

## **ITEM**

<b>Application Reference</b>	<b>DC/082751</b>
<b>Location:</b>	Ground Floor Metropolitan House Station Road Cheadle Hulme Cheadle Stockport SK8 7AZ
<b>PROPOSAL:</b>	Change of use from existing D1 use (educational) to E(b) (food and drink). Alterations to front and side elevations including installation of extraction equipment.
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	21.09.2021
<b>Expiry Date:</b>	20211116
<b>Case Officer:</b>	Jane Chase
<b>Applicant:</b>	Shakedown Group Limited
<b>Agent:</b>	PZvi Architects & Designers Ltd.

## **UPDATE**

Members will recall considering this application at the previous meeting on 10<sup>th</sup> February 2022. Members deferred consideration of the application to ascertain if it is possible to secure an accessible parking space.

In this respect and appended to this report is a revised proposed site layout which shows the 1 of the 3 spaces immediately adjacent to the entrance into the building laid out as an accessible space. Members are advised that the Highway Engineer confirms that this space in terms of its location to the main entrance, size and marking out is compliant with the Council's standards. Should a car be parked forward in the disabled bay any disabled passenger can board and alight using the paved area circulating the building.

At the previous meeting there was discussion amongst Members as to whether the premises would be licenced or not and the impact of this on toilet provision within the premises. The Planning Officer correctly advised Members that these issues are not material to the consideration of the application. To clarify this issue for Members the applicant advises that the premises will not be licenced. It should be reiterated again however that the issue of toilet provision within the application property is not material to the consideration of this planning application and this update is given for background information purposes only.

The application remains recommended for approval for the reasons set out in the report below.

## **DELEGATION/COMMITTEE STATUS**

Area Committee – 4 or more objections

## **DESCRIPTION OF DEVELOPMENT**

This application seeks the change of use of the ground floor from an educational use (Class D1) to a food and drink establishment (Class E(b)) (food and drink). This change of use relates to 171m<sup>2</sup> of floorspace which would be laid out with seating to the front half of the unit, behind which will be an order counter, kitchen, toilets and ancillary accommodation. The application advises that the premises would be open from noon each day closing at 10pm Sundays, Monday to Friday and Bank Holidays and 11pm on Saturdays.

The application also proposes alterations to the front and side elevations of the building including:-

- the repainting of the existing shopfront to the front and side elevations in a grey colour
- a new fire door in the side elevation and
- the installation of a new intake and extract louvre fitted within the side elevation.

Externally it was originally proposed that 16 car parking spaces within the car park that serves the entirety of Metropolitan House would be allocated to the proposed use. This has since been amended to 3 parking spaces (spaces 14, 15 and 16 on the attached site layout) which will be allocated to the proposed use at all times and 13 spaces (spaces 1 to 13 on the attached site layout) that will be available for use by customers from 5.30pm each day. Cycle parking in the form of a Sheffield stand to the front of the site to accommodate 2 bicycles is proposed.

Submitted with the application are existing and proposed plans and elevations together with a Noise Impact Assessment.

## **SITE AND SURROUNDINGS**

The application site is located within the Cheadle Hulme District Shopping Centre on the south west side of Station Road. The site comprises part of the ground floor of Metropolitan House, a substantial 4 to 5 storey building accommodating commercial and retail uses on the ground floor with offices above. The building is positioned back from Station Road itself behind a short stretch of Station Road that runs behind Tesco Express and Majestic Wine Warehouse and benefits from a large car park that is positioned to the front, side and rear of the building.

Adjacent to the site to the north west is the remainder of Metropolitan House. To the rear is a railway line beyond which are residential properties and a day nursery on Mellor Road. To the south east of the site beyond the side car park is a large 3 storey office building known as Thorne House. Beyond this on Bellfield Road are terraced residential properties.

Elsewhere are a mix of commercial properties within the District Centre.

## **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 31<sup>st</sup> 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 17<sup>th</sup> March 2011.

