

Application No: 14/5472N

Location: Vine Inn, ROPE LANE, SHAVINGTON, CW2 5DT

Proposal: Erection of Class A1 convenience store including ATM with dedicated external servicing, refuse and plant area, associated car parking and landscaping.

Applicant: New River Retail Property Unit Trust, no

Expiry Date: 16-Jan-2015

SUMMARY:

The site is within the settlement boundary of Shavington where there is a presumption in favour of sustainable development.

Following amendments to the layout, the development is considered to be acceptable in terms of highway safety and parking provision

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon amenity, landscape and design.

Local concerns of residents are noted, particularly in respect of highway safety, residential amenity and impact on the public house and the local community.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to conditions.

RECOMMENDATION:

Approve subject to conditions and the completion of a Section 106 Agreement for contributions to a pedestrian crossing across Rope Lane.

CALL IN

This application has been called in to Southern Planning Committee by Councillor David Brickhill (prior to the election) for the following reason:

"I formally call in this application 14/5472N to be heard by the Southern Planning Committee.

I believe the committee may wish to discuss the reduced number of remaining car parking spaces after the new store has been built. Only if this is found to be inadequate for the needs of the Vine and the Coop, they may then wish to consider whether the store should be smaller to

allow for more spaces. The members may also like to review the design of the building and the impact of its frontage on Rope Lane. Members would have the opportunity to examine the proposed scheme for deliveries and unloading of goods vehicles.”

PROPOSAL

This is an application for full planning permission for the erection of a Class A1 convenience store including ATM with dedicated external servicing, refuse and plant area and associated car parking and landscaping. Thirty car parking spaces would be provided including for the disabled a parents and child. 18 spaces would be provided within the site for the pub and 12 for the convenience store.

Access would be taken from the Vineyard. Plant, bins and cages would be sited at the end of the store on the corner of Rope Lane and The Vineyard and this would be screened with a wall screened by climbing plants.

SITE DESCRIPTION

The application site comprises the existing large car park to the side of the Vine Inn public house in Shavington. To the south is the public house. To the east, residential properties on The Vineyard and to the west are bungalows.

The site is designated as being within the settlement boundary of Shavington.

RELEVANT HISTORY

There are several historic applications on this site, none of which are relevant to this application.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 7, 14 and 19.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the Shavington Settlement Boundary

The relevant Saved Policies are: -

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure

S.8 – Existing District and Local Shopping Centres
NE.17 – Pollution Control

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

CONSULTATIONS:

Highways: No objection subject to a condition requiring the parking to be provided and available for use prior to the store opening and a contribution of £70,000 for a pedestrian crossing on Rope Lane.

Environmental Protection: Recommend conditions/informatives relating to pile driving, floor floating, hours of working, noise and vibration and external lighting.

United Utilities: No objection subject to conditions relating to foul and surface water drainage.

Parish Council: Object to the proposal for the following reasons:

- Adverse effect on the amenity of local residential properties, in particular at the Vineyard.
- Potential for noise and other disturbance for local residential property.
- Concern over delivery vehicle access and congestion and /or obstruction at the junction of the Vineyard with Rope Lane.
- Concern that shoppers will be stopping their vehicles on Rope Lane causing traffic hazards.
- Rope Lane is narrow, and is a bus route and significant increases in the traffic flow at the Vineyard/Rope Lane junction is likely to cause the potential for traffic hazards at this point.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice posted.

At the time of report writing 13 representations have been received which can be viewed on the Council website. They express several concerns including the following:

- Highway safety
- Loss of parking
- Adverse impact on the customers and landlady of the public house
- Unsuitable disabled parking for the public house
- Increase in traffic
- Threat to the continued existence of the public house
- The new store is not needed the existing store is adequate
- Loss of privacy
- Noise nuisance
- Light pollution
- Loss of light
- Poor siting of the building
- Adverse impact on the character of the area
- Will not create the number of jobs put forward
- Inaccuracies in the reports submitted
- Will encourage anti social behaviour
- Lack of publicity
- Reduction in property values

One representation has been put forward in support of the application expressing the view that the store would provide better parking facilities and that the public house is hardly the centre of the community.

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The site is within the settlement boundary of Shavington where there is a presumption in favour of development. The proposal is for a convenience store which is considered to be appropriate for an area such as this.

The issue in question is whether this proposal represents sustainable development and whether the requirements of the policies contained within the development plan.

In terms of retail development the NPPF requires a retail impact assessment if the development has a floor area of above 2,500sq.m. In this case the development would not meet this threshold and a retail impact assessment is not required.

