

Application No: 10/4842N

Location: 235, Broad Street, Crewe, CW1 4JJ

Proposal: Proposed Change of A1 Use Video Shop to A5 Fish and Chip Shop and First Floor Residential Accommodation

Applicant: Mr C Shephard

Expiry Date: 11-Feb-2011

Ward: Crewe East

Date Report Prepared: 18th January 2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Principle of Development
- Highways
- Design Considerations
- Residential Amenity

REASON FOR REFERRAL

The application has been called in to Southern Planning Committee by Cllr Martin and Cllr Thorley for the following reasons:

"Noise

Pollution

Traffic & Parking Issues

The facility is already provided in this area re: two chip shops – one in Broad Street and one in Greenway".

DESCRIPTION OF SITE AND CONTEXT

The application relates to number 235 Broad Street, Crewe which is a commercial premises at both ground floor and first floor level. The property is an end terrace with surrounding land uses being predominantly residential with the presence of some local amenities. To the side of the property is an unadopted area which has been utilised as a parking area by the existing shop.

DETAILS OF PROPOSAL

The application proposes a change of use from A1 to A5 at ground floor level, with residential accommodation at first floor level. Alterations are proposed to the building in the form of the

addition of a new door and ground floor window to the side elevation. To the front of the property a small forecourt is proposed to form a ramped access.

RELEVANT HISTORY

7/17902 (Approved with Conditions 31/1/1990) Construction of new shop front and extension to rear with new access fire escape staircase and replacement windows.

POLICIES

Regional Spatial Strategy (NW)

Policy DP7 (Promote Environmental Quality)

Policy DP4 (Make the Best Use of Existing Resources and Infrastructure)

Borough of Crewe and Nantwich Replacement Local Plan Policy

BE1 (Amenity)

BE2 (Design)

BE3 (Access and Parking)

RES12 (Living Over the Shop)

Other Material Considerations

PPS1 Delivering Sustainable Development

CONSIDERATIONS (External to Planning)

Highways:

No Objection.

Environmental Health:

No objection subject to conditions relating to: (i) hours of opening (and associated deliveries) (ii) acoustic attenuation and (iii) installation and maintenance of extraction equipment.

OTHER REPRESENTATIONS

At the time of report preparation 17 local resident objections have been received. In summary the objections raised relate to the following:

- The proposal would create further parking problems.
- Highway Safety due to existing parking problems, bus stop outside the property, increased traffic and proximity to the roundabout.
- Noise pollution late at night – car doors slamming, people shouting
- Smell – existing smells from chippy along Greenway makes it difficult to enjoy sitting in the garden, the current proposal would make it impossible.
- The fish and chip shop would eventually become a kebab shop.

- Litter.
- Increased anti-social behaviour and vandalism
- Security issues associated with rear alleyway and request for a security gate.
- Additional strain on existing drainage system.
- Reduced desirability of adjacent properties and decrease in property prices
- Boundary dispute between property number 4 Greenway and the application property.
- Overlooking of number 4 Greenway due to first floor residential conversion.
- Council's publicity procedure – no site notice displayed
- No neighbour notification to 7 Greenway and 229 Broad Street

OFFICER APPRAISAL

Principle of Development

The principle issues surrounding the determination of this application is the impact of the development on neighbouring residential amenity, on highway safety and on the streetscene, having regard to Local Plan policies BE1 (Amenity), BE2 (Design), BE3 (Access and Parking) and RES12 (Living Over the Shop).

Highways

Highway safety, traffic and parking have been raised by local residents as reasons to oppose the current application which seeks a change of use from A1 / video shop to A5 / fish and chip shop at ground level and residential at first floor level. Having considered the above issues the Strategic Highways Manager has raised no objection to the application and does not consider that there would be a significant impact on the surrounding highways network as a direct result of this development. The Strategic Highways Manager does however consider the application site to be a sustainable location with available off-street parking, where the proposed use would not worsen the existing situation. In the absence of an objection from the Strategic Highways Manager it is not considered that a refusal on highway safety grounds could be sustained. The application therefore accords with Local Plan policy BE3 (Access and Parking).

Design

The application proposes alterations to the building which include the addition of 1 No. window and door to the side elevation of the property, and the creation of a small walled forecourt area to the front elevation to provide a ramped access. The application also proposes a flue to the side of the property which would extend 1 metre above the eaves. The application includes fascia details, however these will require advertisement consent and therefore would need to be dealt with under a separate application.

The changes to the front elevation of the building to form a small forecourt and ramped access area are considered to be acceptable having regard to the enclosed garden frontages which adjoin the application property, and are typical along this side of the road. To the side elevation, the application proposes a window at ground floor level which would serve the staff serving area, and a door which would provide access to the first floor residential accommodation. These additions would respect the proportions and appearance of the existing detailing and are therefore acceptable in design terms. The proposed flue would project from the side elevation and would extend 1 metre above eaves height. Given its siting to the side of the building this

would be visible from Broad Street, however it is not considered that the flue is a feature which would appear overly incongruous or would have a detrimental impact on the character and appearance of the area. The proposed alterations to the external elevations would have an acceptable impact on the host building and the wider streetscene and would therefore accord with Local Plan policy BE2 (Design).