### **Saved policies of the SUDP Review**

CTF1.1 Development of Community Services and Facilities

PSD2.2 Service Uses in the Town Centre, District and Large Local Centres

MW1.5 Control of Waste from Development

### **LDF Core Strategy/Development Management policies**

CS5 Access to Services

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

CS9 Transport & Development

T1 Transport & Development

T2 Parking in Development

T3 Safety and Capacity on the Highway Network

### **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 20<sup>th</sup> 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. 86 “Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.”*

*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 users<sup>49</sup>; 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:*

*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;”*

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;*

## **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/025689; Type: FUL; Address: Computer House, Station Road, Cheadle Hulme, Cheadle, Cheshire, SK8 7AB; Proposal: Change of use of ground floor from offices to A2 (Financial & Professional Services), A3 (Restaurants/Snack Bars) & A4 (Pubs & Bars); Decision Date: 31-MAY-07; Decision: REF Due to insufficient information.

DC/027783; Type: FUL; Address: Metropolitan House (Formerly Computer House), Station Road, Cheadle Hulme, Cheadle, Cheshire, SK8 7AB; Proposal: Change of use of part of ground floor to retail; Decision Date: 09-NOV-07; Decision: GTD

DC/028496; Type: FUL; Address: Metropolitan House, Station Road, Cheadle Hulme, Stockport, SK8 7AB; Proposal: Change of use of part of ground floor from B1 (office) use to a mixed A1 (Retail) A2 (Financial & Professional) A3 (Restaurants & Cafes) or A4 (Drinking Establishments); Decision Date: 06-MAR-08; Split Decision: GTD in relation to B1, A1 and A2 uses and REF in relation to A3 and A4 uses by reason of harm to residential amenity through noise and disturbance arising from potential parking problems.

DC/046181; Type: FUL; Address: Metropolitan House, Station Road, Cheadle Hulme, Stockport, Cheadle, SK8 7AZ; Proposal: Change of use of part of existing ground floor, B1, into restaurant (A3), retail (A1) and educational (D1). Provision of new shop front on existing retail terrace and pedestrian access across the existing car park. Change of existing reflective glass to clear glass. Provision of extract ventilation; Decision Date: 20-JAN-11; Decision: WDN

DC/047170; Type: FUL; Address: Metropolitan House, Station Road, Cheadle Hulme, Stockport, SK8 7AZ; Proposal: Material Change of use of premises from an office to a D1 non-residential institution including new glazed shop front & entrance doors; Decision Date: 14-JUL-11; Decision: GTD

DC/080386; Type: FUL; Address: Metropolitan House, Ground Floor, Station Road, Cheadle Hulme, Cheadle, SK8 7AZ; Proposal: Alteration to side elevation to host new extraction grills in stainless steel; Decision Date: 09-JUN-21; Decision: WDN

### **NEIGHBOUR'S VIEWS**

The occupiers of 43 neighbouring properties have been notified of the receipt of this application. 5 letters have been received objecting on the following grounds:-

- The extractor fan for the restaurant is below our office windows. There is no air conditioning in the building and we have to have the windows open when it is warm. Further with COVID, the office needs to be ventilated and the only way we can do this is by opening the windows. Despite the assertions, the restaurant will omit smells which will directly affect our office and our ability to open our windows. This causes a health and safety issue.
- We and many others in the building have reputable businesses. We have clients visiting and this addition will attract litter, people "hanging out" outside (due to the nature of the venue) and no doubt noise. This will not enhance the neighbourhood as

suggested. We have some staff members that work late and feel like this will cause them to feel unsafe and not secure in the building. Overall there would generally be far more people around Metropolitan House than now and we feel that this could be a security issue in the evenings.

- Customers will be coming and going during office hours as well as after 5.30 pm and we suspect that car parking spaces allocated and paid for by the office tenants will be used by their customers at times.

- Parking is very limited in the immediate vicinity. The proposal to 'share' car spaces from early evening is not an appropriate or workable solution in our view. Businesses have a right to 24/7 use of the car spaces allotted and to come and go as they need, as a component part of the lease. Rates are paid by businesses directly to MBC for each space. It is unclear how potential customers will understand and observe this. The situation for car parking prior to 5:30pm does not seem to be addressed in the application.

- We feel the proposed use will cause issues with car parking and the potential higher number of vehicles trying to park in visitor spaces needed for clients. This would also cause an increase in people leaving cars overnight in our paid car parking spaces meaning we may not be able to park in our spaces when we come to work. There is already only a minimum amount of parking in the car park for the tenants of Metropolitan House and around the area so this would cause a real problem for people trying to park to work. There is also the increased risk of vandalism to vehicles and the property.

- A one way system operates for the car parking around the building for safety and traffic flow reasons. Unfamiliarity or disregard of this around the entrance to the premises, especially including pick up/drop offs, is a serious safety concern.

