

ITEM

Application Reference	DC/081268
Location:	32 Woodford Road Bramhall Stockport SK7 1PA
PROPOSAL:	Installation of a new extract fan and cooling units to the rear elevation of the building, relocation of existing air conditioning unit to roof terrace
Type Of Application:	Full Application
Registration Date:	07.09.2021
Expiry Date:	20211102
Case Officer:	Jane Chase
Applicant:	DM Safety and Health Services Limited
Agent:	Green Square Architecture Limited

DELEGATION/COMMITTEE STATUS

Called up by Cllr Bagnall

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the installation of new plant to serve the lawful use of the ground floor as a restaurant. The application proposes a new extract fan which would be positioned against the side elevation of the 2-3 storey flat roofed projection at the rear of the site. The extract fan would duct up the side elevation terminating just above the parapet of the flat roof at roof level. In association with this, 2 supply air bricks and 1 extract air brick are proposed to be inserted flush with the side elevation of the rear projection.

To this side elevation it is also proposed to install 5 cooling units at ground floor level; of these 2 are being relocated from the flat roof of the 2-3 storey projection above. On the flat roof at second floor level an existing air conditioning unit would be relocated from its current position on this flat roof towards the front of the building to a new position towards the rear.

The application is accompanied by a Noise Impact Assessment.

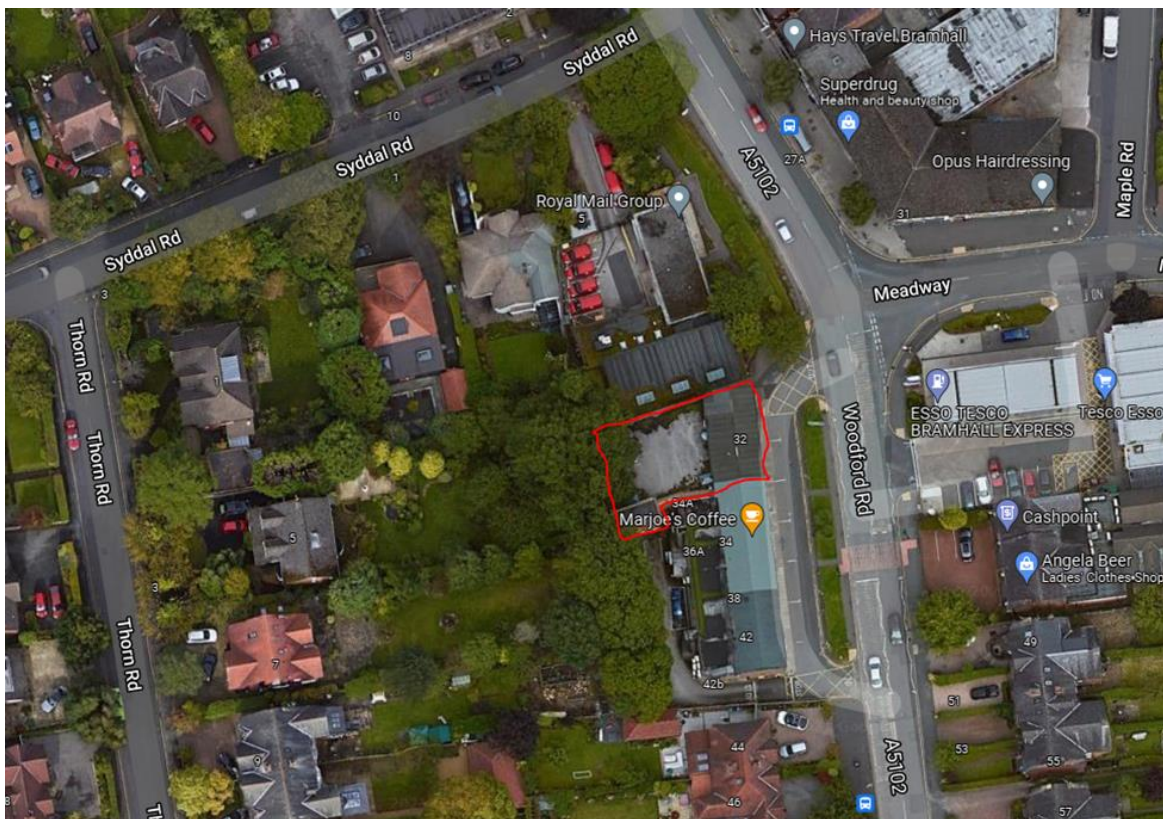
SITE AND SURROUNDINGS

The application site is located on the west side of Woodford Road within the District Shopping Centre and forms the end (northernmost) unit in a short parade of 5 commercial uses. The parade is 3 storeys high to Woodford Road with a shallow pitch roof to the front. To the rear the application property benefits from a deep flat roofed projection rising 2 to 3 storeys in height with a flat roof.

