liscard**

**Location:** McDonalds, 24 LISCARD WAY, LISCARD, CH44 5TP  
**Proposal:** To create an outside seating area on the pavement outside/adjacent to mcdonalds, with up to 7 tables and up to 20 chairs. Area to have rubbish bin and be sectioned off with posts/panels

**Applicant:** P Griffiths Foods LTD  
**Agent :**

**Site Plan:**



**Development Plan Designation:**

Key Town Centre

**Planning History:**

Location: McDonalds, 24 LISCARD WAY, LISCARD, CH44 5TP  
Application Type: Advertisement Consent  
Proposal: Sandwich board (to advertise offers on the public pavement) and cafe barrier  
(for proposed outside seating area)  
Application No: ADV/13/00923  
Decision Date:  
Decision Type: Concurrent application, not yet determined.

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

Having regard to the Council Guidance on Publicity for Applications, 5 letters of notification were sent to neighbouring properties and a site notice was displayed on the highway. No objections were received.

Councillor Williamson requested the application be removed from delegation on behalf of constituents, on the following grounds:

1. Concerns about anti-social behaviour in the area - Liscard already has a disproportionately high level of ASB which Cllr Mooney and I have been trying to address with local residents/police/ASB Team;
2. The accumulation of rubbish - inevitable with outdoors, fast food eating. As you know the Council is already stretched to breaking point with its funding for street cleaning;
3. Blocking of public pathways - given the location of McDonalds in Liscard, this will cause an inconvenience to the public doing their shopping etc.

**CONSULTATIONS**

Merseyside Police raised concerns the proposed seating area will increase anti-social behaviour (ASB) in the area.

Head of Environment and Regulation (Traffic Management Division) - No objection. An informative should be placed on the decision notice advising the applicant a stopping up order or a pavement cafe licence will be required.

Head of Environment and Regulation (Pollution Control Division) - No objection.

**Director's Comments:****REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor Williamson requested the application be removed from delegation on behalf of constituents, on the grounds of anti-social behaviour, accumulation of rubbish and blocking public pathways.

**INTRODUCTION**

The proposal is for a change of use of part of the pavement to a pavement cafe. There are 7 tables and 20 chairs proposed, a bin and the area will be sectioned off with posts and panels.

**PRINCIPLE OF DEVELOPMENT**

The principle of the development is acceptable subject to policy SH1 and SPD3.

**SITE AND SURROUNDINGS**

The site comprises a restaurant, situated in a Key Town Centre comprising of A1 shops, A3 restaurants and A4 drinking establishments. There are residential properties to the east of the site, within 46 metres of the proposed seating area.

## **POLICY CONTEXT**

Policy SH1 is directly relevant in this instance. SPD3: Hot Food Takeaways, Restaurants, Cafes, and Drinking Establishments offers further guidance to be considered.

## **APPEARANCE AND AMENITY ISSUES**

The proposal is to use an area of pavement to the side of the premises as a pavement cafe. The pavement to the side of the premises is wide and can accommodate the pavement cafe. The Head of Environment and Regulations (Highway Management) have no objection to the proposal and it is not considered to restrict pedestrian flow along the footway or create an obstruction. The area will be enclosed by a removable barrier and the tables and chairs will be removable. The proposal is considered acceptable in scale and will contribute to the vitality and viability of the leisure use by providing an "active frontage" to the buildings.

SPD3 advises that A3 uses should not be approved within 40m of a residential property. In this instance the nearest residential properties would be within 46m. The seating area is considered modest in size, the use of the site for A3 purposes is established, and there are late night uses Liscard. Hours of use of the pavement cafe should be restricted to 7pm in order to minimise noise and disturbance to neighbouring residential properties opposite the site. It is not considered that the proposal would have a significant additional or detrimental impact to residential amenity in this location. The proposal is considered acceptable in the context of the existing use of the site and represents a suitable ancillary use. Overall the proposal is not considered to be detrimental to neighbouring properties and is recommended for approval.