- There would be constant deliveries of food, presumably made in large vehicles, and it can be quite tight to get around the back of the building in places already. This could be a safety issue as people walk around the building from their cars to enter Metropolitan House using the main front doors.

- There is also the problem of public safety with regards to fire safety, electrical issues, building safety or capacity and first aid whilst the alterations are being done.

- Then there is issues of the hours of the operation with regards to noise, vibrations and lighting whilst we may have meetings or visitors. Although our office is on an upper floor, we use the bottom floor meeting regularly so this would potentially cause us to lose clients.

## **CONSULTEE RESPONSES**

Environmental Health Officer (Odours) - A scheme of odour mitigation has been submitted with the application. The impact of odour from the proposed development has been assessed in accordance with: EMAQ, Control of Odour and Noise from Commercial Kitchen Exhaust Systems, Update to the 2004 report prepared by NETCEN for Defra, 5-9-18.

A very high level of odour control designed to ensure that odours associated with the use of the development do not create a significant loss of amenity to other sensitive uses within the locality is proposed:



- Two Electrostatic Precipitator ESP4500 units. The Electrostatic Precipitator (ESP) units are fitted in-line with the kitchen duct and have integral sumps to collect the oil, grease and smoke particles filtered out of the exhaust.
- Two UVO1000 units. The UV units produce Ozone to neutralise cooking odours.

The reports methodology, conclusion and recommendations are accepted.

In accordance with the Commercial Kitchen Assistance Ltd. Specification & EMAQ Report, Shakedown, Metropolitan House, Cheadle, 18th May 2021, the following conditions are necessary in order for this application to be approved:

- The mitigation recommended in the report Commercial Kitchen Assistance Ltd. Specification & EMAQ Report, Shakedown, Metropolitan House, Cheadle, 18th May 2021, shall be implemented in full prior to first use of the development.
- The agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.

Environmental Health Officer (Noise) - An acoustic report has been submitted in support of the application. External noise impact from the proposed development has been assessed in accordance with BS4142:2014+A1:2019, 'Methods for rating and assessing industrial and commercial sound'.

The site is on the ground floor of Metropolitan House to the south of the building. The upper floors of the building are offices. To the south of the site, across a car park, some 12m away, are more offices. The Noise Impact Assessment at details the relevant noise levels for residential dwellings and offices.

The outcome of the BS4142 assessment is that noise emissions from the kitchen extract will be 5dB below the permitted noise limit when a silencer is fitted to the atmosphere side of the kitchen extract. In addition to this the noise emissions from the kitchen supply air supply fan are also under the acceptable noise limit; as such no mitigation is required for the supply fan.

The plant rating level does not exceed the existing background sound level – in accordance with BS4142:2014 methodology. The reports methodology, conclusion and recommendations are therefore accepted. The following conditions are necessary in order for this application to be approved:

- The mitigation recommended in the acoustic report Braiden Acoustics Ltd, EXTERNAL PLANT ACOUSTIC SURVEY prepared for Shakedown Group Limited Date: 24 Nov 2021 Site: Metropolitan House, Station Road, Cheadle Hulme Report No.: 10992revA, shall be implemented in full prior to first operation of the commercial unit.

- At section 5.1.1.1 - A Systemair MUB SIL 062 1200 must be inserted into the duct run on the atmosphere side of the fan OR

- At section 6 (Conclusion) - suggested that an Acoustica R02 - 4 - 1200 (Mel) (or similar) should be inserted into the duct run on the atmosphere side of the fan.

- The agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.

Highway Engineer - The parking provision indicated in the submitted plans meets standards in that these are maximum rather than minimum requirements. The size and nature of the development is not of a size or nature expected to result in a level of traffic resulting in any significant detrimental impact on the safe operation of the local highway, the previous use would have generated a requirement for parking for staff and visitors not significantly different from that of the proposed development. Weekend and evening use of the development is not likely to significantly conflict with demand from other users of Metropolitan House for parking in the area.

The development includes cycle parking to meet current minimum requirements.

The development is not of a size to warrant a Travel Plan.

Recommendation no objection subject to conditions.

## **ANALYSIS**

The main issues for consideration are the loss of the existing use and the impact of the proposed use on the vitality and viability of the District Centre, the impact upon the amenities of the neighbouring occupiers, parking and highway safety. These are explored below.

