

Application No: 10/4970M

Location: 41, Budworth Walk, Wilmslow, SK9 2HR

Proposal: Change Of Use From D1 To A1

Applicant: Mr Mark Galazka, Halepark Ltd

Expiry Date: 11-Feb-2011

Ward: Wilmslow North

Date Report Prepared: 16 February 2011

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

- The principle of the proposed use
- The impact on the amenity of neighbouring occupiers
- The impact on the character and appearance of the surrounding area
- The impact on highway safety

REASON FOR REPORT

This application has been called before the Northern Committee on 2 March 2011 by the Ward Member Cllr Whiteley for reasons of concern over the issue of neighbouring residential amenity.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the ground floor of a two storey end terraced building at no. 41 Budworth Walk, Handforth, and is located within a Predominantly Residential Area. The application site is located within an early 1970's housing estate formerly owned by Manchester City Council. The residential estate is characterised by a close-knit community of terraced properties accessed by connecting walkways with no individual on street parking and served by a large parking area for residents and visitors to the estate accessed from Handforth Road via Oaklands Close. There is currently a first floor flat above the premises with residential properties immediately to the north, south and west of the site.

The site currently comprises a vacant ground floor unit with a last use as a church meeting place. However, the planning history of site reveals that it was formerly used as a shop unit in the early 1970's, followed by a change of use to a Senior Citizen's Centre under 5/7569 on 08.09.1976, an Employment Office, a temporary change of use to a Church under 25240P on 28.02.1981 (with a condition restricting the D1 use on the site) and a further renewal of that permission under 47917P on 18.02.1981. An application for a change of use for the entire site (flat/ shop/church) to offices was refused on 31.05.1995.

DETAILS OF PROPOSAL

This application is for a change of use back from its D1 use as a place of worship to an A1 retail use as a general store. There would be external alterations to the premises associated with the proposed change of use.

Additional information concerning the proposed retail use of the premises was requested from the agent and these are available to view on the Council's website. The agent has confirmed, on behalf of the applicant, that the premises would be used as a local general convenience store selling both food and non-food items. The shop would operate primarily as a 'top up' store for those people living nearby who wish to purchase a relatively small amount of shopping to augment their weekly shopping. As the available floor space is a relatively small area, it is envisaged that the large majority of customers visiting the shop would be local people living within a short walking distance of the site.

It is also stated that large deliveries of bulk items will not be necessary to keep the shop stocked and the only internal change needed will be for the provision of a refuse store by the rear door. There will be no need for background music internally or the demonstration of any noisy items for sale. Opening hours have deliberately been kept short to minimise nuisance to nearby residents.

No information has been submitted concerning the sale of alcohol on the premises but this is not a material planning consideration as this is covered by separate licensing legislation.

RELEVANT HISTORY

5/7569P	Shop to Senior Citizens' Centre, approved, 08.09.1976
25240P	Change of use from Job Centre to Church, approved, 28.02.1981
47917P	Renewal for Christian Centre, approved, 18.02.1981
80861P	Conversion of shop/ meeting room/ flat to offices, refused, 31.05.1995

POLICIES

Regional Spatial Strategy

DP1 – Spatial Principles

Local Plan Policy

DC3 – Amenity

H13 – Protecting Residential Areas

DC6 – Access and Circulation

S5 – Change of Use of Shops

Other Material Considerations

None

CONSULTATIONS (External to Planning)

Strategic Highways Manager: No objections subject to proposed use being limited to non-food retail

The existing D1 use does not provide any off-street parking although as the site is small, this did not cause any highway parking problems. Whilst the change of use to some retail uses would not cause any highway issues, there are such uses as convenience stores etc that would raise parking issues and also require servicing by HGV's.

As the proposed application does not provide for any parking specifically for the site and relies on on-street parking for its customers, the Strategic Highways Manager would want to limit any A1 retail use to low traffic generators by excluding food retail use.

Therefore, no highway objections are raised subject to the application being limited to non-food retail.

Environmental Health:

Have concerns as to the proposed use of the premises as a retail shop with regard to local amenity and recommend that certain conditions should be attached if permission for the change of use is granted.

- If the bin store is to be inside it should be physically separated from the shops stock storage area.

Environmental Health would look to control specific premises based noise for the protection of attached and near neighbours.

- there should not be any music base noise within the premises (e.g. piped or background music)
- there should be no door entry chimes
- there should not be any external fans and/or chillers/air conditioning units.
- Should there be a need for commercial interior noise generative equipment (retail chillers and fridges), the existence of party wall and ceiling neighbours suggests that the premises shall be suitably acoustically insulated from noise and vibration.
- Any deliveries should be undertaken via the rear access door
- Deliveries should be undertaken between 07.30 and 18.00hrs Monday to Saturday with no deliveries on Sundays and Bank Holidays
- The opening hours volunteered by the applicant be conditioned.
- Odour control – there should be no commercial / retail preparation of hot food

It is anticipated that there will be a need for “morning sales items” to be delivered before opening, newspapers, milk, bread etc and believe that the suggested 30 minutes should be adequate to receive and stock these items.

Any additional lighting should be positioned so that it does not cause a disturbance to neighbouring properties.

