

Application No: 12/2147C  
Location: Grove Inn, MANCHESTER ROAD, CONGLETON, CW12 1NP  
Proposal: The Replacement of the Vacant Public House with a Convenience Outlet Store  
Applicant: Seven Ten (Cheshire) Ltd  
Expiry Date: 02-Aug-2012

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of the development
- Design
- Highway Safety
- Amenity

**REASON FOR REFERRAL**

This application is before the Southern Planning Committee as it has been called in by Councillor G Baxendale on the grounds of traffic management, over intensification of crossing facilities and being an inappropriate site for retail use.

**DESCRIPTION AND SITE CONTEXT**

The application site comprises the Grove Inn public house, and the associated beer garden and parking, located on the traffic island bounded by Macclesfield Road and Manchester Road. The public house is no longer trading. Congleton Ambulance Station is to the north and there are residential properties to the east and west, with an existing convenience store also to the west.

The site is designated as being within the settlement zone line of Congleton in the adopted local plan.

**DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of a convenience store on the site of the existing Grove Inn public house. The store would be of a more or less triangular shape. It would have 213sqm of floor space on the ground floor, with store, cold store, staff room and office above.

The main entrance would be from the rear, next to the car park, with a secondary entrance on the front corner of the building. A variety of materials are proposed for the construction including extensive glazing, glazed blockwork, steel mesh panels, zinc cladding, brick and Rosemary tile.

A previous application was refused by Committee on 7<sup>th</sup> March 2012, on the grounds of inappropriate form and design and insufficient information relating to highway issues. This application seeks to address the previous reasons for refusal.

### **RELEVANT HISTORY**

12/0384C 2012 Refusal for replacement of vacant public house with convenience retail outlet store (Appeal in progress)

12/0381C 2012 Prior determination for demolition of existing building

08/0536/FUL 2008 Approval for retention of smoking shelter

33208/3 2001 Approval for new patio doors and landing

5371/3 1977 Approval for alterations

### **POLICIES**

#### **National Guidance**

National Planning Policy Framework (March 2012)

#### **Regional Spatial Strategy**

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP6 Marry Opportunity and Need

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

W5 Retail Development

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

#### **Congleton Local Plan 2005**

PS5 Towns

GR1 General Criteria for Development

GR2 Design

GR4 & GR5 Landscaping

GR6 & GR7 Amenity & Health

GR9 & GR10 Accessibility, Servicing and Parking Provision

GR17 Car Parking

GR18	Traffic Generation
GR19	Infrastructure
BH9	Conservation Areas
S2	Shopping and Commercial Development Outside Town Centres

## **CONSULTATIONS (External to Planning)**

### **Highways:**

The Strategic Highways Manager has assessed this application and offers the following comments:

Further to the previous highway comments, the applicant has sought to address the highway issues that were raised on the previous design.

With regard to deliveries, the main access off Macclesfield Road is to be used to service the site. In order to ensure that there is adequate space within the site, a condition will be required to cap the size of delivery vehicle to 7.5 tonnes.

To provide access to the site, two new pedestrian crossings are proposed, one on Manchester Road and the other on Macclesfield Road. As part of the proposals, the bus stop lay-by in Macclesfield Road will be relocated.

There are 22 car parking spaces to be provided within the site, this level of parking is considered acceptable given the size of the proposed store.

In summary, the applicant has addressed the main issues raised in the previous comments and the site is now accessible by the provision of formal crossing points. There are no highways objections raised subject to conditions and provision of the off-site works.

#### Conditions

1. Details of the access barriers for the Manchester Road entrance to be submitted and approved by the LPA.
1. Construction of the access and car parking to be completed prior to occupation of the development in accordance with the approved plan.
2. Prior to first development the developer will provide and install both PUFFIN crossings which will serve the site in order that safe accessibility is provided to and from the site at the time of first operation. This provision will also require the relocation of the existing bus stop lay-by.

#### Informative

The applicant will enter into a S278 Agreement with the Highway Authority to provide the off-site highway works that includes the pedestrian crossings.

### **Environmental Protection:**

#### *Recommend Refusal*

Reason: Insufficient Information

Insufficient information has been submitted with the application relating to the impact of the development on air quality and noise impact. In the absence of this information; it has not been possible to adequately assess the impact of the proposed development in terms of compliance with material planning considerations.

This department has received complaints about accumulations on land providing harbourage for rodents and allegations that the current state of the vacant public house site is resulting in a loss of amenity. Therefore the future development of the land is welcomed.

