

Application No: 11/2324N

Location: 2 WESTON COURT, SHAVINGTON, CREWE, CW2 5AL

Proposal: Convenience Store, Retaining Existing A1 Class Use (as application 7/16196). Shop Front to Accommodate External Automatic Teller Machine and External Air Conditioning Equipment on Flat Roof

Applicant: Mr M Sutherland, M H & N Services Ltd

Expiry Date: 18-Aug-2011

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- The impact upon the character and appearance of the streetscene
- The impact upon amenity
- The impact upon highway safety

REASON FOR REFERRAL

Councilor David Brickhill has called in this application to Southern Planning Committee for the following reasons:

1. Noise from the air conditioning units would disturb the neighbours
2. The cash machine will give rise to loitering and robbery
3. The Bollards will obstruct a right of way

This application was deferred by Members for a site visit.

DESCRIPTION OF SITE AND CONTEXT

The application unit faces east, fronting onto Crewe Road, Shavington within the Shavington Settlement Boundary. The unit is currently a vacant shop, to the rear of which, are residential flats.

DETAILS OF PROPOSAL

Revised plans have been submitted for an integrated ATM machine, 4 concrete bollards and air conditioning equipment.

The proposed ATM machine would be positioned on the principal elevation of the shop unit which is the western elevation. The machine would measure approximately 0.6 metres in width, 0.6 metres in height and would be positioned approximately 0.9 metres above ground floor level.

The proposed concrete bollards would be inserted into the pavement in front of the shop in 2 sets of 2. The first set of 2 would be set either side of the main entrance door of the shop and the second set of 2 would be positioned either side of the proposed ATM machine. Each bollard would be constructed from concrete and would measure approximately 0.9 metres in height and 0.2 metres in width.

The proposed air conditioning units would be positioned on the roof of the shop on the southern elevation. 3 units would be positioned adjacent to each other and combined would measure approximately 2.6 metres in width, 0.3 metres in depth, 1.7 metres in height would be positioned approximately 3.2 metres above ground floor level.

RELEVANT HISTORY

P01/1032 – Proposed alterations to shop entrances to create disabled access – Approved 5th December 2001

P94/0510 – COU ex workshops/shops to form 6 residential flats –Refused 25th August 1994 (Appeal allowed January 1995)

P94/0942 – COU of existing workshops/shops and subdivision of existing residences to form 6 residential flats (amended scheme) – Approved 15th December 1994

P93/0327 – Extension and re-modeling – Refused 24th June 1993

P92/0867 – Extension and re-modeling – Refused 18th December 1992

P92/0214 – Provision of car parking area – Refused 21st May 1992

7/20027 – Formation of car parking area – Refused 26th September 1991

7/16196 – COU from Class A2 to Class A1 – Approved 15th November 1988

7/14195 – Illuminated sign – Approved 24th June 1987

7/13997 – COU from shop to office – Approved 19th March 1987

7/11045 – COU to office accommodation – Approved 7th June 1984

7/08884 – Alterations to shops, first floor made into flats – Approved 10th June 1982

7/07871 – 1 illuminated projecting sign – Approved 6th April 1981

7/07698 – COU butchers shop to fried fish and chip shop – Refused 26th February 1981

POLICIES

National policy

PPS1 – Sustainable Development

Local Plan Policy

BE.1 – Amenity

BE.2 – Design Standards

BE.18 - Shop fronts and advertisements

CONSULTATIONS (External to Planning)

Highways – No objections

Environmental Health – Concerns regarding the potential noise pollution that would be generated from the air conditioning units. As such, a condition is proposed to limit the level of noise generated from the units to 5 dB below the existing background noise.

It is advised that 'In the 1997 method for rating industrial noise affecting mixed residential and industrial areas, the assessment method states that you assess the likelihood of complaints by subtracting the measured background noise level from the rating level, the greater the difference the greater the likelihood of complaints. A difference of around +10dB or more indicates that complaints are likely; a difference of around +5dB is of marginal significance and if the rating level is more than 10dB below the measured background noise level then this is a positive indication that complaints are unlikely. Hence 5dB below the measured background would also be that complaints are unlikely, especially as 5dB above background is of marginal significance.'

VIEWS OF THE PARISH COUNCIL

Shavington-cum-Gresty Parish Council – Object to the proposal due to concerns regarding the potential noise that would be generated by the air conditioning units and its impact on nearby residents. They also recommend that the hours of operation should be set to 7am to 10pm as per other convenience stores in the village.

OTHER REPRESENTATIONS

Grove House, 91 Crewe Road, Shavington – Object to the Change of Use of this store because of parking issues, threats to local residents, the proposed hours of operation, deliveries causing highway's issues and general use of the unit as a convenience store.

