

ITEM 2

Application Reference	DC/075193
Location:	Stockport Road Post Office 130 Stockport Road Cheadle SK8 2DP
Proposal:	Change of use of the ground floor from retail (Use Class A1) to a public house (Use Class A4)
Type Of Application:	Full Application
Registration Date:	20.02.2020
Expiry Date:	21.08.2020 (extension of time agreed)
Case Officer:	Rebecca Whitney
Applicant:	Mr Dave Ramwell
Agent:	NA

DELEGATION/COMMITTEE STATUS

The application is presented to the Area Committee as 4 objections have been received.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the change of use of the existing ground floor retail unit (Use Class A1) to a public house (Use Class A4) with internal alterations.

No external additions or alterations are proposed, and the application form confirms that external fittings such as air conditioning units and CCTV are already in situ.

The Planning Statement sets out some detail regarding the intended operation of the proposed use.

SITE AND SURROUNDINGS

The site is within a Predominantly Residential Area, and within Flood Zones 2 and 3 (medium to high risk).

The proposed extension would be located to the west of the existing two storey terraced row which is primarily occupied by commercial uses at ground floor level with residential uses to the first floors.

The site is bound to the north by Stockport Road, and to the east by Park Road with the Diamond Jubilee Recreation Ground beyond. To the south of the site there is an informal service road providing access to the rear of the adjoining commercial premises in the terraced row, beyond which there are residential dwellings along Park Road.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

Saved policies of the SUDP Review

CDH1.2 : Non Residential Development In Predominantly Residential Areas

Core Strategy DPD Policies

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT – ADDRESSING INEQUALITIES AND CLIMATE CHANGE

SD-1: Creating Sustainable Communities

SD-6: Adapting to the impacts of climate change

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: Quality Places

SIE-3: Protecting, Safeguarding and Enhancing the Environment

CS9: TRANSPORT AND DEVELOPMENT

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

T-1: Transport and Development

T-2: Parking in Developments

T-3: Safety and Capacity on the Highway Network

Supplementary Planning Guidance

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

SMBC 'Sustainable Transport' SPD

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

Para.1 *"The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied".*

Para.2 *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise".*

Para.7 *"The purpose of the planning system is to contribute to the achievement of sustainable development".*

Para.8 *"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective*
- b) a social objective*
- c) an environmental objective"*

Para.11 *"Plans and decisions should apply a presumption in favour of sustainable development.*

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

Para.12 *".....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".*

Para.38 *"Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible".*

Para.47 *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing".*

Para.124 *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

Para.130 *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.*

Para.213 *“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

NEIGHBOUR REPRESENTATIONS

4 letters have been received objecting to the application, with the grounds for objection summarised as follows:-

- a. Suitability of the proposed use in this location
- b. Viability of existing drinking establishments/no need for another drinking establishment
- c. Car parking provision
- d. Delivery movements, highway safety and traffic generation
- e. Noise and disturbance
- f. Air quality
- g. Public safety and anti-social behaviour

It has been commented that...

- As part of the application it asks if the property is near a watercourse, this has been answered as "No" but Chorlton Brook runs to the side of the property and underneath the whole parade. A brook is a watercourse and this one is visible from the footpath across Park Rd.

- Trade effluents - not sure what categorises this but surely emptying beer down the drains counts as trade effluents. Beer is naturally slightly acidic would this not have an impact on the drainage?

- As part of the planning statement some of the statement is very misleading when quoting the number of venues and the backing by Robinson's brewery. Only three of the numerous licensed establishments are backed by Robinsons, it is misleading to say "nearly all have backing from Robinsons". This makes it sound like there is a monopoly in the area and doesn't shed any light on the numerous other bars/restaurants/independent pubs in the village or the fact that Robinsons is big local employer and contributor to the community.

- No work had started at the time of the application being made, however, work has since started as of the week commencing the 9th March

Comments were also raised regarding neighbour consultations.