### **Principles of Development**

The lawful use of the application site is for the provision of education. Planning application DC/047170 approved the change of use of the premises from an office to a private maths and English tuition facility. Saved UDP Review policy CTF1.1 confirms that development which would result in the loss of existing community services and facilities will only be permitted where adequate replacement is provided or special justification shown. In this respect the applicant advises that the use of the premises for private tuition ceased soon after August 2020 when the occupier of the premises issued notice of insolvency procedures under a CVA (Company Voluntary Arrangement) which led to termination of their original lease. The premises has been vacant since that date.

The applicant advises that they sought to find alternative D1 use category tenants through their property agency and approached several prospective businesses, however, the Covid pandemic and related restrictions has hindered business growth in the private education sector, hampering the recruitment of new students.

On the basis of the above it is considered that reasonable attempts to find an alternative community use of the premises have been made and failed such that there is no conflict with policy CTF1.1.

Policies in the UDP Review and Core Strategy (PSD2,2, CS5, CS6 and AS1) supported by the NPPF encourage the provision of uses such as that proposed within designated centres such as Cheadle Hulme District Centre. The NPPF, which represents the most up to date policy position confirms at para 81 that:

*“planning 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.”* Further at para 86, the NPPF confirms that *“planning decisions should support the role that town centres*

*play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.”*

The proposed use of the premises within the District Centre and adjacent to other commercial uses will accord with the above policy position and as such there is no objection to the change of use in land use terms.

#### Impact on Amenity

Core Strategy policy SIE1 confirms that satisfactory levels of amenity should be maintained for neighbouring users. SIE3 confirms that in order to safeguard activities in areas that are dependent on quiet conditions for their proper enjoyment, development that introduces unacceptable noise levels will not be permitted. Development that results in the production of unacceptable levels of odour will also not be permitted. This policy position is echoed within Chapter 12 of the NPPF confirming that a high standard of amenity should be maintained for existing and future users (para 130). Chapter 15 also confirms that planning decisions should contribute to and enhance the local environment by preventing new and existing development from contributing to, being put at unacceptable risk from or being adversely affected by unacceptable levels of air or noise pollution (para 174).

To address the issue of air and noise pollution the applicant has provided a scheme of odour mitigation and a noise impact assessment both of which have been considered by the Council's Environmental Health Officer. In this respect noting the location of the application site at ground floor level and the 5 storey height of the building within which it is positioned, a traditional extract duct is not practical from a technical perspective nor desirable from a visual perspective. As such the application proposes that fumes from the kitchen would be dispersed via a grill which would be inserted in one of the existing ground floor side facing windows. It is also proposed to install units within the building to collect the oil, grease and smoke particles filtered out of the exhaust as well as to neutralise cooking odours.

The EHO has considered this strategy and advises that a very high level of odour control, designed to ensure that odours associated with the use of the development do not create a significant loss of amenity to other sensitive uses within the locality, is proposed by this application. Subject to the imposition of a condition to ensure that the proposed strategy is implemented and appropriately maintained, the EHO advises that there will be no unacceptable impact on amenity in terms of cooking odours.

In respect of noise pollution, the noise impact assessment advises that noise emissions from the kitchen extract will be 5dB below the noise limit suggested as appropriate in BS4142 when a silencer is fitted. In addition to this the noise emissions from the air intake to the kitchen are also under the acceptable noise limits as set out in BS4142. In considering this assessment the EHO advises that subject to the imposition of a condition to ensure that the proposed strategy is implemented and appropriately maintained, there will be no unacceptable impact on amenity in terms of noise pollution.

Members are advised that the nearest neighbouring users to the application site are the commercial occupiers of the offices adjacent to and above the premises within Metropolitan House and those adjacent to the site at Thorne House. The nearest residential occupiers are located on the opposite side of the railway line on Mellor Road and beyond Thorne House some 36m to the south on Bellfield

Road. Whilst a higher level of protection will usually be applied to residential occupiers it remains the case that appropriate levels of amenity should be retained for the neighbouring commercial occupiers as well.

The application of advice contained within BS4142 will ensure that any odour or noise emitted from the proposed development will be within acceptable levels and not such that it gives rise to a loss of amenity. Where a development complies with or exceeds the requirements of this standard, the Council would have no evidence to support a reason for refusal in relation to odour or noise pollution.

