

Application No: 16/5788C

Location: Grove Inn, MANCHESTER ROAD, CONGLETON, CW12 1NP

Proposal: Proposed conversion of public house and extensions & additions to form retail premises, cafe, pharmacy and managers flat

Applicant: Mr J Yu, Yu Developments

Expiry Date: 31-Jan-2017

SUMMARY

The proposed development represents a sustainable form of development which does not raise significant or adverse issues with regard to design, amenity or highway safety. The proposed development is therefore considered to be compliant with Local and National Planning Policy and as such is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application is referred to Northern Planning Committee as the application has been “called in” by Councillor George Hayes for the following reason:

This application is overbearing and out of keeping with the local area. It could be considered that this is over development of the site and it will certainly have a detrimental impact on the existing overburdened highways network in this area. The previous application (which was a two storey application) was more acceptable and hence, was approved at planning, but the additional storey of the building effectively in a mansard roof will add unnecessary floor space and creates overlooking concerns for neighbouring residents as well as potential loss of light. The way in which this development has already been made (retrospective application) has caused a variety of concerns locally and enforcement monitoring is required, regardless of the outcome of the determination of this application.

PROPOSAL

This application seeks planning permission for the conversion, alteration and extension of the former public house (known as Grove Inn), and the change of use of the building to a mixed use development comprising retail floorspace on ground floor; a café and pharmacy on first floor; and a residential flat at second floor within the roof space.

The proposal comprises side and rear extensions and the raising of the eaves and ridge height of the original building. External alterations include the creation of new openings. The scheme also includes changes to the site access, amended car parking layout and external landscaping. The scheme includes the creation of a pedestrian crossing.

The application development is at an advanced stage of construction with the extensions and change to roof height completed and as such, in terms of this operational development, the scheme is partly retrospective.

SITE DESCRIPTION

The site relates to the site of the former Grove Inn Public House which lies within the Settlement Zone Line of Congleton as defined by the Local Plan Proposals Map. The site lies at the northern end of the settlement and is sited on an island at the junction of Manchester Road and Macclesfield Road. The island is shared with an ambulance station, however the surrounding area is predominantly residential.

As detailed above, the application site is currently under redevelopment.

RELEVANT SITE HISTORY

16/5521C - Variation of Conditions 6 and 11 to approved application 15/3850C – undetermined

16/3000C - Variation of Condition 2 on 15/3850C conversion of existing public house and extensions to form new retail premises and first floor offices – undetermined

15/3850C - Conversion of existing public house and extensions and additions to form new retail premises and first floor offices – approved – 15/10/15

12/2147C - The Replacement of the Vacant Public House with a Convenience Outlet Store – approved – 23/03/15.

12/0384C - Replacement of Vacant Public House with Convenience Retail Outlet store – refused – 20/03/12.

12/0381C - Prior Notification of Proposed Demolition of Two Storey Brick Built Public House – Approval not required – 22/02/12.

LOCAL & NATIONAL POLICY

Congleton Borough Local Plan (2005)

PS4	Towns
GR1	General Criteria for Development
GR2	Design
GR4	Landscaping
GR5	Landscaping

GR6	Amenity & Health
GR7	Amenity & Health
GR9	Accessibility, Servicing and Parking Provision
GR10	Accessibility, Servicing and Parking Provision
GR17	Traffic Generation
GR19	Infrastructure
H4	Residential Development in Towns
S1	Shopping Hierarchy
S2	Shopping and Commercial Development Outside Town Centres

Cheshire East Local Plan Strategy – Submission Version (CELP)

Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG1 - Overall Development Strategy
Policy PG2 - Settlement Hierarchy
Policy PG6 – Spatial Distribution of Development
Policy SD1 - Sustainable Development in Cheshire East
Policy SD2 - Sustainable Development Principles
Policy EG5 – Promoting a Town Centre First Approach to Retail and Commerce
Policy SE1 – Design
Policy SE2 - Efficient Use of Land
Policy SE4 - The Landscape
Policy SE5 - Trees, Hedgerows and Woodland

National Policy

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7 – Achieving Sustainable Development;
14 - Presumption in favour of sustainable development;
17 – Core planning principles;
23-27 – Ensuring the vitality of town centres;
32 – Promoting sustainable transport;
47-50 - Wide choice of quality homes;
56-68 - Requiring good design; and,
69-78 - Promoting healthy communities;

The National Planning Practice Guidance (NPPG)

CONSULTATIONS

CEC Highways:

No objection.

