

Werneth Area Committee

4th March 2024

DEVELOPMENT APPLICATIONS

Report of the Deputy Chief Executive

<u>ITEM 1</u>	DC089997
<u>SITE ADDRESS</u>	242 Stockport Road West, Bredbury, Stockport, SK6 2AN
<u>PROPOSAL</u>	Change of use of vacant shop to Micro-Pub including outdoor seating area to the rear.

INFORMATION

These applications need to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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ITEM 1

	DC/089997
Location:	242 Stockport Road West Bredbury Stockport SK6 2AN
PROPOSAL:	Change of use of vacant shop to micro-pub including outdoor seating area to the rear
Type Of Application:	Full Application
Registration Date:	06/10/2023
Expiry Date:	04/03/2024
Case Officer:	Rachel Longden
Applicant:	Mr Darren Shaw
Agent:	Mr Graham Cockburn

DELEGATION/COMMITTEE STATUS

Werneth Area Committee – Application referred to Committee due to receipt of more than 4 letters of objection, contrary to the Officer recommendation to grant.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the change of use of a retail premises to a micropub at 242 Stockport Road West, Bredbury along with an outdoor seating area to the rear of the premises.

The proposal has been amended since it was initially submitted to remove the proposed seating area to the front and the function room at the first floor of the premises from the scheme. The area to the front of the premises will be retained as a parking area and the first floor will remain as storage. Additionally, a covered smoking area to the rear of the property has been removed from the scheme.

Details of the layout of the micropub and external seating area are appended to the report.

SITE AND SURROUNDINGS

The application site at Number 242 Stockport Road West, Bredbury comprises a vacant retail unit at the ground floor with kitchenette and storage at first floor level. ground floor (Use Class E (a) – Commercial, Business and Service) – for display or retail sale of goods other than hot food to visiting members of the public.

The site is adjoined to the North Eastern side by Number 240 Stockport Road East, comprising a ground floor chemist shop with first floor residential flats above. To the South Western side is a hot food takeaway to the ground floor with flat above. Further retail premises exist along the parade, some with residential flats above. To the rear of the site is Hollingworth Road with predominantly industrial /commercial premises. To the Southern side of Stockport Road West are predominantly residential properties.

POLICY BACKGROUND

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Statutory Development Plan for Stockport comprises :-

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

The application site is allocated within a Policy Guidance Area (PGA1.7E : Bredbury), as defined on the UDP Proposals Map. The following policies are therefore relevant in consideration of the application :-

Saved UDP policies

- PG1.7 : BREDBURY

Core Strategy DPD policies

- CS1 : OVERARCHING PRINCIPLES ; SUSTAINABLE DEVELOPMENT – ADDRESSING INEQUALITIES AND CLIMATE CHANGES
- SD-1 : CREATING SUSTAINABLE COMMUNITIES
- CS8 : SAFEGUARDING AND IMPROVING THE ENVIRONMENT
- SIE-1 : QUALITY PLACES
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT
- CS9 : TRANSPORT AND DEVELOPMENT
- T-1 : TRANSPORT AND DEVELOPMENT
- T-2 : PARKING IN DEVELOPMENTS
- T-3 : SAFETY AND CAPACITY ON THE HIGHWAY NETWORK

Supplementary Planning Guidance/Documents

- SUSTAINABLE TRANSPORT SPD

National Planning Policy Framework (NPPF)

The NPPF, initially published in March 2012 and subsequently revised and published in December 2023 by the Department for Levelling Up, Housing & Communities, sets out the Government's planning policies for England and how these are expected to be applied.

In respect of decision-taking, the revised NPPF constitutes a 'material consideration'.

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

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

Paragraph 7 states '*The purpose of the planning system is to contribute to the achievement of sustainable development*'.

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

- a) *An economic objective*
- b) *A social objective*
- c) *An environmental objective*'

Paragraph 11 states '*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'.

Paragraph 12 states '*.....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*'.