4 Weston Lane, Shavington – Object to the new cash machine because of potential highway's issues, the lack of parking at the site, and the noise that would be created by the air conditioning units.

APPLICANT'S SUPPORTING INFORMATION

Details of the air conditioning units

OFFICER APPRAISAL

Amenity

Policy BE.1 of the Local Plan advises that development will be permitted provided that it would not impact adjacent properties by reason of '*overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.*'

With regards to all aspects of this proposal, none of these developments would impact neighbours by way of overshadowing or overlooking.

In relation to the ATM machine, due to its small size (0.81 metres squared), it is not considered that the proposal would have a detrimental impact upon the visual amenity of the site and Environmental Health have raised no objections with regards to noise.

With reference to the proposed bollards, none of these issues apply.

With regards to the proposed air conditioning units, Environmental Health have raised concerns regarding the potential noise they may generate and how this could potentially impact nearby neighbours. This issue has also been raised by local residents and is one of the main reasons this application has been called in to committee.

Environmental Health have requested a condition be added to the decision notice, should the application be approved, requesting that the noise of the units be limited to no more than 5 decibels below the existing background noise. The applicant would need to measure this existing noise level prior to the commencement of the development.

Also within Policy BE.1 of the Local Plan, it is advised that development will be permitted provided that it does not generate such traffic levels that the development would prejudice the safe movement of traffic on surrounding roads. This is one of the other main reasons of objection raised by local residents.

Highways have been consulted on this application and they raise no objections to the development suggesting that they are satisfied with the proposal from a highway safety perspective. Furthermore, there is an existing parking bay positioned outside of the proposed ATM machine. With regards to the bollards, it has been negotiated between the Council and the applicant that these should be sited closer to the shop than originally proposed, reducing their level of obstruction on the pavement. The bollards would be positioned just 0.2 metres from the shop front.

As a result of the above, it is considered that the proposal fails to adhere with policy BE.1 of the Local Plan.

Design

The designs of all 3 aspects of this application are deemed to be appropriate to the purpose they would serve.

With regards to the ATM machine and the bollards, these developments would be relatively small in nature and as a result, it is not considered that they would have a detrimental impact upon the streetscene by reason of its scale, height, proportions or materials used, which would be typical for such developments.

In relation to the proposed air conditioning units, because they would not be positioned on the principal elevation, but to the side of the dwelling, it is not considered that they would have a detrimental impact upon the streetscene by reason of its scale, height, proportions or materials used, which again, would be typical for such a development.

As a result, it is considered that the proposal would adhere with policy BE.2 of the Local Plan.

Shop Fronts

Policy BE.18 of the Local Plan advises that proposals for the replacement or the rebuilding of shop fronts shall be permitted providing that; existing traditional shop features are retained, the design of the developments are in harmony with the character of the building and streetscene in general, it would not result in a loss of important design features and would be constructed from materials that are compatible with the visual character of the locality.

In response to this policy, due to the small scale of the proposals, it is not considered that any traditional shop features would be lost and the general shop front design would be generally maintained. In addition, the materials used in the development of these features would be appropriate to the purpose they would serve.

As such, it is considered that the proposal adheres with policy BE.18 of the Local Plan.

Other Matters

In response to the issues raised by local residents and the reasons for the committee 'call in', I shall address each of these issues in turn.

One of the main concerns raised were in relation to the potential noise created by the air conditioning units. As discussed, the level of noise emitted from these units would be limited by condition to a figure lower than the existing background noise. As such, once conditioned, it is considered that the level of noise emitted would be reasonable.

With regards to the new ATM machine giving rise to loitering and robbery, the machine would be located on an open main road in a generally quiet suburban area, which is well lit and not secluded in any particular way. As such, it is not considered that the proposal would have such a significant impact by way of crime and disorder to warrant refusal of this application.

In relation to the bollards obstructing the public right of way, highways have no objection to the positioning of these bollards from a highway safety perspective. Furthermore, these bollards have been moved closer to the shop than originally proposed further reducing their obstructiveness.

With reference to the parking and highways issues and the concerns surrounding the hours of opening, these have been primarily raised due to the proposed use of the shop which is not considered as part of this application.

CONCLUSIONS

The proposed developments would be appropriately designed and would not have a detrimental impact upon neighboring amenity or the existing shop front.

As a result, it is considered that the proposal complies with Policies BE.1 (Amenity), BE.2 (Design Standards) and BE.18 (Shop Fronts and Advertisements) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Noise restriction of air conditioning units to 5 db(A) below existing background noise**

