

Application No: 12/3234C  
Location: Waggon And Horses, WEST ROAD, CONGLETON, CW12 4HB  
Proposal: Alterations and extension to existing building.  
Applicant: Marston's PLC  
Expiry Date: 16-Oct-2012

### **SUMMARY RECOMMENDATION**

**Approve with conditions**

### **MAIN ISSUES**

- Principle of Development
- Design - Character and Appearance
- Impact on Amenity of Adjacent Properties
- Highways and Parking

## **1. REASON FOR REFERRAL**

This application has been called in for determination by the Southern Planning Committee by Local Ward Councillor Gordon Baxendale. The reasons for calling in the application are as follows:

- Highway grounds and significant loss of amenities, lack of information of change of use to convenience store

## **2. DESCRIPTION OF SITE AND CONTEXT**

This application relates to the site of the Waggon and Horses public house and associated car park, located on the traffic island bounded by West Road and Holmes Chapel Road in Congleton. The former Jewson's builder's merchant is located directly to the south of the site, with the roundabout to the west and residential properties to the north and an adjacent vehicles sales and repair business. The site is within the Congleton Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review.

## **3. DETAILS OF PROPOSAL**

This application is for the alteration and extension of the Waggon and Horses public house on West Street in Congleton to facilitate changing the premises into a convenience store. The extensions would attach to the rear west facing elevation where there are already some single storey projections. The extensions would replace an existing open terraced area adjacent to the existing car park.

#### **4. RELEVANT HISTORY**

0862/3 - NEW FLOOR AND COVERED WAY TO LADIES TOILET – Permitted 19.11.1974

14404/3 - CONVERSION OF PART OF PREMISES FOR USE AS FISH & CHIP & CHINESE TAKE-AWAY MEAL SHOP – Permitted 14.09.1982

26750/3 - SINGLE STOREY EXTENSIONS AND ALTERATIONS – Permitted 01.12.1994

08/0884/FUL - Erection of gazebo structure to provide a covered external drinking and smoking area – Permitted 22.07.2008

#### **5. POLICIES**

##### **Local Plan Policy**

PS4	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
S2	Shopping and Commercial Development Outside Town Centres

##### **Other Material Considerations**

National Planning Policy Framework

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

##### **Strategic Highways Manager**

None received at time of writing report

##### **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.

## OPERATIONAL PHASE OF DEVELOPMENT

The main areas of concern regarding noise impact relate to:

### a) Deliveries

A delivery bay is not identified on the plans.

### (b) New Plant and Equipment

3 No. AC units and a condenser is proposed. No noise data has been submitted regarding the characteristics of the introduction of new noise sources and their impact on the neighbouring residencies.

At this location, the ambient noise level is predominated by road traffic noise. This background noise may mask plant noise through the daytime. However, 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 Storage/ Bin Store / Trolley Park

How shall waste be transferred from the store? What is the proposed frequency of movements? What time of the day shall they take place?

### *Noise Mitigation Scheme Required*

There is insufficient information contained within the application to determine if a loss of amenity caused by noise arising from the proposed development shall result.

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.

The assessment shall address the issues mentioned above, the hours of operation and any other noise generating activities that the store will contribute, for example operation of roller shutters.

Measurement of the existing background noise level and noise prediction calculations arising from the proposed development shall be detailed. This can be achieved by measurement and/or prediction calculation models, taking into account the combination of the developments individual noise sources and any attenuation afforded by ground, distance and/or barriers. This will enable the applicant to assess in isolation the developments noise impact in order to develop noise mitigation strategies to mitigate the noise impact of the proposed development on residential amenity.

Any mitigation shown as part of the report must demonstrate by measurement or prediction calculation that internal noise levels at sensitive receptors (monitoring point to be agreed) achieves the "good" standard within BS8233:1999 and external noise levels as detailed in WHO Guideline for Community Noise, 1999.

A scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise shall also be included.

The noise impact assessment shall address the following:

The rating level ( $L_{Aeq,T}$ ) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level ( $LA_{90,T}$ ) by more than - 10dB at any time when measured at the nearest noise sensitive premises.

Noise measurements and assessments shall be carried out in accordance to BS 4142 "Rating industrial noise affecting mixed residential and industrial areas". 'T' refers to any 1 hour period between 07.00 hrs and 23.00 hrs and any 5 minute period between 23.00 hrs and 07.00 hrs.

The rating level of the noise emitted from the site shall not exceed the existing background level. The measurement and assessment shall be made in accordance with BS4142:1997, Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. The assessment shall detail what steps are to be taken to mitigate any noise disturbance.

BS 4142, BS8233 and World Health Guidelines give values and design ranges for the measurement of noise. It is VERY UNLIKELY that anyone other than a qualified, experienced noise consultant will be able to carry out an assessment of noise. For information the Institute of Acoustics [www.ioa.org.uk](http://www.ioa.org.uk) can provide a list of qualified acousticians.

A representative assessment is required; this will take into account the information provided by the documents above, in addition any special circumstances must be mentioned in any report. e.g. tonal values, impact noise, number and loudness of individual events, weather conditions etc. Shortened measurement periods may be acceptable provided they are agreed in advance.

The noise assessment needs to cover the noisiest periods, taking into account the character of the area.

#### Hours of Operation

Clarification is sought with regards the hours of operation.