The objections of the adjacent office occupiers are noted and it is accepted that the opening hours proposed are such that the premises will be operational in the afternoon when workers and clients are present in the adjacent offices above and to the side of the application site. Notwithstanding that, having regard to the advice of the Council's EHO that noise and odour emissions will not exceed those set out in BS4142, objections from these neighbouring occupiers that they will suffer a loss of amenity cannot be sustained. It should also be noted that compliance with BS4142 is such also that there will not be a loss of amenity to the residential occupiers who, although are further away, are still nearby the application site.

The hours proposed, closing at 10pm Sundays, Monday to Friday and Bank Holidays and 11pm on Saturdays are considered to be in keeping with other similar uses in the District Centre and will not give rise to a loss of amenity having regard to the location of the site.

For the above reasons the proposal is considered compliant with Core Strategy policies SIE1 and SIE3 together with advice contained within the NPPF.

#### Parking and Highway Issues

Policy CS9 of the Core Strategy DPD requires development to be sited in locations accessible by walking, cycling and public transport. The Council will support development that reduces the need to travel by car. This position is followed through in policy T1. Policy T2 requires parking in accordance with the maximum standards and policy T3 confirms that development which will have an adverse impact on highway safety and/or the capacity of the highway network will only be permitted if mitigation measures are proposed to address such impacts. Developments shall be of a safe and practical design.

The NPPF at para 111 advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Being within a District Centre adjacent to other commercial uses with good access to public transport, the development is considered to be in an accessible location. The Council's Highway Engineer has considered the proposed development and advises that the use of the premises as a restaurant will not result in a level of traffic that causes harm to the safe operation of the local highway.

The Council's parking standards require the maximum provision of 1 car parking space per 5m<sup>2</sup> of public floorspace. For the development proposed this equates to a maximum of 16 spaces. Cycle parking at a ratio of 1 space per 140m<sup>2</sup> of public floor area (minimum of 2 spaces) is also required. The application

proposes that within the car park serving Metropolitan House, 3 spaces will be allocated to the proposed use at all times and that an additional 13 spaces will be available for use from 5.30pm onwards. A Sheffield stand providing cycle parking for 2 bicycles is also proposed.

Members are advised that the Council's parking standards are maximum standards and as such, in locations that good access to public transport, car parking provision below the maximum standard will be appropriate. In this instance, the application site is located in the District Centre with good access to the railway station and bus services; it is also within walking distance of public car parks and many residential properties. It is therefore not unreasonable to conclude that some customers could and would access the site by modes of transport other than the private car. It is also expected that the proposed use would give rise to linked trips within the District Centre and therefore may prove attractive to those already visiting the centre for other purposes.

It is not common for businesses within a District Centre to benefit from private parking and usually it is the case that if staff and customers do arrive by car then they either have to park on street or within public car parks. The provision of private parking is therefore a positive aspect of this application and whilst there will only be 3 spaces available until 5.30pm, this is more than many other businesses in the Centre have access to. Noting that 16 spaces will be available from 5.30pm onwards, in full compliance with the Council's parking standards together with the proximity to public transport and public car parks, it is not considered that the proposed development will give rise to any car parking impacts that would justify the refusal of planning permission. The provision of a Sheffield stand also ensures compliance with the cycle parking standards and will assist in encouraging sustainable modes of travel.

The issue of the inappropriate use of parking spaces not allocated to the proposed restaurant lies mainly with the landlord of the wider development. A condition can however be imposed to ensure that the 3 spaces wholly allocated to the restaurant are clearly marked out on site as are those 13 spaces available after 5.30pm.

Objections that unfamiliarity with the one way system around the building are noted, however, being on private land, this is a matter for the landlord to ensure is correctly observed and adequately marked out on site. There is nothing to suggest that the future visitors to this development are any less able to observe this one way system than those associated with lawful use of the site or indeed any other business within the wider development.

The layout of the car park, in terms of the ability of delivery vehicles associated with the proposed use to safely navigate it, is considered no different in terms of impact on pedestrian safety within the site than that arising from the servicing of any other business within the wider building. In this respect there is considered to be sufficient room within the car park for any delivery vehicle to safely negotiate itself into, around and out of the site without harm to pedestrian safety.

For the above reasons the proposal is considered compliant with Core Strategy policies CS9, T1, T2 and T3 together with advice contained within the NPPF.

