

ITEM

Application Reference	DC/081871
Location:	Governors House 43 Ravenoak Road Cheadle Hulme Cheadle SK8 7EQ
PROPOSAL:	Removal of 2no pergola, 2no external waiters' stations, alterations to 2no bay windows in glazed doors, removal of low level glazed grey screens. Erection of a new courtyard pergola with festoon lighting, new covered walkway pergola with festoon lighting, new hotel entrance pergola with warm white festoon lighting, alterations to 2no bay windows to allow for full length windows and double French doors
Type Of Application:	Full Application
Registration Date:	22.07.2021
Expiry Date:	2021.09.16
Case Officer:	Jane Chase
Applicant:	Greene King
Agent:	Fusion by Design

DELEGATION/COMMITTEE STATUS

Area Committee – 4 or more objections

DESCRIPTION OF DEVELOPMENT

The pub and hotel already benefit from an external seating area positioned to the side (south) and rear (east) elevations of the building. This area already accommodates the following:

2 pergolas measuring 3.5m x 3.2m and 6m x 3.5m

2 waiters stations

1 large jumberella measuring 5m x 5m.

The application seeks permission to remove all of these structures with the exception of the jumberella which will remain in its current position. In their place it is proposed to erect a pergola measuring 13m x 9m linked to the main building by a covered walkway. This structure will be in the same position as the 2 existing pergolas and 1 of the waiters stations but will cover a larger area. The pergola will have a low pitched roof, 3m high and the side elevations will be fitted with horizontal battens spaced 50mm apart. Warm white festoon lighting will be fitted to the underside of the roof.

To north of the building is the hotel entrance, here it is proposed to erect a pergola measuring 2m wide and 5.1m long with a pitched roof over. Warm white festoon lighting will be fitted to the underside of the roof.

The application also seeks permission to remove a 1m glazed screen to the south boundary of the external seating area and to replace the windows to 2 bay windows in the south elevation with French doors opening out onto the external seating area.

The works are proposed are set out on the plans attached to this report.

SITE AND SURROUNDINGS

The application site is located on the east side of Ravenoak Road just north of the roundabout junction with Church Road and Ack Lane West. The site accommodates a public house/hotel, car parking and external seating area. The pub itself, a 2 storey detached building, is positioned centrally within the site adjacent to the northern boundary. To the south side of the pub is the external seating area with the service yard to the east rear elevation. The access into the site from Ravenoak Road is to the west of the building with a large car park positioned to the south and east. The photographs below show the existing external seating area.



As illustrated by the image below, the site is adjoined mainly by residential properties on Ravenoak Road, Holmfield Drive and Summerlea. To the south is however a car park off Ravenoak Road. The application site is outlined in red and the external seating area (existing and proposed) in green.



POLICY BACKGROUND

The application site is identified on the UDP Proposals Map as being within a Conservation Area and Predominantly Residential Area. The following policies are therefore of relevance to the consideration of this application.

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

HC1.3 Special Control of Development in Conservation Areas

CDH1.2 Non Residential Development in Predominantly Residential Areas

LDF Core Strategy/Development Management policies

CS8 Safeguarding and Enhancing the Environment

SIE1 Quality Places

SIE3 Protecting, Safeguarding and Enhancing the Environment

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.

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 20th July 2021 and replaced the previous NPPF (originally issued 2012 & revised 2018 and 2019). 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 – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

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. 81 *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”*

Para. 83 *“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.”*

Para. 92 *“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

- a) *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- b) *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*
- c) *enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*

Para.126 *“The creation of high quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*

- Para. 130 *“Planning policies and decisions should ensure that developments:*
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Para.134 *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

Para. 174. *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Para.185 *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

Para. 189 *“Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”*

Para.194 *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

Para. 195 *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when*

considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Para. 196 *"Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."*

Para.197 *"In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

Para.199 *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

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.

RELEVANT PLANNING HISTORY

DC/047134; Type: FUL; Address: Governors House, 43 Ravenoak Road, Cheadle Hulme, Stockport, Cheadle, SK8 7EG; Proposal: 1. Carry out modifications and extend existing beer garden, including new hard surface paved area; Decision Date: 04-JUL-11; Decision: GTD

DC/028893; Type: FUL; Address: The Govenors House, Cheadle Hulme Stockport, SK8 7EQ; Proposal: New door and window to front elevation and conversion of door to window on side elevation.; Decision Date: 18-MAR-08; Decision: GTD

DC/039466; Type: FUL; Address: The Govenors House, 43 Ravenoak Park Road, Cheadle Hulme, Stockport, SK8 7EH; Proposal: Glazed pitched roof canopy to front and two no. jumbrellas to provide for smoking shelter, ; Decision Date: 30-JUL-08; Decision: GTD

NEIGHBOUR'S VIEWS

The receipt of the application has been advertised by way of a site and press notice. The occupiers of 16 neighbouring properties have been notified in writing.