Merseyside Police and Councillor Williamson raised concerns the proposed seating area will increase anti-social behaviour (ASB) in the area. This particular location suffers from high levels of incidents of anti-social behaviour. The Wirral has the second highest recorded ASB incidents at McDonalds establishments in Merseyside second only to Liverpool Town Centre, with Liscard being the highest. The Neighbourhood Policing Team are concerned that should this application be permitted this will result in an increase in incidents and calls for service, and the provision of this seating area will go against numerous requests made by shops in the area to deal with young people who congregate in the area, resulting in litter and anti-social behaviour problems. This occurs at all times of the day and evening but in particular at school home time, when young people loiter whilst waiting for nearby buses. Steps have been taken to prevent people loitering in the area by the fitment of serrated toppings to the windowsills of the shop front. Therefore it is the concern of the Police that the introduction of the proposed seating area is likely to inflame this existing problem resulting in complaints from the local community.

The applicant shares the concerns on anti-social behaviour, and has been involved with the local police, social services and youth workers to form an 'action group' to reduce the problem with young people. Since then there has been less 'serious trouble'. However, McDonalds still suffers from occasional vandalism (particularly within the restaurant and toilets) and occasional drunken behaviour from teenagers who congregate outside in the precinct. Staff are trained in dealing with anti-social behaviour as well as other incidents. The applicant has set out the outside seating proposal will only be used by paying customers. This would keep those who hang around away from the immediate vicinity and allow staff to move them away if they did try to use the seating provided. Currently, they hang around on the benches (with serrated edges) and are difficult to move on because they still have their feet on the WBC pavement. These 'benches' would then become far more difficult to access.

The applicant suggests the number of incidents appears high as following meetings with the Community Police Officers and CSO's, staff have been encouraged to report such incidents so that the police could allocate resources more effectively, and assist and protect the precinct area at times when McDonalds are the only premises open.

Notwithstanding the concerns raised, it is considered that the seating area will be well surveilled by passing members of the public on this busy pedestrian street, and surveilled by staff through the windows. There is existing seating in the area where people can already congregate, but is beyond the control of staff. The staff would be able to observe customers using the seating thereby allowing effective management. It is not considered there is any evidence the proposed seating will result in an increase in anti-social behaviour. The hours of the seating can be controlled by a condition, and the seats can be brought in at 7pm. Therefore, although there does appear to be a problem of anti-

social behaviour, there is no planning justification for withholding planning permission for an outside seating area.

In reference to concerns regarding litter, staff at the restaurant currently carry out a daily extended trash walk, picking up all litter in the local area, not just McDonald's packaging. McDonald's works closely with Keep Britain Tidy, organising 'Tidy Up' events in local communities, and is also a founding member of Love Where You Live, an anti-littering campaign which aims to encourage everyone to take action to help reduce the amount of litter in their local area, and across England by 2020. In October McDonalds organised for ten Scout Groups to pick up litter in locations around Wallasey as part of the Love Where You Live campaign. It is not considered the proposed outdoor seating will increase litter in the area.

#### **SEPARATION DISTANCES**

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development in terms of overlooking or loss of privacy.

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

There are no highway implications relating to this proposal.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no environmental/sustainability issues relating to these proposals.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

It is the Local Planning Authorities consideration that whilst this particular location suffers from high levels of incidents of anti-social behaviour, the seating area will be well surveilled by passing members of the public and staff would be able to observe customers using the seating thereby allowing effective management. It is not considered there is any evidence the proposed seating will result in an increase in anti-social behaviour. The Head of Environment and Regulations (Highway Management) are satisfied the proposal will not restrict pedestrian flow along the footway or create an obstruction. The proposal is considered acceptable in scale and is deemed not to undermine the vitality and viability of Liscard Key Town Centre or be detrimental to the character of the area. It complies with Policy SH1 of the adopted Wirral Unitary Development Plan and associated SPD3, and the National Planning Policy Framework.

#### **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 and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal is considered acceptable in scale and is deemed not to undermine the vitality and viability of Liscard Key Town Centre or be detrimental to the character of the area. It complies with Policy SH1 of the adopted Wirral Unitary Development Plan and associated SPD3, and the National Planning Policy Framework.

**Recommended Decision:**                      **Approve**

#### **Recommended Conditions and Reasons:**

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

**Reason:** To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 14 August 2013.

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

3. All tables, chairs and barriers shall be removed from the outdoor seating area between the hours of 19:00 hours and 07:00 hours

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

**Last Comments By:** 18/09/2013 13:08:29

**Expiry Date:** 09/10/2013