Environmental Protection:

No comments received

Congleton Town Council:

Object for following reason:

- Roof line too high
- Obtrusive and overbearing

REPRESENTATIONS

Four letters of objection received. The salient planning points being:

- Three storey development should have been applied for prior to commencing development;
- Position of puffin crossings are of concern;
- Will make traffic in this location worse;
- Development is fundamentally unsafe;
- Roof dwarfs nearby properties;
- Raised eaves makes roof look too high;
- Flat not required by the community;
- Building now obtrusive; and,
- Loss of privacy from second floor windows.

APPRAISAL

Key Issues

- Preamble;
- Principle of development;
- Design Considerations;
- Impact upon the amenity of neighbouring properties; and,
- Highway safety implications.

Preamble

Planning permission has been approved for the redevelopment of the site under planning permission 15/3850C. That permission approved the conversion and extension of the former pub, to create a mixed use premises comprising retail, café and office floorspace. That permission has been commenced, however the development has not been carried out in accordance with the approved plans by raising the eaves and ridge height of the development.

Consequently, planning application 16/3000C was submitted to regularise the unauthorised operational development through a variation of the approved plans condition. Following review of the amended plans it was observed that the amended floorplans sought to change the mix of uses on the site. This would result in a fundamentally different form of development to that which was approved under 15/3850C.

This application has therefore been submitted to regularise the unauthorised operational development, and seek approval for the revised mix of uses within the development.

Principle of Development

The application proposals relate to the introduction of a shop, café, pharmacy and dwelling. The site is located within the settlement zone line for Congleton. Policies S1 and S2, which relate to shopping and commercial developments within Towns (outside of town centre) states that such development will be permitted where the development is of an appropriate scale intended to serve the needs of a locality. Planning permission has been approved for the construction of shop and café at this site, which has established the principle of these uses in this location. The application proposals do not significantly alter the proportions of retail and commercial floorspace at the site and as such would remain of an appropriate scale to remain in accordance with Local Plan Policy.

The scheme also includes the introduction of a dwelling on the site, which purports to be a flat for a site manager. The dwelling would be at second floor level within the roofspace. Policy PS4 states that within such locations there is a general presumption in favour of development, while Policy H4 states that residential development in such locations is acceptable in principle.

The main issues in this instance are the impact of the development on the character and appearance of the area; the amenity of neighbouring properties; and the impact on highway safety.

Design Considerations

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.”*

As detailed previously, planning consent has been approved for the conversion, alteration and extension of the original building. The development has not been carried out in accordance with the approved scheme as the height of the building to eaves and ridge has been increased. The main consideration in this regard therefore is whether those alterations result in significant harm to the character and appearance of the area. A number of objections have been received raising concern over the scale of the building being obtrusive and overbearing. The eaves height (of the principal southern elevation) of the originally approved scheme was 5.6m and the development had a ridge height of 8.9m. The height of the proposal as submitted is 6.3m to eaves and 9.6m to ridge. Therefore, comparatively, taking measurements from the same point, the proposed development is 0.7m higher to both eaves

and ridge. The proposed increase in height has facilitated the use of the roofspace to provide a flat.

The alterations to the building, by their very nature, increase the bulk and mass of the building. The surrounding area is predominantly residential and two storey in scale. The application site is located on an island, adjacent to two main roads and as such the building occupies a prominent position within the streetscene. Notwithstanding the prominent position of the site, it is considered that the alterations retain, and are sympathetic to, the original character of the building. The increase in mass does not significantly alter the overall character and appearance of the building and retains an appropriate scale. Therefore, the proposals do not result in a development which is unduly out of character with its surroundings to cause demonstrable harm to the character and appearance of the area.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

The application building is sited 31m from the front elevation of the dwellings to the east and 22m from the properties to the east. This is considered to be sufficient distance for the proposed development not to have an overbearing, overshadowing or visually intrusive impact on those properties. It is also noted that there are busy main roads between the application site and nearby dwellings which lessens the sensitivity of the relationship.