5 letters have been received objecting on the following grounds:

- High levels of noise can often be heard from the pub day and night but particularly at weekends and in the good weather. Large groups shouting/singing/arguing is a common occurrence, particularly late in the evening and after the pub has shut until about 1am in the morning. Outside music is unreasonably loud and should the proposed extension go ahead this will only get worse. There will be more music events and customers drinking outside in any weather. Currently the management of

the Governors do not control these noise levels or clear their car park after the pub has closed.

- The proposed new outdoor area will encourage more customers to be sat outside and this in turn will increase the already high level of noise and disturbance including chatter, shouting and singing, in particularly in the evening and after 11pm, which is currently not well controlled. There is also loud music which is played outside on a regular basis and a new outdoor area is likely to increase the frequency of this happening. There is also a concern about the new lighting, how bright this will be and what time this will be on until. Our property backs onto the car park and is opposite the beer garden area. We have children that sleep at the back bedrooms of the property. They are already disturbed by noise and lighting and the new proposal is likely to only make this situation worse. We would also like to know what time the outdoor area is proposing to shut as at present we regularly hear noise up until 1am.

- I think this premises makes enough neighbourhood noise and nuisance already without more adaptations to make it worse. It has gradually got worse and worse living next to it as it has total disregard for its neighbours. They should spend some time reducing the amount of peace breaches their kitchen alone makes and then show some front of house consideration for noise and light pollutions.

- Our back garden borders the pub car park. Over the years we have accepted reasonable pub noise, however noise levels have most certainly increased since outdoor socialising has become more the norm. We are concerned that the enhanced development of the pubs outdoor space will lead to an increase in customers, therefore an increase in late night noise. Noise levels we feel at this present moment, are not well managed by the Governors.

- At present the lighting from the Governors onto my rear garden has been at best tolerable but any increased lighting into my garden via the Governors will impede on my privacy and garden enjoyment. During the summer months when the trees are in leaf the lighting is subdued however in the winter months when the trees are bare the lighting streams onto my rear garden a point of which I have to date tolerated. However, the new plans consist of a festooned pergola walkway accessing a new entrance. This will run alongside the boundary with my property increasing the lighting aspect but more worryingly the increased customer noise aspect when coming and going and socialising via the new entrance. I am also concerned as to the security of my property should this new pergola be allowed. The wall separating myself and the Governors is not very high. In the past I have witnessed some of the general public drinkers at the Governors climbing my wall and utilising this as a seat. I have not complained as they apologised and moved on without antagonising. I mention this point as increased public access may well incite further wall climbing activities.

CONSULTEE RESPONSES

Conservation Officer - This site is located within the Hulme Hall Road/Hill Top Avenue/Swann Lane Conservation Area. The existing pub is set well back from the street frontage and is contained within a large plot, much of which is dedicated to car parking. The building itself has a Victorian villa at its core, but the original structure has been considerably extended and altered over time. The proposals forming the current application will have no harmful impact upon the historic fabric of the building and largely consist of alterations to the later additions and works within the immediate setting of the building, neither of which will have no harmful impact upon

the significance, character or appearance of the wider Conservation Area.

ANALYSIS

The NPPF confirms that significant weight should be placed on the need to support economic growth and to create the conditions in which businesses can invest, expand and adapt. Clearly the proposed development will wholly comply with this aim and is compliant with the NPPF in this respect. The impact of the development upon the character and appearance of the Conservation Area and the amenities of the neighbouring occupiers is however a material consideration along the need to support economic growth and this analysis is set out below.

Impact on the Conservation Area

Saved UDP policy HC1.3 together with Core Strategy policies CS8, SIE1 and SIE3 seek to ensure that development is in keeping with the character of the locality and preserves or enhances heritage assets. The NPPF at Chapter 16 also seeks to conserve and enhance the historic environment.

As noted by the Conservation Officer above, the application site enjoys a secluded position within the Hulme Hall Road/Hill Top Avenue/Swann Lane Conservation Area. Noting that the building is set back from the frontage to Ravenoak Road and that the original villa has been much altered over time, it is considered that the proposed development will not have a harmful impact on the character and appearance of the Conservation Area.