The application site is in use as a restaurant on the ground floor with offices above which are accessed from the rear of the site. The existing restaurant benefits from an extraction system that exits on the flat roof of the 2 storey projection at the rear. Here there are also cooling units.

The upper floors of the application property are in commercial use however that to the remainder of the parade accommodate residential dwellings with a duplex flat above each ground floor commercial use. Access to these dwellings is via the car park to the rear of the site where external staircases give access across the flat roof of a single storey extension that extends to the rear of all properties save for the application site. In the rear elevation of the adjoining parade are the front doors to each dwelling together with habitable room windows at first and second floor level. The parade as a whole is set back from Woodford Road and benefits from a service road with off street parking positioned behind a grass verge. A car park to the rear of the parade is accessed off the service road from Woodford Road to the south.

Opposite the site on Woodford Road is a petrol filling station also within the District Centre. Beyond this to the north and south are commercial uses. Immediately to the north of the application site is the Royal Mail sorting office on the junction of Woodford Road and Syddal Road. To the rear of the site are residential properties on Thorn Road which are located within the Syddal Park Conservation Area. The rear gardens of these houses back on to the application site and the boundary is formed by a belt of mature trees.



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

Saved policies of the SUDP Review

HC1.3 Special Control of Development in Conservation Areas

PSD2.5 Other Development in District Centres

LDF Core Strategy/Development Management policies

CS1 Overarching Principles: Sustainable Development – Addressing Inequalities and Climate Change

SD1 Creating Sustainable Communities

CS6 Safeguarding and Strengthening the Service Centre Hierarchy

AS1 The Vitality and Viability of Stockport's Service Centres

CS8 Safeguarding and Improving the Environment

SIE1 Quality Places

SIE3 Protecting, Safeguarding and Enhancing the Environment

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. 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.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

DC043585 - Application under Class E of Schedule 2 Part 3 of the T&C Planning (General Permitted) Development) Order 1995 for the following range of uses or mixture thereof within the building:-

Ground floor:-

- up to two Class A1 (retail) units
- up to two Class A2 (financial and professional service) units
- up to two Class A3 (restaurant and cafe) units
- a mix of up to two of these three uses.

First floor:-

- Class B1 (office use) of whole floorspace
- ancillary uses for ground floor Class A1/A2/A3 units of whole floorspace
- a mix of these two uses.

Second floor:-

- Class B1 (office use).

Approved 2010 with conditions including that requiring the submission and approval of any external means of extraction.

DC081267 – Advertisement application seeking the installation of 2no. internally illuminated fascia signs, 1no. internally illuminated projecting sign and 1no. internally illuminated sign. Approved October 2021

DC/081269 – Full application seeking the a partial change of use of ground floor to create new entrance to the offices at upper floor level, installation of new entrance door at ground floor. Alterations to the windows to the front elevation at first and second floor level, erection of a front roof extension and erection of an office pod to the rear at roof level together with the installation of new air con units and new windows at first floor level to the north and south side elevations. Under consideration and forms the following application on this agenda.

NEIGHBOUR'S VIEWS

The application has been advertised by way of a site and press notice. The occupiers of 17 neighbouring properties have also been notified in writing. At the time of writing this report 2 letters of objection have been received.

1 writer whilst referencing this application does not make any comment on it and instead addresses the impact of development proposed by application (DC081269).

The other writer objects to this application (DC081268) on the grounds that the proximity of extract ducts to residential properties will discharge fumes, cooking odours and noise.

This second writer also raises objections to a new shopfront, the proliferation of bars, cafés and restaurants in Bramhall, the need to make provision for cycle storage, noise from the collection of refuse and bottles, need for disabled access and parking, need for refuse storage and problems associated with anti social behaviour. None of these objections are however relevant to the consideration of this application which seeks planning permission solely for new plant to service the lawful use of the ground floor as a restaurant.

