

DELEGATED DECISION REPORT

SMD/2021/0400
Valid 17/06/2021

THE HUNTSMAN
THE GREEN
CHEADLE

TIMBER FRAME OUTDOOR
COVERED SPACE TO THE
REAR BEER GARDEN

(FULL - MINOR)

MAIN ISSUES

- Whether the development is acceptable in principle.
- Impact on the character and appearance of the existing public house and the surrounding area.
- Impact on neighbouring amenity.
- Impact on highway safety.

DESCRIPTION OF SITE

The application site comprises a detached public house with an associated beer garden and car park located on the corner of The Green and Draycott Cross Road. The application site is located in the Development Boundary of Cheadle, within a mixed use area comprising dwellinghouses and commercial uses.

PROPOSAL

Part retrospective full planning permission is sought for the retention of an existing single storey detached timber building located to the rear of the public house and occupying part of the former beer garden. The building is used as additional seating and contains a brick built fire place and brick built pizza oven.

Full planning permission is also sought for the erection of a timber framed open-sided link to connect the public house to the covered seating area building.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

- SS1 Development Principles
 - 1a Presumption in Favour of Sustainable Development
- SS2 Settlement Hierarchy
- SS7 Cheadle Area Strategy
- DC1 Design Considerations
- T1 Development and Sustainable Transport
- C1 Creating Sustainable Communities

National Planning Policy Framework

Paragraph(s) 1 - 14

Section(s) 4, 8, 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1981/0399	Extension to form new toilets and kitchen Approved
SMD/2014/0742	Erection of a two storey rear extension to provide an additional 10 guest rooms and alterations to the bar and kitchen area Approved

CONSULTATIONS

Publicity

Site Notice expiry date: 03/08/2021

Neighbour consultation period ends: 19/07/2021

Press Advert: N/A

Public Comments: One letter of objection has been received raising the following concerns:

- Insufficient publicity
- Potential noise pollution and other public nuisances.
- Other concerns including safety concerns have been reported to the police.

Town / Parish Comments: Cheadle Town Council – no objection to the proposal.

Severn Trent Water: No objection to the proposals and do not require a drainage condition to be applied.

SCC Highways:

There are no objections on Highway grounds to this proposal.

1. Site Visit Carried Out on 13/08/2021

2. Personal Injury Collisions;

Current records show that there were not any Personal Injury Collisions on The Green within 50 metres

of the property access for the previous five years.

3. Background;

The property is located on The Green (Road No. A0521) at its junction with Draycott Cross Road (Road

No. C0109). The Green is subject to a 30mph speed limit and Draycott Cross Road is subject to a 40mph both benefit from streetlights.

4. Description of Proposal;
Proposed timber frame outdoor covered space.

5. Comment;
The timber frame outdoor space will provide cover to the rear beer garden area. The proposal covering the seating area is retrospective and a cover for the walkway, from the main building to the outdoor seating area is proposed. The construction of the timber covers will not encroach in the car park. No parking spaces will be lost.

The proposal is considered not to have a detrimental impact on the adopted highway I therefore have no objection. (application number SMD/2021/0400)

Environmental Health:

Potential Areas of Environmental Concern

1. Noise (Music, people etc) – (Condition)
2. Noise from plant and machinery (Condition)
3. Lighting (Condition)
4. Alcohol Timings Dealt with Under Licensing Conditions

Comments

A site specific noise assessment undertaken by Peak Acoustics (ref. JP2710213NR) has been submitted with the application which predicts no significant adverse impact to neighbouring amenity subject to mitigation. The air conditioning units at the rear of the building require relocation as per noise assessment and the framed building requires further works to reduce noise breakout. A meeting has been held with the applicants and they have agreed to the following conditions being placed on the permission if granted. They advised no music will be played in the cabin after 23:00 and requested extra time to conduct the sound insulation works if permission was granted, conditions advised below to take account of these considerations.

A previous complaint about anti-social behaviour associated with the pub and cabin has been withdrawn by the complainant.

Recommendation

Environmental Health have no objection to the application in principle subject to the following conditions be placed on any permission granted -

- 1. BS4142 Limit on external noise levels produced by fixed external plant including air conditioning**

The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5 dB(A) between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00–07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason: To protect the amenities of nearby residents

2. Sound Insulation scheme

Within 6 months of permission being granted, a site specific sound insulation scheme shall be submitted in writing and approved in writing by the local planning authority (LPA) detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity. All sound insulation works approved shall be completed within 6 months of approval by the LPA.

Reason: Reason:- *To safeguard the amenity of neighbouring residential occupiers.*

3. Amplified music

No amplified or other music shall be played on the premises outside the following times: 11:00am to 11:00pm.

Reason:- *To prevent further deterioration of local residential amenity, the protection of the amenities of the surrounding area and the occupiers of nearby residential properties and to avoid the risk of disturbance to neighbouring dwellings during unsocial hours.*

4. Lighting Condition

The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation.