Concern has been raised with regard to loss of privacy resulting from openings within the scheme. The spacing distance between the application building and nearby properties will be retained as approved, which is greater distance than minimum spacing standards. The number of windows within the walls of the east and west elevations would also be as approved in the extant permission. Roof lights to serve the roofspace flat are proposed within the west elevation, however the spacing with properties on the opposite side of Manchester Road (22m) is sufficient to retain privacy. The dormer window and roof lights within the rear elevation (facing north) would not face directly towards residential properties and as such would not give rise to amenity issues.

The application proposes opening hours of 07:00 to 22:00 for the retail use and 08:00 to 21:30 for the proposed café use. These hours of operation are considered to be acceptable which would not give rise to significant amenity issues through noise and disturbance.

Highways

The development proposes a total of 29 off street car parking spaces to serve the development in its entirety. Provision will also be made for cycle and motorcycle parking. Assessing the proposed mix of uses against the emerging parking standards contained within Appendix C of the emerging local plan, the development would have a parking demand for 32 spaces (12 for retail, 16 for café, 2 for pharmacy and 2 for the dwelling). The development would therefore have a slight under provision of parking of 3 spaces. Notwithstanding this, the scheme proposes cycle and motorcycle parking and is a very sustainable location. It is also worthy of noting that there was an under provision of car parking of 13 spaces on the

previously approved scheme which was considered to be acceptable in this sustainable location.

The scheme proposes access to the site to be provided solely from Macclesfield Road with the vehicular point of access from Manchester Road being closed off. The point of access will be as previously approved and as such is considered to be acceptable for the proposed mix of end uses. The scheme provides provision for servicing which enables 12m rigid/7.5tonne HGV vehicles to enter and exit the site in a forward gear.

To improve pedestrian accessibility to the site the scheme proposes the installation of two puffin crossings to the site. Again, the previous scheme included two puffin crossings, one on Macclesfield Road and one on Manchester Road. The position of the crossing on Macclesfield Road has been amended so that it is clear of the existing bus stop.

The proposed highway works have been the subject of a Road Safety Audit, which concludes that there are no fundamental design issues with the scheme.

The Strategic Infrastructure Manager is satisfied that the proposed layout and highways works are acceptable and will not give rise to highway safety issues. Consequently the proposed development is considered to be acceptable and no objections have been raised.

Other matters

Concern has been raised locally that the development has not been carried out in accordance with the application originally approved. The concerns relating to this retrospective and unauthorised development are noted and the development has proceeded at the risk of the applicant. Notwithstanding this, the application needs to be assessed against relevant planning policy and determined on its merits, which in this instance is considered to be acceptable.

Conditions

The recommendation to approve is subject to conditions. Those conditions on the original consent, where they remain relevant, have been replicated in the recommendation. As the construction is at an advance stage it is not considered that conditions relating to piling, floor floating or construction management plan remain necessary.

Conclusion

The proposed development represents a sustainable form of development which does not raise significant or adverse issues with regard to design, amenity or highway safety. The proposed development is therefore considered to be compliant with Local and National Planning Policy and as such is recommended for approval.

RECOMMENDATION

Approve subject to following conditions:

1. Development to be carried out in accordance with approved plans
2. Development to be carried out in strict accordance with materials detailed in application

3. The maximum weight of vehicles delivering to the site shall be restricted to a maximum weight of 7.5 tonnes
4. Access shall be completed and made available prior to first use
5. Puffin crossings shall be provided and made available prior to store beginning to trade
6. Tree Protection measures to be retained during construction
7. Hours of deliveries to the development shall be limited to 06:30 to 19:00
8. Hours of operation of the uses hereby approved shall be limited to 07:00 to 22:00

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

