

**Application No:** 11/2520C

**Location:** THE SANDPIPER, 62 THE HILL, SANDBACH, CHESHIRE, CW11 1HT

**Proposal:** A 1200 Wide Hardwood External Staircase From The Yard At The Rear Of The Licensed Premises With A New Timber 850x1600 Exit Gate Faced One Side To Match Existing Fence To Give Access To Booth Avenue (Retrospective)

**Applicant:** Unicorn Brewery

**Expiry Date:** 29-Sep-2011

**Date report Prepared:** 1<sup>st</sup> September 2011

**SUMMARY RECOMMENDATION:** Approve with conditions

**MAIN ISSUES:**

- Principle of the Development
- Design
- Amenity

**REASON FOR REFERRAL**

This application has been called in by Councillor S Corcoran on the grounds that: *“The steps emerge at the end of a driveway, with the sight line blocked by a hedge. The new steps will have an adverse impact on the neighbourhood increasing disturbance, anti social behaviour and crime.”*

**DESCRIPTION AND SITE CONTEXT**

The application site comprises the rear yard and fence at the Sandpiper public house. The fence to the rear faces on to the turning head of Booth Avenue, a residential road.

**DETAILS OF PROPOSAL**

This application seeks retrospective approval for the erection of an external staircase to the rear of the public house and a gate to provide access from Booth Avenue. The staircase is a substantial timber structure and the gate would be sited adjacent to the drive of number 61 Booth Avenue. This development was reported to the Enforcement Section and they informed the applicants that it required planning permission and that they should submit an application.

**RELEVANT HISTORY**

07/0744/FUL          2007    Approval for decking and smoking shelter

## **POLICIES**

### **National Guidance**

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPG24	Planning and Noise

### **Regional Spatial Strategy**

DP3	Promote Sustainable Economic Development
DP7	Promote Environmental Quality
RT9	Walking and Cycling

### **Congleton Local Plan 2005**

PS5	Towns
GR1	General Criteria for Development
GR2	Design
GR6	Amenity
GR9	Accessibility, Servicing and Parking Provision

## **OTHER MATERIAL CONSIDERATIONS**

The Draft National Planning Policy Framework (July 2011), advises that Local Planning Authorities should '*support existing business sectors, taking account of whether they are expanding or contracting*'. In addition it states that '*In considering applications for planning permission, Local Planning Authorities should apply the presumption in favour of sustainable development and seek to find solutions to overcome any substantial planning objections where practical and consistent with the Framework.*'

## **OBSERVATIONS OF CONSULTEES**

### **Highways:**

None received at the time of report writing.

### **Environmental Protection:**

This Division has taken the opportunity to have a look at the proposed application and wish to query the benefit that such a development would provide. Providing an additional access and egress to the premises will require the management of the premises to ensure that such an access and egress is managed correctly. In doing so, management would be required to ensure that there is appropriate signage to the customers requesting that they leave the premises in an appropriate manner that does not give rise to causing a possible nuisance to neighbouring premises.

There are no specific conditions that can be applied by Environmental Health for such a development but is something that also may be addressed through the Licensing Division of the Authority.

## **VIEWS OF TOWN/PARISH COUNCIL**

Members strongly OBJECT to this retrospective application due to the adverse impact on neighbours through loss of privacy and increased traffic on this small cul-de-sac to an unacceptable level; thus contravening policies GR6 and GR18 of the CB Local Plan.

Concern was also raised for residents' safety and security following un-authorised installation of this direct access to the public house and, consequently, the likelihood of increased reports of disorder and crime.

## **OTHER REPRESENTATIONS**

Residents of three properties on Booth Avenue and one from The Hill have expressed the following concerns about the development:

- The change in nature of Booth Avenue from residential to commercial
- The safety and security of residents
- Risk caused by pedestrians in conflict with residents reversing out of drives
- Increased pedestrian traffic
- Noise and disturbance

## **KEY ISSUES**

### **Principle of the Development**

The site is contained within the settlement zone line of Sandbach where there is a presumption in favour of development. The staircase and gate would give an additional access to the public house from the rear, making it more accessible on foot from the properties to the north of the public house. The proposal is therefore considered to be acceptable in principle.

### **Design**

The staircase is a substantial timber structure that does not have any significant adverse impact on the character and appearance of the public house or the surrounding area. The gate would be formed in the existing fence and would also not adversely affect the character and appearance of the area.

The proposal is therefore considered to be acceptable in design terms and in compliance with Policy GR2 of the adopted local plan.

### **Amenity**

The stairs and gate would give pedestrian access to the public house from Booth Avenue, which is a residential area. Residents of Booth Avenue and Sandbach Town Council have expressed concerns relating to noise and disturbance and the potential for an increase in crime and disorder, which could result from the additional access to the premises. Environmental Protection have stated that there are no specific conditions that they could impose on the public house, but that this could be dealt with by the Licensing Division.

The access would be sited in close proximity to the residential properties on Booth Avenue and careful consideration should be given to the impact on their residential amenities, in particular disturbance from noise generated from customers leaving the premises.

In the past there was a low fence in a poor state of repair to the rear of the premises which some people used for access. The residents have stated that this led to frequent instances of noise and disturbance at night and that since the higher fencing was erected, this has ceased. Whilst the concerns of the residents are accepted, it is considered that if the gate was kept

locked between the hours of 10pm and 11am, disturbance could be limited to acceptable levels. It is therefore recommended that if members resolve to approve this application, a condition should be imposed to require that the gate is locked between the hours of 10pm and 11am.

With the imposition of a condition requiring the gate to be locked between 10pm and 11am, the development would not have a significant impact on the residential amenities of nearby properties. The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan.

### **Highways**

The Strategic Highways Manager has not commented on this application. However as it is for a pedestrian access, albeit adjacent to the driveway of number 61 Booth Avenue, it is not considered that the opening of the access on to this cul-de-sac would lead to any significant impact in terms of vehicular or pedestrian safety. The proposal is therefore considered to be in compliance with Policy GR9 of the adopted local plan.

### **Other Matters**

The objectors and Sandbach Town Council have expressed concerns that the opening of the access would lead to an increased risk of crime and disorder in this residential area. It is not considered that this risk would be increased to a level that would warrant refusal of the application. The Cheshire Police Architectural Liaison Officer has been consulted on the application, but had not responded at the time of report writing. Members will be updated should comments that contradict this view be received, and the recommendation may be amended accordingly.

### **CONCLUSIONS**

In conclusion, the site is within the settlement zone line of Sandbach in the adopted local plan and the proposed development complies with the relevant policies contained within that document, in relation to design, residential amenity and highway safety. It is therefore recommended that the application be approved subject to the following conditions.

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1. Development completed in accordance with the approved plans**
- 2. The access gate should be kept locked between the hours of 10pm and 11am**