Amenity

The application proposes a change of use of the ground floor accommodation from A1 / video shop to A5 / fish and chip shop. A number of objections have been received from local residents which relate to the amenity impact of the proposal on neighbouring properties by reason of noise, smells, anti-social behaviour, vandalism, litter, and the proliferation of takeaways in the locality.

Turning first to the impact of noise and smells from the proposed fish and chip shop, Environmental Health have raised no objection to the proposed use subject to the requirement of conditions relating to hours of opening, acoustic attenuation and the installation and maintenance of extraction equipment. Subject to the imposition of these conditions it is considered that any nuisance associated with smells and noise as a direct result of the development can be controlled to an acceptable level.

In terms of noise from customers visiting the premises and the potential for anti-social behaviour, the fall-back position is that the site currently has permission to operate an A1 use such as an off-license or newsagents which could generate a high level of custom. The hours of opening (and associated deliveries) of the fish and chip shop would be restricted to 11.30am to 10pm Monday to Saturday which would be no later than the former closing time of the video shop and would be conditioned as part of any permission. As a result the takeaway outlet is unlikely to generate footfall from local drinking establishments after closing time, and it is not regarded that the proposal would encourage anti-social behaviour or vandalism over and above the permitted use of the site. The perception of increased anti-social behaviour and vandalism as a direct result of the proposed use is not considered to be a reason to warrant refusal of the application.

Litter is a concern for local residents however this is beyond the control of planning and is covered by separate legislation. The proposal does however make provision for a bin to the front of the premises.

The application proposes residential accommodation at first floor level and as such the impact of this on neighbouring residential amenity is also a key consideration. An objection has been received in relation to the impact of the development resulting in overlooking to property number 4 Greenway. At first floor level the rear window would serve a principal room, however property number 4 Greenway is located over 50 metres in distance, with a 2 storey building situated in-between, and as such it is not considered that the development would give rise to any overlooking issues. Property number 326 Broad Street is situated opposite the application site at a distance of around 24 metres which is an acceptable separation distance between principal windows. The adjacent property number 237 Broad Street has windows to the side elevation which would appear to serve habitable rooms and would be approximately 10 metres from the development which also proposes a principal window which would be directly opposite. This is an existing window which would serve the bedroom, however this would not

be the main window to this room. Within the locality examples can be found of reduced separation distances, however it is considered that a condition requiring the window to be fixed shut and have obscure glazing would make the proposal acceptable in terms of overlooking and privacy issues associated with the adjacent property number 237 Broad Street. It is therefore considered that the proposal to convert the first floor to residential accommodation would have an acceptable impact on the amenity afforded to neighbouring properties.

Having regard to the above and the absence of any objection from Environmental Health it is not considered that the proposal would be detrimental to the residential amenity of neighbouring properties, subject to the use of conditions for hours of opening (and associated deliveries), acoustic attenuation, the installation and maintenance of extraction equipment and obscure / fixed shut glazing to the first floor side window. The application is in accordance with Local Plan policy BE1 (Amenity).

Other Matters

Publicity Procedure and Neighbour Notification

The Council's neighbour notification procedure is to notify those neighbours who share a boundary with the site (ignoring any road).

Property number 229 Broad Street does not fall within the procedure and was therefore not notified. Property number 7 Greenway does share a boundary with the application site but did not receive a letter of notification. Nonetheless the occupiers became aware of the application and were given additional time to comment on the application. Comments have been received. A site notice was not required for this application.

Other takeaways in the area

It is noted that there is a presence of takeaways in the area, in particular the Chinese takeaway along Broad Street and the fish and chip shop along Greenway. These however are not directly adjacent to the application site and it is not considered that the proposal would lead to a proliferation of takeaways along Broad Street to the detriment of the area. The presence of other takeaway establishments within the locality is not a reason in itself to warrant refusal of the application.

Property Values

Property values are not a material planning consideration to this application.

Security Gate

The comments received requesting a security gate to the rear alleyway which serves properties 235 to 223 are noted, however it is not considered that the provision of such within this planning application would be reasonable. It is regarded that this would be a civil matter between the affected owners.

Boundary Dispute

The boundary dispute between the applicant and the owners of number 4 Greenway is a civil matter which would need to be dealt with under separate legislation.

CONCLUSIONS

The application proposes an acceptable form of development in terms of highway safety, impact on neighbouring residential amenity and impact on the character and appearance of the area. The proposal complies with Local Plan policies BE1 (Amenity), BE2 (Design), BE3 (Access and Parking) and RES12 (Living over the Shop).

RECOMMENDATION: Approve subject to the following conditions:

- 1. Standard Time**
- 2. Plans**
- 3. Window to be fixed shut / obscure glazing**
- 4. Hours of opening**
- 5. Scheme for acoustic attenuation**
- 6. Installation and maintenance of extraction equipment.**

The map shows a residential area with several streets. A red rectangular area is highlighted and labeled "The Site" with a callout box. The site is located on Church Street, between Grosvenor Street and Bowling Green. Other features include a Church, a Garage, and a Cross Keys Hotel. The map also shows numerous residential plots and buildings.