#### 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

#### *Hours Of Demolition And Construction*

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

#### *Pile Foundations*

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

#### *Floor Floating (Polishing Large Surface Wet Concrete Floors)*

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

#### *Major Development Construction Phase Environmental Management Plan*

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.

#### *Air Quality*

The plans associated with the application appear to show the alterations are for the use of the building as a convenience store

The development lies on the boundary of the A34 West Road Air Quality Management Area which was declared in 2005 as a result of breaches of the European Standard for nitrogen dioxide

Insufficient information has been submitted with the application relating to the impact of the development on local air quality and specifically within the Air Quality Management Area. 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.

## **7. VIEWS OF THE TOWN COUNCIL**

Refuse - due to the plans appearing to show the alterations are for the use of the building as a convenience store.

## **8. OTHER REPRESENTATIONS**

A total of 2 letters of representation have been received objecting to this application on the following grounds:

- Local highway network very busy
- Poor access to site for customers and deliveries
- Increased congestion
- Increased noise from deliveries, and compressors running 24hrs a day for the refrigeration or air conditioning units
- Proposed opening hours
- Already enough supermarkets in the area
- Eyesore when coming into Congleton
- Site is not large enough for this type of business or delivery vehicles
- Pelican crossings too close to roundabout raising serious health and safety issues
- Lighting at front of premises

## **9. APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement

## **10. OFFICER APPRAISAL**

### **Principle of Development**

This application is for the extension and alteration of the Waggon and Horses public house in Congleton. The proposals are to facilitate the change of use of the premises from a drinking establishment (Use Class A4) to a retail convenience store (Use Class A1). The Use Classes Order allows movement between certain use classes without requiring the benefit of planning permission, which includes a permitted change from A4 to A1. Consequently, this application is not to consider the merits of the change of use. The key issues to consider are; the impact of the alterations and extensions on the character and appearance of the site and the area, the impact on the residential amenity afforded to neighbouring properties and other issues raised by representation.

The site is within the Congleton Settlement Zone line where there is a general presumption in favour of development provided that it is in keeping with the towns scale and character and does not conflict with other relevant policies of the local plan. This application is for the extension of existing commercial premises and therefore is acceptable in principle subject to compliance with other material planning considerations.

### **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.

The proposed extensions would attach to the rear west facing elevation of the building fronting the car park. There are already 2 single storey projections positioned on each side of the west facing elevation with an open terraced area situated in between and to the left hand side. The proposed extensions would occupy the open terraced area whilst extending the existing single storey projections. Thus, the proposed extensions would span the whole width of the rear elevation.

The extensions would be single storey stretching some 13.9 metres from the main two-storey part. The extensions would respect the scale and proportions of the main two-storey part of the building as it would step down from the main pub allowing the two-storey part to remain dominant. The extension would be well distanced from neighbouring buildings and as the scale would be acceptable.

As viewed from the street, the massing of the side elevations would be broken up with some niches. The extensions would be brick built, roofed with tile and the facades would be rendered to match the main building. The end elevation facing the car park would have 3 apex gable features with valley roof joints which would introduce a frontage and improve the appearance of the back of the building facing the roundabout.

In design terms, the proposed extensions would respect the scale and appearance of the main pub and would not detract from the character or appearance of the area. As such, the design of the proposals is deemed to be acceptable and in compliance with local plan Policies GR1 and GR2.

### **Impact on the Amenity of adjacent properties**

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.

Owing to its position on a traffic island, the site is detached from neighbouring properties and as such enjoys decent separation with the nearest neighbours. The proposal will not therefore give rise to loss or privacy, loss of sunlight or increased direct overlooking.

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 with no planning controls / restrictions over times of opening or deliveries etc. In addition, the proposal does not propose a change of use as this is not required. The building can 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 and air quality would not be reasonable or sustainable. Hours of construction, piling and floor floating have been recommended, and these are considered to be reasonable and should be imposed.

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. This detail can be secured by condition. As the proposal does include the provision of 3 A/C and condenser units, it is recommended that a condition requiring details of the acoustic enclosure of these units is submitted and approved before development commences. It is therefore considered that subject to the recommended conditions, there would be no significant adverse impact on the residential amenities of neighbouring properties.

## **Highways and Parking**

The extensions would not encroach onto the existing parking area and as such the number of spaces would not be affected. The car park benefits from 2 points of access, one to the north of the car park off Holmes Chapel Road and the second to the south of the car park off West Road. These would not be altered and it is not considered that the extensions would not give rise to highway safety concerns.

## **11. CONCLUSIONS**

This application is to consider the extension and alteration of the existing Waggon and Horses public house. The proposal is not to consider a change of use to a retail convenience store as this does not require planning permission. The design of the proposed extensions and alterations would be acceptable. The relationship between the development and surrounding residents is considered to be acceptable and the issues of noise identified by Environmental Protection could be dealt with by condition.

The proposed development being considered as part of this application would not adversely affect current parking or highways considerations. The proposed development is therefore considered to be in compliance with the relevant local plan policies and guidance contained within the National Planning Policy Framework.

## **12. RECOMMENDATIONS**

### **APPROVE with 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. Deliveries to be to between 0630 to 1900 hours
6. Opening hours to be between 0630 to 2300 hours
7. Details of lighting to be submitted to and approved
8. Details of bin storage to be submitted and approved
9. Details of acoustic enclosure of fans / compressors and noise generating equipment to be submitted and approved
10. 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
11. Submission of a method statement should pile foundations be required
12. Submission of a method statement for any floor floating taking place

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