VIEWS OF THE PARISH / TOWN COUNCIL

None

OTHER REPRESENTATIONS

11no. letters of representation have been received from the occupiers of neighbouring residential properties, these raise the following concerns:-

1. There is no need for a shop as the estate is too small for a business of this type. There is a local bus service to Handforth and the Lidl supermarket at the Summerfields Village Centre is within walking distance for the residents of the estate.
2. The proposed change of use will lead to an increase in both the levels of noise and litter in the street, young people will be attracted by the shop and will be encouraged to loiter there with the potential for anti-social behaviour and vandalism.
3. The proposal will lead to the devaluation of property values.
4. The estate cannot cope with an increase of traffic to the existing car park. Parking provision is currently difficult for residents as the parents of the children attending the nearby school use the car park for picking up and dropping off their children. Customers using the shop and deliveries to the premises will exacerbate this already difficult situation.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement has been submitted in support of the application and is available to view on the Council's website.

OFFICER APPRAISAL

Principle of Proposed Change of Use

The proposed change of use would return the existing D1 use on the premises to an A1 retail use. The proposed A1 use would be limited to the use of the ground floor of the premises and no external alterations or extensions to the existing building are proposed. Under the proposal, the existing ground floor area relating to the D1 use would be utilised for retail (A1) use (83 square metres).

As the premises has an historic use for A1 retail purposes during the 1970's, possibly dating from the construction of the housing estate, it is considered that the proposal is compliant with local plan policy S7 in that the proposed retail use cannot be met by existing provision in the area. The premises are currently vacant and could accommodate the proposed use without external alterations or extensions. Indeed, in 1981, at the time of the conversion of the employment office to a religious meeting place, a condition attached to the decision notice restricting noise levels at the premises, indicates that the proposed change of use to D1 was considered to have the potential to generate higher noise levels than the previous uses at the site.

It is considered that the proposed use would be sympathetic to the residential area in which it is situated. Indeed, the Macclesfield Borough Local Plan (adopted 2004), and in particular policy S5, seeks to prevent the loss of a local shop where it serves the day to day needs of local residents. This is because local and corner type shops are usually very important to the elderly and those with restricted mobility. Only where a corner shop is no longer a viable proposition would conversion from A1 retail to a residential use be permitted.

Therefore, the proposal is considered to be in accordance with policies S5 and S7 of the Local Plan.

Impact on the Amenity of Neighbouring Occupiers

It is considered that the impact upon the residential amenities of the neighbouring properties would be limited and acceptable. Many of the concerns raised by the neighbours can be adequately addressed by attaching conditions to the planning permission. Other concerns such as the possible future licensing of the premises to sell alcohol is not material to the

consideration of the application, as this matter is dealt with under separate legislation by the Licensing Department. In addition, noise in the street, litter, vandalism and anti-social behaviour are all matters to be dealt with by the Police and the criminal justice system. The proposed change of use would not involve the cooking of food on site and, therefore, the proposal does not include any ventilation equipment or extractor flues.

It is noted that the proposed hours of opening are from 08.00 to 18.00 hours, seven days a week. This is deemed as acceptable by the Environmental Health department and would mean that the shop would be closed long before the residents of the neighbouring properties would be retiring for the night. Should a licence to sell alcohol be granted at some future date, the relatively early closing time of the shop at 18.00 hours would mean that the shop would be closed long before that of licensed premises and off-licences within the surrounding area. Given that the primary use of the site would be for the sale of general groceries, it is not considered that there would be any significant additional noise, disturbance or odours generated from the proposed change of use.

It is also noted from the revised Design and Access Statement that the refuse store would be located internally by the rear door, this would prevent disturbance to adjacent properties in the evenings and during the night and ensure that the hours of use are limited to those set out under the attached conditions.

Highways and Parking

With regard to parking, although the Highways Authority would prefer the premises to be limited to a non-food retail use, as they consider that a food-retail use would have the potential to increase the need for parking on the residents' private car park to the rear of the site (when compared with the previous D1 use), as the retail space at the shop would be comparatively small with only a limited range of stock, it is considered that it would be reasonable to expect customers make short journeys to the shop by walking or cycling from within the local area and not to use a car,. However, it is conceded that passing trade may arise from the parents already using the car park to drop off and pick up their children during school term time. However, this would not necessarily increase the pressure on the existing car parking facility.

Therefore, it is considered that proposal would not result in any significant additional traffic, and would not be detrimental to highway safety. The proposal is considered to be in accordance with policy DC6 of the Local Plan.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Having regard to the above, it is considered that the principle of the proposed A1 retail use would be acceptable, and would not cause significant harm to the amenity of neighbouring occupiers. In addition, it is considered that the proposed use would not cause any over-riding harm to highway safety, nor detract from the character and appearance of the surrounding area. The proposed development is considered to be compliant with DC3, DC6, H13, S5 and S7 of the Local Plan.

Application for Full Planning

RECOMMENDATION: Approve subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with approved plans

3. Limitation on use
4. Noise insulation
5. Business hours (including Sundays)
6. Change of use - no consent for external alterations
7. No external storage
8. Hours of deliveries



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