#### Other Matters

The location of the application site within the District Centre is noted and it is precisely here where commercial uses such as that proposed should be

encouraged. In these locations it is expected that eating and drinking establishments will be positioned alongside offices and that such co-existence will not give rise to a loss of amenity to these commercial occupiers. In this respect it is noted that there is a significantly larger restaurant than that proposed by this application within the ground floor of the office building on the opposite side of Station Road and that these uses apparently co-exist without adversely impacting on each other.

Issues with regard to anti social behaviour or increases in criminal behaviour arising from a restaurant are not expected to be of such a level that would warrant the refusal of planning permission. Objections regarding the impact of lighting on the potential for adjacent commercial occupiers to lose client are noted. Whilst details of lighting are not included in the application nor would be expected to be included, it is not expected that the use would cause such harm in this respect as to withhold planning permission.

The application advises that refuse will be stored in the bin store that is positioned to the rear of Metropolitan House. This facility is shared with other users however the applicant has access to part of it. The inclusion of this within the application ensures compliance with saved UDP Review policy MW1.5 which requires development to benefit from provision for the storage of waste.

The impacts of fitting out works on public safety are not the responsibility of the Planning Authority. Any such impacts in relation to fire safety, electrical issues, building safety or capacity and first aid whilst the alterations are being done would most likely be a matter for the Health and Safety Executive to enforce.

## **RECOMMENDATION** GRANT SUBJECT TO CONDITIONS

### **BRAMHALL AND CHEADLE HULME SOUTH AREA COMMITTEE 27<sup>TH</sup> JANUARY 2022**

The Planning Officer introduced the application.

Cllr Hunter asked if we have had 4 or 5 objections as at one point in the report it says 4 and another 5. The Planning Officer advised that there were 5 objections and the reference to 4 at the beginning of the report was simply to note that at there were 4 or more objections, the application had to be considered by the Area Committee.

Cllr Hunter noted that 43 properties had been notified of the application and questioned how many of those were residential properties. The Planning Officer noting that the character of development immediately adjacent to the application site commented that most likely, few of them were residential.

With regard to parking a comment was made that the spaces for offices could be utilised in the evening and only 3 would be available all the time. Some of the objectors say that their spaces cannot be used as they need them 24/7 so it is right that those spaces shown as available after 5.30pm will not be available for use or is it the case that once normal working hours have passed that they do not have a legal right to the use of these spaces? The Planning Officer advised that the spaces that have been identified will be available. There are many other spaces in the car park and perhaps objectors are concerned that other spaces may be used. Cllr Hunter commented that the restaurant would be open from noon and parking in the centre is poor at times and it is not clear where

customers will park during the daytime (noting that more spaces are available during the evening). The Planning Officer commented that 3 spaces will be available during the day and many commercial uses in the District Centre do not benefit from off street parking. Even if that proposed had no parking, given the location of the site with good access to public transport and off site parking where uses such as that proposed are expected to be located, the recommendation would still be for approval.

Cllr Foster Grimes noted that parking in Cheadle Hulme is poor and people do not walk a distance to access parking. Not many people cycle along Station Road.

Cllr Hurleston commented that Gusto opposite has no car parking and generates a significant amount of business. Cllr Bagnall commented that there is a condition on the planning approval for Gusto that they make provision for parking to the rear in the evening.

Cllr Wyatt noted that the floorplans show the numbers of covers (circa 20 to 30). Cllr Bagnall commented that it is 22 covers.

In commenting on the application Cllr Wyatt noted that given the discussion on the application that there did not appear to be any reason to refuse the application and recommended that it be approved. Cllr Hunter tended to agree but felt that there are a number of objections that do not sound unreasonable given that parking is an issue during the day. Cllr Hunter was unclear if the report is advising exactly what the premises is going to be used for noting the presence of a gaming arcade on the floorplans. The Planning Officer advises that in terms of the type of food to be served there is no planning control as if approved they could cook any type of cuisine. The use they are applying for a restaurant and whilst there is a gaming station in the centre of premises, the primary use would be of a restaurant.

Cllr Bagnall sought clarity on the plan and how many toilets are proposed (there appears to only be a disabled wc). The Planning Officer advised that only 1 toilet is shown however there is no planning requirement in this respect. Cllr Bagnall noted that it might not be a planning issue but Building Control may want to look at this. Members were advised that if the application is approved that does not control the internal layout and if it transpires that additional toilets are required under other regulations then this would not affect the planning permission. An informative can be imposed advising of the need to comply with Building Regulations but this cannot be taken into account in the determination of the application.