#### *OPERATIONAL PHASE OF DEVELOPMENT*

However, as detailed above, insufficient information has been submitted in support of the application, in order for the noise impact of the proposed development on neighbouring residences to be adequately assessed. The applicant has not addressed concerns raised in the previous environmental protection consultation response to 12/0384C dated 29<sup>th</sup> March 2012. It was expected that further applications submitted in relation to this site would have addressed these concerns in order to expedite the planning application process.

These concerns are now expanded and detailed for the applicant to address. A site meeting with the applicant has been requested in order to discuss these issues as they relate to the operation of the proposed store.

The main areas of concern regarding noise impact relate:

##### (a) Deliveries

This is an independent store; therefore it is assumed that various suppliers will deliver to the site. The delivery area is located on the northern façade along with the main entrance; there does not appear to be a delivery yard. Insufficient detail has been submitted in order to establish if the deliveries will take place enclosed in the (internal) delivery bay or will take place outside on the carpark/ vehicular access road/ footpath.

The proposed site plan (drawing 1) details a delivery bay; however the artists impression (rear area) depicts the delivery bay as a vehicular access road/ footpath and it appears that the area is on a gradient: the store at a higher level than the car park.

The location of the delivery bay is in close proximity to noise sensitive dwellings opposite on Manchester Road, who will have a direct line of sight into this area. In addition delivery vehicles have reversing alarms and from the layout of the car park there is a reversing area for vehicles to drive into the car park and reverse into the delivery bay. Combined with the hours of operation that the applicant proposes a 5.30am opening time, this is an area of concern.

##### (b) New Plant and Equipment

No noise data has been submitted regarding the characteristics of the introduction of new noise sources and their impact on the neighbouring residencies. I consider that noise from plant in this area could be attenuated if chosen carefully and if mitigation measures were put in place (for example provision of acoustic barriers).

In this location, the ambient noise level is predominated by road traffic noise of the A34 Manchester Road and A536 Macclesfield Road. This background noise may mask plant noise through the daytime. It is possible that during the night time, when the ambient noise level is lower, the operation of the plant units may become more noticeable.

##### (c) Waste Transfer from Store to Bin/ Trolley Area in Car park

How shall waste be transferred from the store to the commercial waste bin storage in the rear corner of the car park as referred to in planning application section 7 – is this by roller cage? What are the proposed frequency of movements? What time of the day shall they take place? Noise sensitive properties are located at Manchester Road and Macclesfield Road; therefore bedroom windows will have a direct view of the car park and waste transfer from the store to the bins.

#### *Noise Mitigation Scheme Required*

There is insufficient information contained within the application to determine whether there will be a loss of amenity caused by noise arising from the proposed development. The applicant is required to submit a Noise Impact Assessment completed by suitably qualified person/s to determine the noise levels that occupiers in proximity to the proposed site shall be subjected to.

#### *Hours of Operation*

Clarification is sought with regards the hours of operation requested: 5.30am – 9.00pm Mon – Friday/ Sat/ Sun & BH. Is the 5.30am start required to receive newspaper deliveries or is the actual opening hours of the store and/or receipt of perishable deliveries?

Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions:

Monday – Friday / Saturday/ Sunday and Bank Holidays 8.00 hrs - 21.00 hrs

(Subject to Sunday Trading Laws)

In addition to prevent the use of the car park out of hours, the car park shall be closed.

Deliveries and Collections

Deliveries to and collections of waste from the development shall be restricted to the following hours:

Monday – Saturday: 07:30 – 19:00

Sunday and Public Holidays: 10:00 – 16:00

#### Lighting

Details of the location, height, design, and luminance of any proposed lighting shall be provided. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties.

#### *Demolition And Construction Phase Of Development*

The hours of demolition / construction of the development (and associated deliveries to the site) shall be restricted to:

Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs

Sundays and Public Holidays Nil

All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

Monday – Friday 09:00 – 17:30 hrs

Saturday 09:00 – 13:00 hrs

Sunday and Public Holidays Nil

In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of piling
2. Days / hours of work
3. Duration of the pile driving operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

All floor floating operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. In addition, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The floor floating work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of floor floating
2. Days / hours of work
3. Duration of the floor floating operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of; Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;

Waste Management: There shall be no burning of materials on site during demolition / construction

Dust generation caused by construction activities and proposed mitigation methodology.

The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.

The Air Quality Impact Assessment considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of changes to traffic flows. The development lies within the vicinity of the A34 Lower Heath Air Quality Management Area which was declared in 2008 as a result of breaches of the European Standard for nitrogen dioxide.

