

Application No: 16/1690N

Location: Vine Inn, Rope Lane, Shavington, CW2 5DT

Proposal: Variation of Condition 9 on approved planning application 14/5472N which covers delivery times associated with the store.

Applicant: ., NewRiver Retail Property Unit Trust No.4

Expiry Date: 07-Jun-2016

SUMMARY:

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

The variation would allow deliveries to take place one hour earlier from Monday to Saturday, meaning that they could take place from 7am on these days, whilst still being limited to 8am on Sundays and Public Holidays.

It is considered that because there is the potential for disturbance to neighbouring residential properties, permission should be granted for a temporary period of 12 months in order that this can be monitored.

RECOMMENDATION:

Approve with conditions

CALL IN

This application has been called into Southern Planning Committee by Councillor Steven Edgar on the following grounds:

'At the original Southern Planning meeting in June/July 2015 a condition was imposed that deliveries be made no earlier than 8am due to the close proximity of residential homes and its location on a pub car park. The landlady works regularly until 12 midnight and should not be disturbed early in the mornings.'

PROPOSAL

This is an application to vary condition 9 on application number 14/5472N. This condition reads as follows:

'Deliveries to the store shall be restricted to between the hours of 0800 hours and 2100 hours.'

The proposal is to vary those hours to:

'Deliveries to the store shall be restricted to between the hours of 0700 hours to 2100 hours Monday to Saturday and 0800 to 2100 on Sundays and Public Holidays.'

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

14/5472N Erection of Class A1 convenience store including ATM with dedicated external servicing, refuse and plant area, associated car parking and landscaping. – Approved – 25th March 2016.

LOCAL & NATIONAL POLICY

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

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 Proposed Changes (Consultation Draft) March 2016 (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

National Policy:

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

Of particular relevance is paragraph 18.

CONSULTATIONS:

Environmental Health:

Recommend allowing the extended hours for a temporary period in order to monitor the impacts.

Parish Council:

None received at the time of report writing.

REPRESENTATIONS:

At the time of report writing 3 representations have been received which can be viewed in full on the Council website. They express concerns relating delivery lorries, noise and disturbance and the change of delivery hours.

APPRAISAL

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

Principle of Development

Planning permission was granted for the store in March 2016 following the completion of a Section 106 Agreement securing the provision of £70,000 for the construction of a pedestrian crossing on Rope Lane. The principle of developing a convenience store on the site has therefore been established and cannot be re-visited with this application.

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 Role

Noise & Disturbance

The building will 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 and the original permission restricted delivery times to between 8am and 9pm. This proposal is to allow for deliveries between 7am and 9pm from Monday to Saturdays and 8am and 9pm on Sundays and Public Holidays.

Environmental Protection has been consulted on the application and they consider that the potential for disturbance to neighbouring residential properties is of concern. However, they have recommended that the alternative delivery hours are allowed for a period of 12 months in order that this can be monitored. It is considered that this is a reasonable course of action in this case.

Economic Role

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'

The economic benefits of the development need to be balanced against the impact upon the amenity of neighbouring properties.

The approved development will bring direct and indirect economic benefits to the area and allowing earlier deliveries would facilitate the efficient operation of the store.

Social Role

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of

future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

In addition to the environmental impact of noise there are also social implications in terms of the amenity of neighbouring properties. As discussed earlier, allowing deliveries for the extended hours for a temporary period, would allow monitoring of any potential impacts, in order that any adverse impacts on residential amenity could be rectified.

Legal Matters

The original permission is subject to the requirements of a Section 106 Agreement, requiring a highways contribution of £70,000. The nature of the clauses in the Agreement means that it can be endorsed with this planning application number and therefore the new approval would be bound by it.

Response to Objections

The representations of members of the public have been given careful consideration. The issue of noise and the earlier deliveries is addressed in the main body of this report. Having regard to highway safety and delivery vehicles, this matter was assessed and considered acceptable when the store was granted approval.

Conclusion – The Planning Balance

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

The variation would allow deliveries to take place one hour earlier from Monday to Saturday, meaning that they could take place from 7am on these days, whilst still being limited to 8am on Sundays and Public Holidays.

It is considered that because there is the potential for disturbance to neighbouring residential properties, permission should be granted for a temporary period of 12 months in order that this can be monitored.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Materials in accordance with the details submitted with the application**
- 4. Parking provision completed and available for use prior to the store opening for business**
- 5. Submission of a details relating to any piling operations**
- 6. Submission of details 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 to the store restricted to between 7am and 9pm Monday to Saturday and 8am to 9pm on Sundays and Public Holidays for a temporary period of 12 months**
- 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**
- 14. Provision of the pedestrian crossing in accordance with the Section 106 Agreement**

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 Strategic Planning Board, 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 Strategic Planning Board 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.