Cllr Hunter asked if the floorplan showed no toilet that this would not be a consideration. He could not recall any application being approved without appropriate facilities. The Officer noted that most applications include an internal layout but for a change of use application a site plan with the boundaries of the site outlined in red is all that is required. The internal layout is not subject to planning control nor is it for the planning system to dictate how many toilets etc there are. Cllr Hunter commented that it is not the layout but the provision of basic facilities noting the lack of public conveniences in the District Centre and if there are insufficient facilities in the proposed use then people will make alternative provision which should not be encouraged. The advice is baffling and the application should be deferred to obtain further information or be referred to

Planning & Highways as there are too many questions unanswered. It is poor that the applicant is not at Committee.

The Planning Officer reiterated that there are no development plan policies that require a level of provision in relation to toilet facilities in a restaurant. If permission were approved and the internal layout amended this would not impact on the permission. The internal layout is not for consideration but rather than change of use of the land in terms of the principle of development and the impact that this may have. The number of toilets is not material.

Cllr Bagnall commented that the Planning Officer is correct but what Members don't know is this premises is licenced. If it is then it would be controlled by licencing and then there would be control over the number of toilets.

Cllr Wyatt commented that in light of the discussion she withdrew her proposal to approve the application and seconded Cllr Hunters proposal to refer the application to Planning & Highways with the additional information that is lacking.

The recommendation was agreed and the application referred to Planning & Highways.

### **PLANNING & HIGHWAYS 10<sup>TH</sup> FEBRUARY 2022**

The Planning Officer introduced the application noting the information requested by the Area Committee in relation to the lack of toilets. Members were advised that this is not a material consideration in the determination of this application. Notwithstanding this the provision of 1 accessible toilet is compliant with the Building Regulations.

Cllr Bagnall asked about hours of use, will these be conditioned? Will the extraction also be subject to an hours of use condition? The Planning Officer referenced the hours set out in the report and the comments of the EHO. Conditions will be imposed to ensure compliance with the details of the extract system.

Cllr Roberts queried the use class asking if it could be used for other purposes within Class E (other than E3b). Members were advised that 3b relates to food and drink on the premises but it could be used for other purposes within Class E such as retail, banks, building society, indoor sport and recreation, medical services, crèche, offices.

Cllr Bagnall asked if the premises were to be licensed. If they are not but are so at a later stage would that change its use? The Planning Officer advised that it would not.

Cllr Driver agreed with the comments about the lack of comments made by the Area Committee but noted that this not a material consideration. Surely if the premises became licenced then the provision of toilets would be a consideration even if not material to the consideration of the planning application. That being the case why has the application been referred to Planning & Highways by Area Committee?

Cllr Bagnall responded that there were questions that couldn't be answered although the Planning Officer did advise Members that the issue of toilets and licencing was not a material consideration.



Cllr Charles Jones asked if the lack of accessible parking spaces is an issue? The Planning Officer advised that no such spaces are available. Can't answer the question but note that Highway Engineer raises no objection. We could condition that one of the spaces be accessible but it is not clear if this would be in the gift of the applicant to deliver given their lease. To clarify on the change of use and whether it is licenced or not, if it were licenced then it would need permission for a change of use (being sui generis).

Cllr Sorton referenced the lack of accessible parking. The Planning Officer advised Members that they could:-

- grant planning permission
- defer the application pending clarification on whether an accessible space could be provided or not
- refuse planning permission (urge caution in this respect).
- resolution to defer and delegated to engage with Highway Officers

It is noted that accessible spaces are provided elsewhere in the Centre but whether one can be provided on site isn't clarified.

Cllr Driver felt the application should be deferred to secure an accessible parking space if none is available close by. Clarification on the need for further toilet vs the proposed use is also needed.

Cllr Bagnall seconded that motion.

The Planning Officer advised Members that the issue of toilet provision is not material to the consideration of the application. Legitimate however to defer to ascertain whether an accessible parking space should be or can be provided.

Cllr Corris noted that some of the spaces are not available until after 5.30pm and that only 3 spaces would be available at all times. Where will staff park if they come by car? The Planning Officer advised that they would either use public transport or use parking elsewhere in the District Centre. It is not necessary to provide parking for all eventualities.

Members agreed to defer the application to the next meeting of PHR to ascertain if an accessible parking space should be or can be provided on site.