

Application No: 13/0673N

Location: OVERWATER MARINA, COOLE LANE, NEWHALL, CHESHIRE, CW5 8AY

Proposal: Variation of condition 22 on approval P08/1239 relating to the use of the cafe/shop

Applicant: Janet Maughan

Expiry Date: 20-May-2013

SUMMARY RECOMMENDATION: Approve with conditions

MAIN ISSUES:

- **Impact of varying condition 22 on planning approval P08/1239 relating to the use of the café/shop**

1. REASON FOR REFERRAL

This application is to be determined by the Southern Planning Committee because the application is for the variation of a condition of a major development which has a site area which exceeds 1,000 square meters.

2. DESCRIPTION OF SITE AND CONTEXT

The marina is located on the east side of Coole Lane but west of the Shropshire Union Canal. The access is located north of the barn conversion known as Sandown Reach and south of the dwelling known as the Beeches. The café/shop within the site has been open to the public for sometime however condition 22 of the original permission for the site states,

'The cafe in the facilities building hereby approved shall be for the benefit of users of boats at the marina only and not for use by the general public. It shall be limited to the area shown on drawing number 6039/2/P/101 rev C and shall not be extended in any way without the prior submission and approval of a separate planning application.'

Reason:- To ensure that the cafe is ancillary to the use of the marina and enable the Local Planning Authority to exercise control over development at the site, in the interests of sustainable development and shopping Policies which seek to ensure that retail activities are concentrated in towns and villages of the Borough. In accordance with Policies NE.2 (Open Countryside), NE.11 (River and Canal Corridors), E.6 (Employment Development in the Open

Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011'.

3. DETAILS OF PROPOSAL

The application seeks to vary condition 22 by removing the reference to *'shall be for the benefit of users of boats at the marina only and not for use by the general public'*, therefore allowing the café/shop to be used by the general public.

4. RELEVANT HISTORY

11/1223N - Footbridge over Marina Entrance – Approved with conditions 12th July 2011

09/2831N - Variation of Condition 9 of Planning Approval P08/1239 for Construction of Inland Waterways including Marina Facilities Building, Workshop, Footbridge, Associated Footpaths, Landscaping and Car Parking – Refused 19/10/2009

09/2957N - H frame pole mounted substation transformer and switch house – Approved with conditions 20th November 2009

P08/1239 - Construction of Inland Waterways including Marina Facilities Building, Workshop, Footbridge, Associated Footpaths, Landscaping and Car Parking - approved 21st January 2009.

5. POLICIES

National Planning Policy

National Planning Policy Framework

North West of England Plan – Regional Spatial Strategy 2021.

DP7 Promote Environmental Quality

RDF2 Rural Areas

MCR4 South Cheshire

W6 Tourism and the Visitor Economy

W7 Principles for Tourism Development

RT2 Managing Travel Demand

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

Policies in the Borough of Crewe and Nantwich Replacement Local Plan 2011

NE.2 (Open Countryside)

NE.11 (River and Canal Corridors)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage Utilities and Resources)

RT.6 (Recreational Uses in the Open Countryside)

RT.8 (Promotion of Canals and Waterways)

TRAN.6 (Cycle Routes)

TRAN.9 (Car Parking Standards)

6. CONSULTATIONS (External to Planning)

Highways: No highway objections.

Environmental Health: No objections

Environment Agency: No comment to make.

Cheshire Wildlife Trust: No comments to make.

Natural England: No comments to make.

Canal and River Trust: No comment to make

Public Rights of Way: Can confirm that the development does not appear to affect a public right of way.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

Newhall Parish Council: No representations to make.

Audlem Parish Council: Audlem Parish Council wishes to convey that it strongly supports the planning application 13/0673N for removal of conditions at Overwater Marina.

8. OTHER REPRESENTATIONS:

A letter of general observation has been made by the occupier of 1 household. The main issues raised are;

- Although originally objected to the original development, impressed with the execution of the development,
- Although retrospective the proposed variation of condition is in keeping with the development as a whole,
- The marina has become a valuable addition to the local community and providing for a wider clientele would not be detrimental provided it does not detract from the established businesses in local areas,
- Committee should consider imposing a condition to improve pedestrian and cyclist access from the canal towpath by upgrading the surface of the access both along the two perimeter access lanes from the canal bridge adjacent to the Marina and from the stile from the lane into the Marina itself, both of which are difficult after wet weather and when the cattle have been driven along the lane. A failure to improve such access will deter passing foot and cyclist traffic from the canal, defeating one of the aims of the application and inevitably, the majority of increased trade will then use Coole Lane as the access point, which is particularly unsuitable for pedestrian visitors.