CONSULTEE RESPONSES

Environment Agency

Comments dated 27th July 2020:

We consider that full planning permission for the proposed change of use should only be granted if the following mitigation measures as set out below are implemented and secured by way of planning conditions on any planning permission

Condition

The development permitted by this planning permission shall only be carried out in accordance with the following mitigation measures:

- a. Flood resilient measures are implemented within the building up to 600mm above existing finished floor level.
- b. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
- c. The preparation of an emergency evacuation plan, including the registration with Floodline on 0345 988 1188 to receive a Flood Warning.

Reason

- a. To reduce the impact of flooding on the proposed development and future occupants.
- b. To ensure safe access and egress from and to the site.
- c. To ensure safe access and egress from and to the site.

Initial comments dated 10th March 2020:

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons

The submitted FRA (Revised_FRA_04032020-1149068) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Provide mitigation such as flood resilient measures for the ground floor conversion to reduce the financial impact on the business following a flood event. The site is at high risk from flooding (Flood Zone 3) according to our flood map for planning, which should be referred to in the FRA.
- Consider how people will be kept safe from the identified flood hazards. Depth and velocities should be checked against the Flood Hazard Equation from "Flood Risks to People" - R&D Report FD2321/TR. This data can be obtained from the Environment Agency.
- Consider how a range of flooding events (including extreme events) will affect people and property
- Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

Lead Local Flood Authority (Flood Risk Engineer)

Comments dated 4th April 2020:

Following the submission of the [revised Flood Risk Assessment] the LLFA have no further comments. We would however, recommend this is conditioned.

We suggest:

The development shall be completed in accordance with the approved Flood Risk Assessment including the property level protection.

Initial comments dated 2nd March 2020:

The LLFA wish to object to the above application for the following reasons:

- The FRA submitted is not detailed enough for the proposed development. We believe due to the vulnerable nature in which residents may find themselves in a public house.
- The FRA states medium and minimal where our records show this to be in flood zone 3 (worst case scenario).

To overcome the objection the LLFA recommends the applicant:

- Signs up to the flood warning from the EA
- Submits an evacuation route to a safe place giving the highest predicted levels of flooding

Investigation into permanent measures to protect the water from entering the property should this flood rather than sandbags.

Highways Engineer

Proposed development involves the change of use of a Post Office/convenience store to a public house. The site lies within a parade of shops

The change in volume and nature of traffic to the site is not expected to result in any significant detrimental impact on road safety or the operation of the local highway network.

There are cycle stands in front of the property and the site is within the centre of Cheadle and well served by public transport.

The applicant makes reference within supporting documents to servicing of the premises including deliveries and refuse collection being managed to avoid problems for others. This should be controlled by condition.

I raise no objection to the principle of the development subject to the following condition:

A method statement detailing how the development will be serviced shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of times of servicing, the size and type of vehicles that will service the site, where service vehicles will load / unload and how servicing will be managed. The development shall only be serviced in accordance with the approved method statement.

Reason: To ensure that the development is serviced in a safe manner, having regard to Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Environmental Health Officer (Noise)

I have assessed the above application and I do not object to the development.

The noise report assesses background noise levels, levels within the proposed bar and what the levels would be within the property above. The report advises on:

- The increased noise insulation within the ceiling apart from the toilet and store room
- The No speakers to be fitted within the ceiling
- The Maximum music levels of 85dB
- The Operating hours 11.00-23.00 Monday-Sunday

ANALYSIS

Principle of the Change of Use

The site is located within a Predominantly Residential Area and the application seeks permission for the change of use of the ground floor unit from a shop (Use Class A1) to a public house (Use Class A4). It is noted that neighbour representations have raised concerns regarding the suitability of the proposed use in this location.

Policy CDH1.2 of the UPD Review states that non residential development will be permitted in Predominantly Residential Areas where it can be accommodated without detriment to the residential amenity of adjacent dwellings or the residential area as a whole. In particular account will be taken of:

- (i) noise, smell and nuisance;
- (ii) traffic generation and safety and accessibility by sustainable transport modes;
- (iii) parking;
- (iv) hours of operation;
- (v) proximity to dwellings;
- (vi) the scale of the proposal; and
- (vii) whether or not the character of the area will be changed.