The Air Quality Impact Assessment concludes that people will be exposed to increased levels of air pollution as a result of the development, and its associated traffic. In particular, the report highlights increased exposure at all receptors which were modelled. One of these receptors is within the Air Quality Management Area and as such any increase in exposure is considered significant. It is not clear however whether the assessment has considered the operation of the existing crossing which currently serves the shop and how that may interact with the 2 new crossings or whether it will be removed. In addition, the assessment has not considered the site preparation and construction phases. Dust mitigation measures should be identified and implemented in full and maintained throughout the construction phase to safeguard residential amenity of nearby dwellings. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

The application area has a history of public house use and therefore there may be a basement present on site which may require infilling. As such, and in accordance with the NPPF, this section recommends that conditions, reasons and notes be attached should planning permission be granted.

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

No objection subject to the highways issues being addressed.

## **OTHER REPRESENTATIONS**

At the time of report writing, 32 representations have been received relating to this application, 14 in opposition and 18 in support. In addition, 2 petitions have been received one opposing the development containing approximately 180 signatures and one in support containing approximately 517 signatures. Photographs have also been submitted to demonstrate the existing traffic problems and the poor state of repair that the site has been allowed to fall into.

The objections express the following concerns expressed the following concerns:

### **Design**

- The proposed building is a *“horrendous block of metal and glass”*
- The existing building is more attractive and should be retained
- Overbearing Mansard roof
- The design is only a very slight improvement on the previous scheme

### **Retail Issues**

- There are enough similar facilities nearby such as Barn Road
- There are more suitable sites nearby
- The existing store serves the area adequately already

### **Amenity**

- Additional traffic and noise from people using the store
- Loss of privacy to nearby homes because of large areas of glazing
- Noise pollution
- General disruption

### **Highways**

- Highway safety, in particular for school children and the elderly crossing to the store
- There has already been on road fatality here
- People will not use the car park but will park on the road creating a hazard
- There are already many near misses on the nearby roads
- Would increase traffic on already busy roads
- Existing problems with congestion, particularly at peak times
- The site is unsuitable due to the road layout
- Traffic delays caused by the Puffin crossings
- Danger from delivery vehicles
- Moving the bus stop would cause problems either to the ambulance station or by restricting the road width

### **Other Matters**

- The petition supporting the development has been signed by people who are not from the local area
- The proposal just seeks to make profit and not to serve the local community
- The cost of providing the Puffin crossings and moving the bus stop would be unjustified in the current climate
- Damage to the environment
- The site has been allowed to fall into a state of disrepair
- Trees have already been removed from the site
- Local people do not want the development

The supporters make the following points:

- It will save the elderly and disabled having to go further afield to shop
- Access to the store will be better for wheelchair users
- Good to have such a store close by
- A pharmacy and Post Office would be welcomed
- Useful delivery service
- Children already cross the road at this point and the Puffin crossings would provide safer crossing areas
- Will provide a more comprehensive range of products
- Will create jobs
- Will solve the parking problems at the existing store
- Less car use in the area as people will not have to drive into town to shop

## **KEY ISSUES**

### **Principle of the Development**

The National Planning Policy Framework (NPPF), in paragraph 19, requires that *Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.*

Local Plan policy PS4 states that within the settlement zone lines there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies.

Policy S2 states that new shopping or commercial development within the settlement zone line of a town, of an appropriate scale intended to serve the needs of a locally resident community, will be permitted, provided it accords with other relevant policies in the adopted local plan.

The Cheshire Retail Study Update (WYG, April 2011) concludes that in Congleton, there appears to be an undersupply of convenience goods floor space.

In terms of accessibility, the site is located in close proximity to residential properties, which is considered to be a sustainable location.

The development would be in compliance with the requirements of Policies PS4 and S2, and therefore is considered to be acceptable in principle.

In addition it should be noted that the existing building could undergo a change of use to retail without the need for planning permission.

### **Design, Appearance and Visual Impact**

Local Plan Policies GR1 and GR2 relate to the design of new development and state that all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area. Matters such as height, scale, form and grouping, materials, the visual, physical and functional relationship of the proposal to neighbouring properties, the streetscene and to the locality generally need to be considered. Additionally proposals should respect existing features and provide for hard and soft landscaping as an integral part of the scheme.

Paragraph 64 of the NPPF states that development that is of a poor design should be refused. However paragraph 60 also states that *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

The design consists of a modern triangular building constructed from a variety of materials, which would have a contemporary appearance. Following the previous refusal the applicants have introduced a more traditional roof form, reduced areas of glazing and the use of some brickwork, in order to address the concerns of the committee about the design.

The application that was refused by committee was a wholly contemporary building, using materials such as steel, zinc and glazing, with little reference to the character and appearance of the surrounding development, which consists largely of buildings of a brick and tile construction.

