

Application Number: 18/00614/FUL

Proposal: Raised external deck to west elevation for beer garden / smoking area

Site: Church Inn, 82 Stockport Road, Mossley, OL5 0RD

Applicant: Melia McCance

Recommendation: Approve with conditions

Reason for report: At the discretion of the Head of Planning given the planning history.

1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission to extend the existing external decking area westwards in order to create a larger beer garden and smoking area. As with the current extent of the decking, this would be at a first floor level at a height of around 3 metres above the parking and deliveries area accessed from Roughtown Road.
- 1.2 The extension would be constructed using a steel frame, painted black to match the existing. Supporting posts would be located to ensure that the parking and deliveries area would not be adversely affected.

2. SITE & SURROUNDINGS

- 2.1 The application site is a split level public house trading as the Church Inn, which is located at the junction of Stockport Road and Roughtown Road in Mossley. The site is bounded by Stockport Road to the north, Roughtown Road to the west, Mossley Community Centre to the south and a row of terraced residential properties (to which the Church Inn is adjoined) to the east.
- 2.2 The public house is two storeys high on its front elevation along Stockport Road and three storeys high on its rear elevation due to the declining topography north to south. There is currently a small external decking area at first floor level on the rear elevation, which is accessed from the main bar area inside the public house and is currently used as a smoking area.
- 2.3 The site contains no listed buildings and is not located within a Conservation Area.

3. PLANNING HISTORY

- 3.1 07/01055/FUL: Application for a proposed smoking canopy, terrace and fire escape. Refused 24/07/2008. Appeal APP/G4240/A/08/2069649 dismissed.
- 3.2 10/00136/FUL: Application for a proposed external fire escape staircase. Approved 15/04/2010.

4. RELEVANT PLANNING POLICIES

4.1 Part 1 Policies

- 1.12 Ensuring an Accessible, Safe and Healthy Environment

- 4.2 **Part 2 Policies**
Policy S7: Food and Drink Establishments and Amusement Centres
Policy S9: Detailed Design of Retail and Leisure Developments

Other Policies

4.3 **National Planning Policy Framework (NPPF)**

Section 2: Achieving sustainable development
Section 9: Promoting sustainable transport

4.4 **Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5. PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

6. RESPONSES FROM CONSULTEES

- 6.1 Local Highway Authority: No objections to the proposals have been received.
- 6.2 Borough Environmental Health Officer: The Head of Environmental Services (Public Protection) indicated that he did not think the proposals would cause significant harm to local residents, especially considering that there is already a level of noise generated by customers using the existing decking area and this has not resulted in any complaints since 2011. He suggested that conditions restricting the hours of demolition and construction work, usage of the beer garden and smoking area and prohibiting the use of heating, lighting or amplified sound on the decking area be attached to any permission.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 In total 16 responses have been received from neighbours commenting on the development. The issues raised by residents are summarised below:
- Noise: Existing noise from the public house is already unacceptable and has risen recently;
 - Parking: The parking provision is currently insufficient to the point of being dangerous, particularly for HGVs, and the proposals could potentially reduce space in the existing car park;
 - Privacy: Proposed decking would directly overlook rear patios and gardens of properties along Stockport Road;
 - Antisocial behaviour: Unacceptable behaviour would be exacerbated by extension of decking;

8. ANALYSIS

- 8.1 The key issues to be assessed in the determination of this planning application are:
- The principle of development;
 - The impact on the residential amenity of neighbouring properties; and

- The impact on highway safety and access to the site.

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework (NPPF). Paragraphs 212 - 217 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the Unitary Development Plan (UDP) policies.
- 9.2 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.
- 9.3 Policy S7 of the UDP states that developments for food and drink or amusement centre use will only be permitted where they do not harm the amenity of surrounding residential or other sensitive areas, do not create a danger to road users, and cumulatively do not lead to an unacceptable change in the character of an area. These issues are addressed in more detail in the following sections of this report.
- 9.4 Policy S9 of the UDP states that the layout, design, external appearance and operation of proposed retail and leisure developments, which are acceptable in relation to other relevant policies in the plan, will be required to be of high quality and to meet a number of more detailed criteria.
- 9.5 Criteria (a), (b) and (d) of the policy refer to highway safety and access, the character of the surrounding area and residential amenity respectively. As set out above, these issues are addressed in more detail in the following sections of this report.
- 9.6 Criterion (c) seeks to ensure suitable landscaping and screening, including retention of existing features such as trees and hedges where practical, which enhance the appearance of the development and minimise the visual impact of plant, storage and service areas.
- 9.7 There is no additional landscaping and screening proposed as part of the application. The proposals would also not result in the loss of any trees or hedges. No additional plant, storage or service areas would be created under the proposals, and none of the works proposed would lead to an increase in the visual impact of existing plant, storage and service areas. The proposals are therefore considered to be acceptable in terms of criterion (c).
- 9.8 Criterion (e) seeks to ensure minimisation of opportunities for crime and anti-social behaviour. It is considered that the proposals would not have any significant impact on opportunities for crime and anti-social behaviour in the surrounding area. Conditions recommended by the Borough Environmental Health Officer to be attached to any approval would seek to ensure that activity on the proposed decking area would be kept to within sociable hours.

10. CHARACTER OF THE SURROUNDING AREA

- 10.1 The proposal would involve the effective extension of the pub's existing terrace area at a height of around 3 metres above the parking and delivery area below, and a ground level

on the Stockport Road frontage. The extension would be constructed using a steel frame and painted black to match the existing area.