Letters of objection have been received from the occupiers of 3 households. The main issues raised are;

- No facilities were ever approved for the general public but have always been used for this reason,
- Access to the marina should remain private for safety reasons,
- Commercial use in the rural area is detrimental to the surrounding area,
- Various restrictions on the original permission have not been adhered to,
- Noise and general disturbance are already an issue,
- Live music events should not be permitted,
- Various comments have been left on Tripadvisor website clearly showing the café has been open to the public for some time,
- The marina has increased the amount of traffic in the area,
- During consultations of the original application the applicant assured that the café would not be open to the general public.

9. APPLICANT'S SUPPORTING INFORMATION:

All details of the application are within the application form which is available to view on the planning website.

10. OFFICER APPRAISAL

Principle of Development

The principle of development of the Marina at the site has already been accepted and is currently developed and has been open since 2010. This application seeks solely to vary condition 22 in relation to the use of the café/shop by the general public at the site. The main issues of this application are therefore the impact of varying the condition on the character and appearance of the open countryside, highway safety and neighbouring amenity.

Impact on the character and appearance of the Countryside

The proposal seeks permission to alter condition 22 of the permission P08/1239 to allow the general public to use the café and shop on the site. This application is retrospective as the café/shop is currently open to the general public and would appear to have been for several years.

The reason for attaching the condition on the original application was,

'Reason:- To ensure that the cafe is ancillary to the use of the marina and enable the Local Planning Authority to exercise control over development at the site, in the interests of sustainable development and shopping Policies which seek to ensure that retail activities are concentrated in towns and villages of the Borough. In accordance with Policies NE.2 (Open Countryside), NE.11 (River and Canal Corridors), E.6 (Employment Development in the Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011'.

Since the original application was approved the National Planning Policy Framework has been introduced which has a clear aim to support economic growth in rural areas. The NPPF aims to support sustainable rural tourism and leisure development that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. (para 28).

Local Plan Policy RT.8 allows for development to promote the use of canals provided there is no adverse impact on the surrounding environment. Policy BE.2 states that development should achieve a high standard of design and wherever possible enhance the built environment: also that development should respect the pattern character and form of its surroundings.

The café/shop unit has been used in breach of the condition for several years and does not appear to have had a significantly detrimental impact on the surrounding area by means of impact on the surrounding businesses, amenity or highway. It is considered that the café use should be restricted to A3 use only, removing the ability to change to A1 or A2 without permission. The limited size of the floor space of the shop element would restrict the ability for it to become a significant retail impact on the rural economy. This would allow the Local Planning Authority to retain an element of control over the use of the site and require a further planning application for any alterations. It is therefore considered that opening the café up to the general public would not have a significant impact on the character and form of the rural location, and would help to improve the vitality of the rural area.

Amenity

The use of the café/shop for the general public is likely to increase the traffic movements to and from the site from that which was considered in the original application. However, given the proposal is retrospective it is unlikely that the change of the condition will have a significant increase in traffic movements than that which already occurs, and therefore in turn the proposal is unlikely to have a significantly negative impact on neighbouring amenity. Environmental Health has raised no objection to the alteration of the condition and therefore it is considered unlikely that the proposal would have any increased adverse impact on the neighbouring dwelling than that which has already been accepted and occurs currently.

Impact on Highway Safety

Whilst it is noted that the use of the café/shop for public use was not considered within the original application, the building has been open to the general public for several years. The Strategic Highways Manager has raised no objections to the proposal and it is therefore considered that the current traffic created by the site is acceptable and therefore altering the condition will not have a severely detrimental impact on highway safety.

11. CONCLUSIONS

The National Planning Policy Framework seeks to support sustainable rural tourism and allowing the building to be lawfully used by the general public will help to improve rural tourism in the area. The building has been available to the general public for sometime and therefore it is considered that the proposal to alter the condition would not have a negative impact on the neighbouring amenity or highway safety. The proposal is therefore considered to comply with Local Plan policies NE.2 (Open Countryside), NE.11 (River and Canal Corridors), E.6 (Employment Development in the Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan and the National Planning Policy Framework.

12. RECOMMENDATION
Approve with conditions

1. Approved plans
2. Maintenance of landscaping approved under condition 5 of P08/1239
3. No Boats moored at the marina shall be used as the main or only dwelling for any persons
4. Workshop for repairs/servicing /maintenance only for boats based at the marina or those arriving by water only
5. No outside storage, excluding storage of boats awaiting repair,
6. Hours of operation for workshop 08.00 until 18.00 Mondays to Saturdays with no working on Sundays and Bank Holidays
7. The café in facilities building shall be limited to the area shown on drawing number 6039/2/P/101 rev C and shall be restricted to Use Class A3 only, with no permitted changes usually allowed under the Use Classes Order. The building shall not be extended in any way without prior submission and approval of a separate planning application.
8. Shop and Chandlery to be limited to sale of food items and goods required by boaters and not general retail
9. Withdraw permitted development rights for statutory undertakers
10. All workshop repairs, servicing, cleaning/painting of hulls and maintenance shall take place inside the building with doors closed.
11. No hire boats available from the marina without the prior submission and approval of a planning application