Paragraph 38 states '*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*'.

Paragraph 47 states '*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*'.

Paragraph 225 states '*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this*

Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

Planning Practice Guidance (PPG)

The PPG 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

- J37090 : New shop front and stairs over roof at rear. Granted : 19/09/1986

NEIGHBOUR'S VIEWS

The owners/occupiers of surrounding properties were notified in writing of the application.

4 letters of objection and 4 letters of support have been received to the application.

The main causes for concern raised are summarised below :-

- Seating to front of premises resulting in traffic and parking issues.
- Insufficient parking to the front of the premises and change to parking layout would not be viable. Parking issues to other premises within the parade will increase.
- Inaccuracies within the application form in terms of visibility of site, contact for site visits and vacancy of premises
- Mistakes within acoustic assessment not including reference to first floor flats and with regard to opening times
- Incorrect details with regard to when the chemist occupied the site and how long unit has been vacant
- Incorrect information relating to other premises operated by the applicant.
- Micropub falls into sui-generis use
- Increase in noise, disturbance and crime as a result of a premises selling alcohol. Policy SD-2 states that amenity should be protected.
- No facilities for storage of refuse
- Insufficient toilets and fire exits
- Issues with people congregating around side door and impacting on entrance to neighbouring flat

In terms of the letters of support received, the comments are summarised as follows:-

- The application will be good for the community and local businesses
- The use will bring custom for other businesses within the row

CONSULTEE RESPONSES

Highway Engineer

I write with reference to the drawings and Planning Statement listed below which have been submitted with the aim of addressing the issues raised in my Consultation Response of the 8th November 2023.

Drawing P2 Rev B 'Proposed Layouts'

Drawing P3 Rev B 'Existing and Proposed Block Plan'

Planning Statement 2

I note that the scheme has been amended as follows:

1. The front seating area has been removed from the scheme (the area is now proposed to be retained for parking / servicing)
2. The first-floor function room is no longer proposed (the area will be used for storage)

I also note that the Planning Statement outlines that cycle parking can be provided within the alley.

The amendments made have addressed my concerns regarding the reduction in the size of the forecourt and I consider the alley would be suitable for the parking of cycles (subject to some form of cycle rack / stand being provided). As such, I raise no objection not this application, subject to conditions.

Recommendation: No objection, subject to conditions relating to retention of hardstanding/parking area to the front of the premises, provision of cycle parking, no service by HGV's

Environmental Health Officer (Noise and Amenity)

Updated comments received 14/02/2024

An updated NIA has been submitted in support of the proposal:

- Studio Charrette, Acoustic Assessment, December 2023 – Graham Cockburn, Planning Consultant – uploaded to planning portal 14/02/24

The rear outdoor seating area, hours of operation have been amended, originally:
The external seating area will be limited to 9:00 a.m. to 11:30 a.m. and no drinks will be allowed in the external area after 9:30 p.m

Amended 14/02/24 NIA:

The external seating area will be limited to 12 noon to 11:00 p.m. and no drinks will be allowed in the external area after 9:30 p.m.

This service has no objection to the proposed change to the hours of operation of the rear beer garden detailed in the NIA.

Comments received 09/02/2024

In response to this services 09/11/23 comments:

- The planning application proposal has been amended.
- The first floor will remain a storage only and not be used as a function area.
- The front apron of 242 Stockport Road West will not be used as an outdoor sitting area but will remain as a servicing and parking area.
- The applicant has submitted additional information by Studio Charrette, Acoustic Assessment, December 2023 – Graham Cockburn, Planning Consultant
- The external seating area will be limited to 9:00 a.m. to 11:30 a.m. and no drinks will be allowed in the external area after 9:30 p.m. There will be no outdoor speakers or television screens in the rear garden in any event.
- There is no cooking on the premises therefore there is no kitchen extraction system.