Paragraph 11.18 of the supporting text to Policy CDH1.2 states that commercial and industrial development will only be acceptable in Predominantly Residential Areas where the proposal is small-scale and can be accommodated without detriment to residential amenities or loss of dwelling stock (see UDP Policy HP1.3, Avoidance of Loss of Dwellings).

The principle of the change of use of the site from a retail use to a public house is therefore supported by Policy CDH1.2 of the UPD Review subject to all other material circumstances as assessed later in this report.

It is noted that neighbour representations raise concerns regarding the viability of the proposed use, the viability of the existing local drinking establishments, and query the need for another drinking establishment. Due to the scale, siting and nature of the proposed development, this is not a material planning consideration in this instance and is not afforded significant weight in this planning assessment.

Design and Siting

The proposal does not include any external extensions or alterations and would therefore result in a neutral impact upon the character and appearance of the site within the street scene, and the visual amenity of the area, in accordance with Core Strategy DPD policies CS8 and SIE-1, and addressing criteria (vi) and (vii) of Policy CDH1.2 of the UPD Review.

Impact on Residential Amenity

Neighbour representations have raised concerns regarding noise and disturbance.

The proposed extension would be located to the west of the existing two storey terraced row which is primarily occupied by commercial uses at ground floor level with residential uses to the first floors. The site is located adjacent to a Funeral Directors to the east, and there is a residential flat above. The sensitive nature of these existing uses has been considered in the assessment of this proposal.

In addition, the site is situated to the north of residential properties along Park Road. The site is separated from these properties by the rear yard and service road, however this degree of separation alone is considered unlikely to mitigate the impacts of noise and disturbance associated with the proposed use.

The application is supported by an acoustic report which has aided in this assessment. The Environmental Health Officer (Noise) raises no objections in relation to noise and disturbance as a result of the proposed change of use, and their comments are contained within the consultees responses section above.

It is recommended that a compliance condition is attached to any permission granted to limit the opening hours of the public house to 11:00-23:00 in accordance with the details submitted within the application form and noise assessment. This condition is considered reasonable and necessary to ensure that the proposed use does not result in significant adverse impacts upon the amenity of the adjoining occupiers, in accordance with saved UDP policy CDH1.2 and Core Strategy DPD policies CS8, SIE-1 and SIE-3. This condition is considered to go a substantial way in addressing the concerns raised by neighbours, as well as the Environmental Health Officer.

It is recommended that a compliance condition is attached to any permission granted to require that the use is carried out in accordance with the recommendations set out within the submitted acoustic assessment in order to ensure that the proposed use operates without detriment to the residential amenity of surrounding properties, in accordance with saved UDP policy CDH1.2 and Core Strategy DPD policies CS8, SIE-1 and SIE-3. The report advises on sound insulation within the ceiling and requires that no speakers are fitted within the ceiling, advises a maximum music levels of 85dB, and is based on the opening hours 11:00-23:00 Monday-Sunday.

In view of the above and in the absence of an objection from the Environmental Health Officer (Noise), it is considered that the relatively small scale nature of the proposal could be accommodated on the site without detriment to the residential amenity of surrounding properties, in accordance with Core Strategy DPD policies CS8, SIE-1 and SIE-3, and is considered to address criteria (i), (iv), (v) of Policy CDH1.2 of the UPD Review.

Highway Safety and Parking

Neighbour representations have raised concerns regarding car parking provision, delivery movements, highway safety and traffic generation.

The Council's Highway Engineer raises no objections and their comments are contained within the consultee responses section above. In particular, it is commented that the change in volume and nature of traffic to the site is not expected to result in any significant detrimental impact on road safety or the operation of the local highway network. There are cycle stands in front of the property and the site is within the centre of Cheadle and well served by public transport. It is noted that neighbour representations received raise concerns in relation to car parking, however on the basis of the comments of the Highways Engineer, this lack of car parking provision is not considered to result in significant adverse impacts in terms of

highway safety such that it would be reasonable to refuse the application on this basis.