Sustainability

There are three dimensions to sustainable development: - economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

ENVIRONMENTAL SUSTAINABILITY

Trees & Landscape

The site contains a small amount of vegetation and there is a large tree adjacent to the public house which is to be retained. The tree is not protected and already has hard standing immediately adjacent to it. A condition should be imposed requiring tree protection measures to be put in place.

The proposal includes landscaping measures including new hedge and native tree planting to the east of the site. In addition there would be a wall on the corner of Rope Lane and The Vineyard which would have climbing plants trained up it to soften its appearance. The provision of these landscaping measures should also be secured by condition.

Design & Layout

The proposed convenience store would be single storey with a pitched roof a maximum of 6.73m in height to the ridge and 3m to the eaves. This would be a relatively low level building with a lower ridge height than the public house and the residential properties to the rear. Although taller than the bungalows opposite, it is not considered that the building would appear over dominant when viewed from the other side of Rope Lane. The materials used would be facing bricks, grey roof tiles and some render, which is considered to be acceptable and in keeping with the surrounding development.

The building would be sited to the front of the site with parking to the rear and a service yard on the corner of Rope Lane and The Vineyard. This is considered to be acceptable as it would not create a car dominated frontage. Some of the objectors have expressed concerns about the potential for anti social behaviour on the rear car park. This however could be addressed by suitable external lighting and the use of CCTV.

The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

Highways

As originally submitted, the proposal was not considered to be acceptable due to issues with the parking provision and the Head of Strategic Infrastructure (HSI) recommended refusal of the application. Subsequently revised plans were submitted which have addressed the concerns of the HSI and he is satisfied that the access and parking arrangements are acceptable.

There is currently a need for a pedestrian crossing for Rope Lane. Rope Lane is a quite heavily trafficked road and there is a requirement to link the site to the footway network on the western side of Rope Lane so that pedestrians/children can safely cross the road and access the residential area to the west of the site and Shavington High School just to the north of the site. This should be funded by a contribution of £70,000 to be secured by Section 106 Agreement.

Subject to the contribution to the pedestrian crossing and conditions, the proposal is considered to be acceptable in terms of access and parking and in compliance with Policy BE.3 of the adopted local plan

ECONOMIC SUSTAINABILITY

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

With regard to the economic role of sustainable development, the proposed development will provide employment in the locality as well as bringing direct and indirect economic benefits to Shavington, including jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Residential Amenity

The proposed store is sited adjacent to existing residential development, which is not unusual for a convenience store of this type. Given the surrounding residential development it is necessary to ensure that the amenity of those properties are not compromised by virtue of disruption from noise or light pollution.

Acoustic fencing is proposed on the rear boundary of the site. In addition to this Environmental Protection have recommended several conditions and informatives to ensure that any noise or light generation is controlled. These include conditions relating to piling, floor floating and restrictions to the hours of operation and for deliveries.

It is not considered that the proposal would result in any significant adverse impact on the amenity of neighbouring residential properties in terms of loss of privacy or light.

The proposal is therefore considered to be acceptable in terms of amenity and in accordance with Policy BE.1 of the adopted local plan.

Asset of Community Value

The Assets of Community Value (England) Regulations, which together deliver the Community Right to Bid, aim to encourage more of this type of community-focused, locally-led action by providing an important tool to help communities looking to take over and run local assets. The scheme will give communities the opportunity to identify assets of community value and have them listed and, when they are put up for sale, more time to raise finance and prepare to bid for them.

The Vine Public House is listed as an asset of community value. However the provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. In particular the issues of highway safety, parking and the impact on the public house.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, the financial contributions towards the provision of a pedestrian crossing on Rope Lane would help to make the development sustainable and is a requirement local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

Conclusion – The Planning Balance

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The site is within the settlement boundary of Shavington where there is a presumption in favour of sustainable development.

The development would have some economic benefits in terms of jobs at the store, in construction and spending within the construction industry supply chain.

The development is considered to be acceptable in terms of design, amenity and highway safety.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions and a contribution towards a new pedestrian crossing on Rope Lane.

RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement to secure £70,000 for the provision of a pedestrian crossing on Rope Lane and the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Materials in accordance with the details submitted with the application**
- 4. Parking provision to be in accordance with the approved layout plan and should be completed and available for use prior to the store opening**
- 5. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays and submission of a piling method statement**
- 6. Submission of a method statement relating to floor floating**
- 7. Submission of details of external lighting and CCTV equipment**
- 8. Hours of opening restricted to between 7am and 11pm**
- 9. Hours of deliveries restricted to between 8am and 9pm**
- 10. Submission of details of equipment with the potential to generate noise (fans/refrigeration etc)**
- 11. Submission of drainage scheme to include the disposal of foul and surface water**
- 12. Implementation of the landscaping proposals submitted with the application**
- 13. Tree protection measures**

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) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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