Reason: *To protect the local amenities of the local residents by reason of excess of illuminance.*

Informative/Other Matters

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF, 2021) promotes a 'presumption in favour of sustainable development'. For decision takers 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 more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the 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 the Framework taken as a whole.

Paragraph 8 of the NPPF (2021) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2021).

The public house is located within the Development Boundary of Cheadle; a 'town' as identified by Local Plan policies SS2 and SS7. Policy C1 of the Local Plan (2021) seeks to support proposals which protect, retain or enhance existing community facilities. The application site comprises an existing public house within the Development Boundary of Cheadle; a community facility as defined by paragraph 7.100 of the Local Plan. The proposal seeks to enhance the offering at the public house by creating a covered outdoor seating area and link. The proposal will therefore comply with policy C1 and is acceptable in principle.

Design

Policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

Paragraph 130 of the NPPF (2021) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

The Council's Design Guide SPD outlines the Council's expectations in respect of design and states that extensions should harmonise with the parent building. An extension should respect the dominance of the original building and be subordinate to it in terms of its size and massing.

To the rear of the public house is a temporary marque and a makeshift covered timber construction that links the public house to an existing detached timber building that is used as a covered dining area. The structures cover an existing walkway between the two buildings as well as part of the existing beer garden. It is proposed to replace these structures with an open-sided link to connect the public house to the covered seating area building. Retrospective consent is also sought for the retention of the detached timber building.

The buildings and walkway by virtue of their low overall height and scale are subordinate to the original pub building. The design of the building is a simple rectangular form with a pitched roof, which is considered to be appropriate. The materials comprise timber boarding and metal roof sheets. The pub itself is a traditional tile and render construction. Whilst timber boarding is not normally encouraged, it is considered to be commensurate with the light-weight semi-open nature of the building. It is not untypical in many situations to find outbuildings, garages and sheds of timber construction within the curtilage of more traditional buildings. Furthermore, the building is tucked away to the rear of the pub and whilst it is very visible from the beer garden and carpark, views from the wider street scene are glimpsed and are largely restricted to the roof and upper parts of the building due to the intervening boundary treatment features, the presence of the pub itself and parked vehicles in the carpark. The roof would be more visible, and although this is finished in cladding the dark grey colour ensures that it blends in with its surroundings and is not incongruous.

It is for these reasons that the proposed development is considered to comply with policy DC1 of the Local Plan (2020), the Design Guide SPD and the NPPF (2021).

Amenity

Local Plan policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

The public house is bounded by roads to the north and west, residential properties and commercial uses to the south and commercial uses to the east.

As originally submitted the Environmental Health Officer commented that the application required a noise impact assessment by a suitably qualified acoustician to support the points made. He also noted that they have received complaints against the pub and this cabin. Initially he recommended refusal on this basis. In regard to cooking smells mitigation detail should be provided up front and should be suitable for retrospective install if permission is granted.

The comments of the objector are noted. However, a site specific noise assessment undertaken by Peak Acoustics (ref. JP2710213NR) has now been submitted with the application which predicts no significant adverse impact to neighbouring amenity subject to mitigation. The air conditioning units at the rear of the building require relocation as per noise assessment and the framed building requires further works to reduce noise breakout. A meeting has been held between the applicants and the EHO and they have agreed to a number conditions being placed on the permission if granted. The EHO states that a previous complaint about anti-social behaviour associated with the pub and cabin has been withdrawn by the complainant. In the light of the above the EHO has now withdrawn his objection subject to the imposition of conditions as set out above.

The proposed structure will be sited between the existing public house and an existing detached building used as a covered outdoor seating area. The structure will be screened from the terrace of dwellings to the southwest of the application site by the existing detached building and therefore it will not impact on the amenity of these properties. The structure will be sited on an existing part of the public house's beer garden and therefore it will not result in additional noise or disturbance to the adjacent dwellinghouses. It is for these reasons that the proposed development will not adversely affect neighbouring amenity and will comply with policy DC1 of the Local Plan (2020) and the NPPF (2021).

Highway Safety

Policies DC1 and T1 seek to achieve a level of parking and an access that is appropriate to the development it serves.

The proposal will not affect the existing parking provision or the existing access but it does result in the number of covers and staff numbers increasing. The Highways Engineer has assessed the application and raised no objection.

It is therefore not considered that the proposed development will have a detrimental effect on highway safety and it will comply with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2021).

Other matters

Publicity by way of notification of those neighbours adjoining the public house or directly overlooking the site have been undertaken along with a site notice which was placed at the site. Accordingly sufficient publicity has been undertaken.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above, the proposed development is considered to accord with the relevant policies contained in the Staffordshire Moorlands Local Plan (2020) and the NPPF (2021). As such the application is recommended for approval.

OFFICER RECOMMENDATION: APPROVE subject to Conditions

Case Officer: Ailsa Berry / Ben Haywood

Recommendation Date: 8th July 2022

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council