A condition has been requested to require the submission of a management plan to detail how the use would be managed in terms of its deliveries and refuse collection. It is recommended that a condition to this effect is attached to any permission granted in order to ensure that the development is serviced in a safe manner, having regard to Policies SIE-1 and T-3 'of the Core Strategy. This condition is also considered to address the concerns raised in a neighbour representation in relation to waste disposal.

In view of the above, in the absence of objections from the Highway Engineer, the proposal is considered acceptable from a highway safety and parking perspective, in accordance with Core Strategy DPD policies SD-6, SIE-1, T-1, T-2 and T-3 and the Sustainable Transport SPD, and is considered to address criteria (ii) and (iii) of Policy CDH1.2 of the UPD Review.

Flood Risk and Drainage

The site is located within Flood Zones 2 and 3 (medium to high risk). The Environment Agency and the Lead Local Flood Authority (LLFA) each initially raised objections, as the submitted Flood Risk Assessment did not provide an adequately detailed assessment, as detailed above.

Following the submission of a revised Flood Risk Assessment, the Environment Agency has removed its objection, subject to a condition being attached to any permission granted to require the implementation of flood mitigation measures in order to reduce the impact of flooding on the proposed development and future occupants, and to ensure safe access and egress from and to the site. This condition is considered to be reasonable and necessary in order to ensure that the risk of flooding of the site is adequately managed and mitigated in accordance with Core Strategy policies CS8 and SIE-3.

Following discussion with the Applicant, and the submission of a revised Flood Risk Assessment, the LLFA has no further comments to make and no objections are raised subject to the imposition of a condition to require that the development is carried out in accordance with the revised Flood Risk Assessment. This condition is considered to be reasonable and necessary in order to ensure that the risk of flooding of the site is adequately managed and mitigated in accordance with Core Strategy policies CS8 and SIE-3.

It is noted that a neighbour representation raises concern that the application form "asks if the property is near a watercourse, this has been answered as "No" but Chorlton Brook runs to the side of the property and underneath the whole parade." Officers note this, and advise that nearby watercourses have been taken into account as a part of this assessment.

In addition, a neighbour representation raises concern regard trade effluent and queries whether putting beer down the drains is considered a trade effluent. This point has not been raised by the Council's Flood Risk Engineer or the Environment Agency as a concern. Officers are of the view that the impact is likely to be limited due to the scale of the proposed use and do not raise concerns in this regard.

Other Matters

A neighbour representation has been received which raises concerns regarding the accuracy of a statement made in the application submission regarding the affiliations

between other local establishments and breweries. This is not a material planning consideration in this instance and therefore is not afforded significant weight in this planning assessment.

A neighbour representation has been received which raises concerns regarding the air quality implications of the proposal. Officers note that smoking may be more likely to take place around the site than at present, however noting the scale of the proposed use, this is not considered to result in impacts so significant as to require the submission of an air quality assessment in support of this proposal, or to justify a reason for refusal. In addition, hot food service is not proposed, and additional plant such as ventilation equipment is not proposed.

A neighbour representation has been received which raises concerns regarding the public safety and anti-social behaviour implications of the proposal. In relation to public safety, particular concern is raised regarding the potential for patrons of a public house to be more in a more vulnerable state and/or less aware of hazards. Whilst this concern is noted, and has been taken into account in relation to flood risk, Officers do not consider the location or nature of the site to be such that refusal of the application would be warranted on public safety grounds. In relation to anti-social behaviour, this is addressed to some extent under the assessment of noise and disturbance above, and also to some extent by the Applicant's Planning Statement

A neighbour representation has been received which raises concerns that works had commenced as of the week commencing 9th March 2020. It is noted that the proposal does not include any works to the building, and that any internal alterations are unlikely to require planning permission. The Applicant has confirmed that the change of use from retail a public house has not commenced.

SUMMARY

In conclusion, the proposal is considered to comply with relevant saved UDP and Core Strategy DPD policies and does not conflict with the policies of the NPPF. As such, the application is recommended for approval.

RECOMMENDATION GRANT subject to conditions.