EH COMMENT

The only outstanding concern, is the hours of operation of the rear beer garden. On balance, taking the above information:

- *The external seating area will be limited to 9:00 a.m. to 11:30 a.m. and no drinks will be allowed in the external area after 9:30 p.m. There will be no outdoor speakers or television screens in the rear garden in any event. AND*
- Also considering the location and character of the area:

This service has no objection to the proposed hours of operation of the rear beer garden.

The licensing department are in receipt of a premises licence application - 23/02215/LAPRE – not yet determined/ checks outstanding. The proposed premises licence hours are the same as the planning application hours of operation.

Premises Licence Application -23/02215/LAPRE:

- Section J - Supply of Alcohol, 11:30 -23:00,
- Section L – Hours premises open to the public, Mon- Sat 11:30 – 23:30 and Sunday 12:00 – 22:30.

Planning Application - DC/089997:

The proposed hours of opening are:

11:30 a.m. to 11:30 p.m. six days a week and on
Sunday 11:30 a.m. to 10:30 p.m.

EH ASSESSMENT

This service withdraws the 09/11/23 Objection. Resulting from the development proposal being amended/ updated in December 2023, this service has NO OBJECTION to the proposal, in relation to impact upon the environmental quality of life to:

- Existing sensitive receptors, in proximity to the proposed development.

ANALYSIS

Policy Principle

The application site is allocated within a Policy Guidance Area (PG1.7 East Bredbury), as defined on the UDP Proposals Map. Saved UDP policy PG1.7 states that a mix of uses exists in the area. The Council wishes to encourage the retention of employment uses. However, as there are a number of residential uses within the area, designation as an employment area is not appropriate. Policy PG1.7 does not preclude the change of use of premises to a drinking establishment.

In view of the above, the principle of the use of the premises as a micropub use, which planning permission is sought, is considered acceptable within the Policy Guidance Area, in accordance with saved UDP policy PG1.7, Core Strategy DPD policies SD-1 and SIE-1 and the advice contained within the NPPF.

Siting, Design and Impact on Visual Amenity

The change of use to a micropub does not include any external alterations to the premises. Due to its sensitive siting to the rear elevation of the premises, no concerns are raised to the siting, design, scale and materials of the seating area to the rear of the premises, which is considered to be accommodated on the site without causing undue harm to the visual amenity of the area, in accordance with Core Strategy DPD policy SIE-1.

Impact on Residential Amenity

There are a number of residential properties at first floor level, above a number of the premises within the existing parade of commercial units. There are also residential properties to the South Eastern side of Stockport Road West. The application site is located within the Bredbury Policy Guidance Area with a mix of uses existing including, retail and industrial premises. Material weight should be given to this site allocation and residents living within and adjacent to such allocated areas would not reasonably expect to enjoy the same level of amenity that residents living within a wholly residential area would. As such, there must be an acceptance that there will be a degree of noise and disturbance arising from the operation of businesses in the locality, where such uses are commonly located. Notwithstanding this site allocation, it is acknowledged that a reasonable balance continues to be needed to be struck between the demands of businesses and the protection of amenity enjoyed by surrounding residents.

The detailed comments received to the application from the Council Environmental Health Officer are contained within the Consultee Responses section above. It is noted that there are inaccuracies within the acoustic report, in terms of reference to residential properties. Notwithstanding this, the Environmental Health officer has assessed the proposal in terms of multiple residential properties within the immediate vicinity. Following receipt of amended plans, the proposed function room area to the first floor of the premises has been removed from the proposal. Additionally, an acoustic assessment has been submitted which states that the hours operation for the premises would be 11.30am to 11.30pm six days a week, and 11.30am to 10.30pm on a Sunday. Furthermore, the outside seating area to the rear of the premises would be limited to 12 noon and 11.30pm, with no drinks allowed in the external area after 9.30pm. In addition, no outdoor speakers or television

screens would be installed in the rear garden area in any event. No cooking is proposed on the premises and therefore no kitchen extraction system is proposed. The Environmental Health Officer has confirmed that there is no objection to the proposal in terms of the environmental quality of life to existing sensitive receptors (i.e. residential properties) in proximity to the proposed development.