CONSULTEE RESPONSES

Environmental Health Officer (Noise) – The impact of the noise from the proposed development has been assessed in accordance with: BS4142:2014+A1:2019, 'Methods for rating and assessing industrial and commercial sound', to determine the rating level arising from the introduction of the proposed sound source.

The onus is upon the applicant, to demonstrate, that the introduction of the sound sources:

- Does not create a negative impact upon the amenity of noise sensitive receptors
- Shall not cause an increase in the ambient background sound level at the boundary of the nearest noise sensitive receptor.

To provide context of the impact of the new plant at this location:

- The closest noise sensitive residential receptors are located within the same building with commercial ground floor uses. The flats above have front elevations set back from the A5102 Woodford Road and rear elevations with outdoor amenity areas overlook a service road/area (bin storage areas) and car parking.
- Noise sensitive receptors are accustomed to impacts arising from the former restaurant. In addition this service has no noise or odour complaint history arising from conflicting adjacent uses at this location.
- The applicants NIA, noise modelling software has calculated the expected level 'of the new plant' to be less than or equal to 50dBA. A reduction in the specific sound levels over the former Pizza Express plant operations (with all former plant operating) as 51dBA.

This service accepts the outcome of the BS4142 assessment subject to the following condition:

The rating level from all fixed plant and machinery associated with the proposed development (when operating simultaneously), shall be in accordance with the outcome of Red Acoustics, PROPOSED BAB RESTAURANT 32 WOODFORD ROAD, BRAMHALL, SK7 1PA BS4142:2014+A1:2019 IMPACT ASSESSMENT R1987-REP01C-SJW 25 NOVEMBER 2021. As per the methodology of BS 4142:2014+A1:2019, 'Methods for Rating and Assessing Industrial and Commercial Sound'.

Informatives should be added to the decision notice if planning permission is to be approved in relation to hours of construction works.

Environmental Health Officer (Odour) - Residential and commercial properties are in close proximity to the application site. In the event that cooking odours are not controlled, there is potential for odours to negatively impact the amenity of those receptors.

Subject to the imposition of the following conditions, the proposed development will cause no adverse impact in relation to the dispersal of cooking odours:

Prior to first use of the development, a suitably qualified and experienced ventilation systems engineer shall design and install the ventilation systems in accordance with drawings:

Mechanical Services Ventilation Layout First Floor, Drawing Number: 688-M-(57)-01-01, Rev:P2

Mechanical Services Ventilation Layout First Floor, Drawing Number 688-M-(57)-01-01, Rev:P2

The installed equipment shall be operated and maintained in accordance with the manufacturer's instructions and used at all times when any cooking activities are occurring.

The commercial kitchen cooking processes shall cease to operate, if at any time, the filtration or extraction equipment ceases to function.

ANALYSIS

In the first instance it is important to note that this application seeks planning permission for the installation a new extract duct and new cooling/air conditioning units only. The lawful use of the premises is as a restaurant at ground floor with offices above with such uses approved in 2010 (DC043585) and subsequently implemented. As such objections regarding the proliferation of bars, restaurants and cafés in the District Centre along with those relating to cycle storage, parking, storage and collection of waste and anti social behaviour are not relevant to the consideration of this application.

The main issues for consideration are therefore the impact of the extract duct and cooling/air conditioning units in terms of the adjacent Conservation Area and general character of the locality and upon the amenities of neighbouring occupiers.

Impact on Conservation Area and Character of the Locality

Policies CS8 and SIE1 of the Core Strategy seek to ensure that development is designed to a high standard having regard to the environment within which it is located. Specific account should be had of the site's characteristics and context

to surrounding buildings and spaces and the provision of satisfactory levels of amenity for neighbouring users and residents.

Saved policy HC1.3 and Core Strategy policy SIE3 seek to ensure that development preserves or enhances the character and appearance of Conservation Areas together with the setting of Conservation Areas as well as views in and out.

The NPPF at chapters 12 and 16 confirms the importance of achieving well designed places. Planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive, sympathetic to local character and create places that provide a high level of amenity for existing and future users (para 130). Heritage assets are an irreplaceable resource and should be conserved in an appropriate manner to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations (para 189). In determining applications, local planning authorities should take account of sustaining and enhancing the significance of heritage assets.

The proposed duct and much of the plant is to be located to the rear of the site on an elevation facing the car park and service area for the parade. It is in this location that the servicing of the commercial units is carried out and where plant etc would be expected to be located. That aside it is noted that the occupiers of the flats above the parade use the car park to access their homes and in this respect the front doors and windows serving these apartments are positioned to the rear elevation at first and second floor level. The main visual impact will therefore be on these residential occupiers.