The new application keeps the same overall footprint for the building, but introduces a tiled mansard roof, reduced areas of glazing and uses facing bricks on elements of the building in order to better reflect the character of the surrounding area, whilst still retaining a contemporary feel.

The proposal is therefore considered to be in compliance with Policies GR1 and GR2 of the adopted local plan and the advice given in the NPPF.

### **Amenity**

Local Plan Policy GR6 deals with amenity and health and states that any development adjoining or near to residential property will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to amongst other things, loss of privacy, loss of sunlight and daylight and traffic generation, access and parking.

Environmental Protection have recommended refusal of the application due to insufficient information relating to the impact on the area in terms of noise and air quality. Conditions have also been suggested to control the permitted hours for deliveries and opening times.

Having regard to these issues, it should be noted that the existing use of the site is as a public house and this use could resume at any time. In addition the existing building could operate as a retail outlet without the need for planning permission and with no conditions controlling hours of operation and deliveries. As such the recommendation of refusal on the noise grounds would not be reasonable.

The applicant has submitted the information requested by Environmental Protection, and this is currently being assessed. An update on this will be provided to Committee.

Given the fall-back permission of a return to use as a public house, or change of use to a shop, without the need for planning permission, it is considered that the benefits that can be gained from the development, including the provision of Puffin crossings and the ability to control the hours of operation and deliveries, would be of benefit to the area in general.

Hours of construction, piling and floor floating have been recommended, and these are considered to be reasonable and should be imposed. Environmental Protection has recommended that the hours of operation should be limited to 8am to 9pm and deliveries to 7.30am to 7pm Mon-Sat and 10am to 4pm on Sundays and Public Holidays.

The goods to be sold at the store would include newspapers and fresh products such as bread and milk. Commodities such as this are usually delivered early, in particular newspapers and it would be unreasonable to restrict the store to these time constraints, especially considering the fall back position and the fact that the existing public house has no limits on the hours of delivery and nor would a shop if the applicant chose to convert the existing building. As such it is recommended that delivery hours be restricted to 6.30am to 7pm and the opening hours to 6.30am to 9pm.

It was also recommended that lighting details be submitted for approval, these have been received and are acceptable.

In order to ensure that there is as little disruption as possible during the period of construction, it is recommended that a condition is imposed requiring the submission of a construction management plan.

It is therefore considered that subject to the recommended conditions, there would be no significant adverse impact on the residential amenities of these properties.

### **Highways**

In response to the previous reason for refusal, the applicants have submitted the additional information, required to address the issues identified. The Strategic Highways Manager (SHM) has assessed all the relevant information (consultation response above), and concludes that the development is now acceptable in highway safety terms.

It is acknowledged that there are problems with congestion at peak times on the gyratory system, but given the size of the proposed store and its close proximity to local residential properties, it is not considered that traffic generation would have a significant adverse impact on this.

One of the objectors has expressed concern that the cost of providing the Puffin crossings and moving the bus stop, could not be justified in the current economic climate. It should be noted that the cost of this would be the responsibility of the developer not the Council..

The concerns of the objectors have been given careful consideration; however given the positive response of the SHM, a refusal on highway safety grounds would not be reasonable.

The proposal is therefore considered to be acceptable in highway safety terms, in compliance with the requirements of Policy GR9 of the adopted local plan.

## **CONCLUSIONS**

It is considered that the principle of retail development on the site is acceptable. The scale of retail development proposed by this application is also considered acceptable. The design of the proposed convenience store would be acceptable. The relationship between the development and surrounding residents is considered to be acceptable.

## **RECOMMENDATION:**

### **Approve subject to the following conditions:**

1. Standard time limit
2. Development in accordance with the approved plans
3. Submission and approval of external materials and finishes
4. The maximum weight of vehicles allowed to deliver to the site restricted to a maximum of 7.5 tonnes
5. Submission and approval of details of the access barriers to the Manchester Road entrance.
6. Access and car parking completed prior to the store beginning to trade
7. Prior to the store beginning to trade the developer will provide and install both Puffin crossings which will serve the site in order that safe accessibility is provided to and from the site at the time of first operation. This provision will also require the relocation of the existing bus stop lay-by. (To be secured by a s278 Agreement)
8. Tree protection measures
9. Submission of a landscaping scheme
10. Implementation of landscaping scheme
11. Submission of a construction management plan
12. Construction hours limited to 0800 to 1800 hours Monday to Friday, 0900 to 1400 hours on Saturdays and no working on Sundays or Public Holidays
13. Submission of a method statement should pile foundations be required
14. Submission of a method statement for any floor floating taking place
15. Deliveries to be to between 0630 to 1900 hours
16. Opening hours to be between 0630 to 2100 hours

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.