Concerns raised by objectors in relation to an increase in disturbance crime as a result of a premises selling alcohol are noted. However, it is considered that the proposed use is of a small scale and nature. Additionally, it should not be assumed that an increase in crime would result from a premises selling alcohol. Notwithstanding this, should issues relating to antisocial behaviour arise, this would be controlled by licencing and the policy and is not controlled by the land use planning system.

On this basis, it is considered that the proposed change of use to a micro-pub, along with an outside eating area and subject to conditional control relating to the hours of operation which have been proposed, would not result in undue loss of amenity to surrounding residential properties, by reason of noise, disturbance and odour. As such, the proposed is considered to comply with saved UDP policy PG1.7 and Core Strategy DPD policies SIE-1 and SIE-3.

Highways Considerations

The detailed highway engineers comments are contained above. The highway engineer initially objected to the proposal with regard to the previously proposed seating area to the front of the premises resulting in a limited area to the front for parking, servicing and manoeuvring of vehicles to and adjacent forecourts resulting in highway safety issues. Additionally, no cycle parking provision was proposed.

Since the initial concern was raised the scheme has been amended to remove the front seating area from the scheme (the area is now proposed to be retained for parking / servicing). An amended Planning Statement outlines that cycle parking can be provided within the alley.

The amendments made to the scheme have addressed the concerns of the highway engineer with regard to the reduction in the size of the forecourt and it is considered that the alley would be suitable for the parking of cycles (subject to some form of cycle rack / stand being provided).

It is also noted that the proposal should not result in a material increase in car parking demand (few customers are likely to travel by car as a result of the nature of the business) and existing on-site parking facilities and surrounding streets should be able to accommodate parking demand when the business is trading. The site is fairly accessible being located on a high frequency bus route and within reasonable walking distance of Bredbury Station, providing a means for staff and customers not local to the premises to travel by public transport.

It is also noted that a bin storage area will be provided within the site. This has been considered adequate by the Highway Engineer and would be appropriately sited away from parking and vehicle manoeuvring areas.

As such, no objections are raised from the highway engineer, subject to conditions ensuring the retention of the parking area to the front, provision of appropriate cycle parking and no servicing by HGV's .

In view of the above, in the absence of objections from the Highway Engineer, the development is considered acceptable from a traffic generation, parking and highway safety perspective, in accordance with Core Strategy DPD policies SIE-1, CS9, T-1, T-2 and T-3.

Other matters

Concerns raised from objectors with regard to the number of toilet facilities and fire exits are not material planning considerations and would be dealt with under separate legislation.

Concerns relating to inaccuracies within the planning statement and the application form are noted. The relevant policies do not require that a premises should be vacant for a defined period of time in order for a change of use to be considered acceptable, therefore concerns raised as to when the previous occupants vacated the site are irrelevant in this particular instance. Furthermore, reference to the applicant operating other similar premises is not relevant for the determination of a planning application and these details have been removed from the updated planning statement.

SUMMARY

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and indicates that these should be sought jointly and simultaneously through the planning system.

Planning permission is sought for the use of the ground floor of Number 242 Stockport Road West, Bredbury as a drinking establishment (Use Class : sui generis), along with the provision of an outside seating area to the rear of the premises.

The principle of the use as a micropub for which planning permission is sought is considered acceptable within the Bredbury Policy Guidance Area. In the absence of objections from the Council Highway Engineer and the Environmental Health team, the use/development for which planning permission is sought is considered acceptable.

In view of the above, the proposal would be compliant with relevant Core Strategy DPD policies and the advice contained within the NPPF and, as a whole, represents a sustainable form of development. Given that there are no material considerations to suggest otherwise, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 recommend that the application be granted.

RECOMMENDATION

Grant