The proposed extract duct is to be positioned in a corner of the rear projection where the 3 storey element projects beyond that of the adjacent 2 storey element; here the duct will be circa 10.8m from the closest flat above 34 Woodford Road. Given the mixed character of this part of the site and noting the relatively slim width of the duct proposed, it is not considered that the visual amenities of the neighbouring residential occupiers above this parade would be impacted on to the extent that would justify the refusal of planning permission.

From other aspects it is noted that the duct is positioned such that it will only be visible from the rear car park and the residential properties at upper level in this parade, there will be no views of it from Woodford Road on account of the screening afforded by the existing building. To Thorn Road and the Conservation Area at the rear of the site, the duct will be positioned over 9m from the rear garden boundary. Given this distance and the screening afforded by the adjacent 3 storey projection, it is unlikely that this element of the proposal will be visible from these houses to the rear even when the trees are out of leaf.

In terms of the setting of the Conservation Area, views of it from Woodford Road are screened by the 3 storey bulk of this parade. The siting of the duct to the rear of the parade where it is not visible from Woodford Road or indeed any other public view is such that it will not impact on the setting of the Conservation Area nor views into or out of it.

The 5 cooling units to be affixed to the side elevation of the rear projection at ground floor level will only be visible from the car park and service area at the rear of the building. Whilst the occupiers of the flats above the parade will have sight of these units when accessing their homes, having regard to the mixed

character of the site, the small size of the units and their position at lower level within what is a car park and effectively a service yard, it is not considered that there will be an unacceptable visual impact. This applies also to the air bricks proposed adjacent to the extract.

The proposed cooling units being to the rear of the site will not be publically visible and therefore will not have any impact on the character or visual amenities of the wider area. The screening afforded by the tree planting on the boundary with the rear gardens of houses on Thorn Road is such that views of these units will not be possible from this aspect. Even if these trees were not in situ, given the character of this part of the site where this development is proposed, this element of the proposal would not have a harmful impact on the setting of the Conservation Area or views into or out of it.

Views of the air conditioning units on the flat roof will be screened by the parapet running around the roof. As such there will be no harm to the character of the locality or adjacent Conservation Area in this respect.

For the above reasons the proposals are compliant with saved UDP Review policy HC1.3 and Core Strategy policies CS8 and SIE1 together with advice within the NPPF.

Impact on Residential Amenity

Policies CS8 and SIE1 of the Core Strategy seek to ensure that development is designed to a high standard having regard to the environment within which it is located. Specific account should be had of the site's characteristics and context to surrounding buildings and spaces and the provision of satisfactory levels of amenity for neighbouring users and residents.

Core Strategy policy SIE3 notes that obtrusive noise is a considerable factor in the enjoyment of residential amenity. This policy therefore seeks to control noise so as not to detract from residential amenity. Odour from development will be controlled so not harm amenity.

The NPPF at chapters 12 and 16 confirms the importance of achieving well designed places. Planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive, sympathetic to local character and create places that provide a high level of amenity for existing and future users (para 130).

Submitted with the application is a Noise Impact Assessment which considers the noise generated by the plant proposed upon not only the amenities of the neighbouring occupiers but also the users of the adjacent existing office floorspace. The application also includes details relating the performance of the extract duct in controlling odour emissions.

The EHO has worked extensively with the applicant to ascertain and agree noise levels that would be emitted from the units as well as to establish the impact of the development in terms of odour abatement. The EHO advises that subject to a condition requiring compliance with the Noise Impact Assessment and plans submitted, there will not be an adverse impact on upon the residential amenities of the locality.

Given the character of this part of the site, it is not considered that there would be an unacceptable impact on the visual amenities afforded by the neighbouring

occupiers. Whilst the duct and development at ground level will be visible to the occupiers of the adjacent flats, they will be screened from properties on Thorn Road by the projection of the existing 3 storey element. It is also noted that the relocated air conditioning unit on the roof will be screened by the height of the existing parapet.

For the above reasons the proposal is considered compliant with policies CS8, SIE1 and SIE3 of the Core Strategy together with advice contained within the NPPF at chapters 12 and 16.

RECOMMENDATION GRANT SUBJECT TO CONDITIONS