The existing pub already benefits from paraphernalia to facilitate its external use and that proposed reflects that existing character. In terms of the impact upon the Conservation Area the proposal is therefore considered compliant with saved UDP policy HC1.3, Core Strategy policies CS8, SIE1 and SIE3 and advice contained within Chapter 16 of the NPPF.

Impact on Residential Amenity

Saved UDP Review policy CDH1.2 seeks to protect the amenities of existing neighbouring users and residents from non residential development. This policy confirms that non residential development in Predominantly Residential Areas will be permitted where it can be accommodated without detriment to residential amenity of adjacent dwellings or the area as a whole. Amongst other matters regard will be paid to noise, smell and nuisance; hours of operation; proximity to dwellings; the scale of the proposal and whether not the character of the area will be changed. This need to protect residential amenity is also set out in CS policies CS8, SIE1 and SIE3 and Chapter 12 of the NPPF.

As set out above the pub along with its external seating area is long established. There are no planning controls on the hours of operation and as such this is controlled only by licencing. In this respect it is understood that the licence allows for the sale of alcohol and playing of music until midnight 7 days a week subject to the condition that "noise emanating from the premises must not be such as to cause a nuisance to inhabitants of the neighbourhood". It should be noted that this condition comes into force at 11pm only.

The application does not seek to extend the footprint of the existing external seating area and in this respect it will remain exactly as it is at present. The proposed pergola to the seating area is positioned 11.5m from the northern boundary of the site with 10 Holmfield Drive, no closer to this property than the larger of the existing pergolas and separated from it by the service yard to the

rear of the pub. There will be a distance of between 17m and 21m between this pergola and the boundary with 12 Holmfield Drive and 34.5m to that with 13 and 14 Summerlea to the south. Between all of these houses and the proposed pergola is the large car park to the pub which is enclosed to these houses by a high hedge interspersed at points with trees.

It is accepted that the proposed pergola in offering a larger seating area and providing more protection from the elements than that existing will make the use of the external seating area more welcoming. As such it is possible that this external area will be used more than it is currently is. Noting however the restrictions already in place with regard to the licence for this premises, which will remain in force, it is not considered that a refusal on grounds of increased noise arising from the use of the proposal could be sufficiently evidenced or justified. If there are issues with noise and disturbance beyond the licenced hours either now or in the future then these should be formally reported to the Council and Officers from Environmental Health will monitor and enforce if necessary.

The proposed lighting is to be fitted to the underside of the solid roof to this pergola. Any spillage will to an extent be reduced by the solid nature of the roof and battered side elevations. In any event, the siting of this structure from the north, east and southern boundaries of the site is such that an unacceptable impact in relation to light pollution is not anticipated. Whilst the lighting may be visible from outside the site, none of that proposed is directional and therefore any illumination from the hanging bulbs will not cause glare directly into the neighbouring properties.

The proposed alteration to the bay windows will result in 2 new access points to the external seating area in the southern elevation of the building. Noting the small width of these doors, it is not considered that their use will result in any greater impact on amenity in terms of noise emanating from within the pub than the opening of the existing windows.

The pergola to the north of the building is positioned in front of the existing hotel entrance. Contrary to the comments of neighbours, this entrance is not new and as such the provision of a small pergola outside of it will not introduce activity into a part of that site that is not currently used. This pergola is positioned 4.2m from the boundary with the neighbouring properties to the north of the site and between it and the boundary is an enclosed yard within the application site. The small size and position of this structure away from the boundary with the neighbouring properties is such that it will not have a harmful impact upon the visual amenities enjoyed by adjacent occupiers. Given also the siting of this structure off the boundary and presence of a walled yard between it and the boundary, any light spillage from the festoon lighting will not have a harmful impact on amenity.

For the reasons above it is not considered that the proposal will give rise to a loss of amenity and is therefore compliant with saved UDP Review policy CDH1.2, CS policies CS8, SIE1 and SIE3 and Chapter 12 of the NPPF.

Conclusions

The NPPF places significant weight on the need to support economic growth and to create the conditions in which businesses can invest, expand and adapt. Balanced against this is the need to ensure that the character and appearance of the Conservation Area is preserved and that there is not an unacceptable impact on the amenities of the neighbouring occupiers. For the reasons set out above it

is considered that there will be no harm to the Conservation Area nor the amenities of the neighbouring occupiers that would justify the refusal of planning permission.

RECOMMENDATION Grant