- 10.2 Criterion (c) seeks to ensure that developments do not cumulatively lead to an unacceptable change in the character of an area.
- 10.3 Criterion (b) of Policy S9 seeks to ensure building design and use of materials which relate well to local features or enhance the character of the surrounding area.
- 10.4 Given the proposed use of materials to match the existing decking area, it is considered that the design of the proposals would relate well to their immediate surroundings. In terms of the wider area, the majority of surrounding buildings are constructed from stone. It is considered that the proposed terrace area would not be especially prominent, particularly due to the existing stone wall along the Stockport Road frontage that would partially shield views of the terrace. Given this, it is considered that the proposals would not lead to an unacceptable change in the character of the area.

11. RESIDENTIAL AMENITY

- 11.1 Criterion (a) of Policy S7 seeks to ensure that developments do not harm the amenity of surrounding residential or other sensitive areas.
- 11.2 Criterion (d) of Policy S9 seeks to ensure no unacceptable impact on neighbouring properties through noise, fumes, lighting, litter, traffic and other disturbance, and no unacceptable impact on residential amenity including consideration of hours of operation.
- 11.3 It should be noted that the primary reasons for the dismissal of an appeal against the refusal of permission for application 07/01055/FUL, as set out in the inspector's report, principally relate to residential amenity issues, namely:
- Overlooking of houses on Stockport Road and St John's Gardens; and
 - Noise from customers using the outdoor space would carry over a wider area due to the to the local topography.
- 11.4 As set out in Section 7, concerns over residential amenity have also been cited by neighbours who have written in objection to the application.
- 11.5 The Head of Environmental Services has considered the noise impacts of the proposals, and concluded that the proposals would not cause significant harm to local residents, especially considering that there is already a level of noise generated by customers using the existing decking area and this has not resulted in any complaints since 2011. The existing decking area had not been constructed when the appeal was dismissed in 2008.
- 11.6 It is therefore considered that the conditions stipulated by the Head of Environmental Services to be attached to any permission would be sufficient to limit noise from the development to an acceptable level within the context of a residential area.
- 11.7 In terms of privacy, concerns have been raised by residents over potential overlooking of the rear patios and gardens of 72-80 Stockport Road, and the 2008 appeal dismissal also cited overlooking of 80 Stockport Road and 2 St John's Gardens. However, it is noted that this loss of privacy was anticipated by the inspector as resulting when trees are not in leaf and able to restrict views into the gardens of the properties, and the inspector's site visit took place in July when trees were in full leaf. A site visit carried out by the case officer for this application on 25 October 2018, a time of year when tree coverage would be expected to be far less extensive, found that there was still a sufficient level of vegetation to restrict views into the properties' gardens.

- 11.8 It is therefore considered that the level of vegetation on the edge of nearby residential gardens would sufficiently restrict the view from the proposed decking area into residential gardens.

12. HIGHWAY SAFETY

- 12.1 Criterion (b) of Policy S7 seeks to ensure that developments do not create a danger to road users.
- 12.2 Criterion (a) of Policy S9 seeks to ensure suitable arrangements for parking, servicing and access to and from the highway, including access by pedestrians, cyclists and disabled people, and for convenient access by public transport where appropriate, with no unacceptable impact on the surrounding highway network.
- 12.3 NPPF Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 12.4 It is noted that no objections have been made to the proposals by the Local Highway Authority.
- 12.5 According to the supporting plans submitted as part of the application, the extended terrace area would be primarily accessed through the indoor area of the Church Inn. The staircase that can also be used to access the existing terrace from the parking and delivery area below would be retained. It is considered that these access arrangements would be suitable as the terrace would only be used by staff and customers of the Church Inn.
- 12.6 The existing stone wall along the Stockport Road frontage would be retained under the proposals, and would act as a barrier between customers using the terrace area and the highway. It is therefore considered that the proposals would lead to no negative impact on highway safety.
- 12.7 In terms of impact on the road network, it is not anticipated that the proposals would lead to an unacceptable increase in traffic levels. The current parking and deliveries area underneath the proposed decking is generally not used by customers, and the plans submitted show that supporting posts would be located in such a way that vehicles would still be able to access the area as currently and would not be forced onto nearby roads. It is therefore considered that the proposals would not lead to a severe impact on the road network.

13. FLOOD RISK

- 13.1 The site is entirely located within Flood Zone 1. There are no relevant flood risk issues relating to the application.

14. LANDSCAPING

- 14.1 As set out in Section 9, it is considered that the proposals are acceptable in terms of the landscaping criterion set out in Policy S9.

15. OTHER MATTERS

- 15.1 It is considered that there are no other relevant matters pertaining to the application.

16. CONCLUSION

16.1 In summary, it is considered that the proposals are acceptable in terms of the relevant policy set out in the Unitary Development Plan and the National Planning Policy Framework. There would be no significant adverse impacts on travel and transport as a result of the scheme, and any impacts on residential amenity could be appropriately mitigated through the use of conditions. While the conclusions of the 2008 appeal dismissal are accepted, it is considered that the circumstances around the site have changed since then and the cited concerns over noise and overlooking would no longer be significant enough to justify refusing the application on residential amenity grounds.

17. RECOMMENDATION:

17.1 Grant planning permission subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
3. The raised external deck for a beer garden / smoking area hereby permitted shall not be used outside the hours of 10:00 to 21:30 Sunday to Saturday.
4. No television, music system or speakers capable of relaying amplified sound shall be installed outside in the hereby approved raised deck area.
5. No heating or lighting shall be installed, or provided, outside in the hereby approved raised deck area.
6. The development shall be carried out in accordance with the following plans:
 - 1514.PL02: Existing and Proposed Plans
 - 1514.PL03: Existing and Proposed Elevations

This shall include the positioning of posts supporting the extended decking in such a way that would not prejudice the ability of vehicles to safely access the parking and delivery area below in the same way that they do currently.