

Application No: 24/1598C
Location: 477, CREWE ROAD, SANDBACH, CW11 3RT
Proposal: Change of use from hot food takeaway to office for taxi company.
Applicant: Mr Mohammed Khan, A Stars Taxis Congleton
Expiry Date: 09-Aug-2024

SUMMARY

The proposed change of use is acceptable in this instance and complies with the Development Plan and the NPPF.

RECOMMENDATION

APPROVE subject to conditions.

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Crane for the following reasons:

'This property is part of a row of terraced houses. I'm not sure that a business operating in very unsociable hours is appropriate for this property. The previous business only opened during daylight hours, closing at a time which allowed neighbors to relax in their own homes'

DESCRIPTION OF SITE AND CONTEXT

The application site is located within the settlement boundary for Sandbach as defined by the Local Plan Policies Map. The site contains a two-storey property which is part of a row of terraced properties along the western side of Crewe Road. The property sits within a residential and commercial area of to the south of the settlement. The setting is characterised by a mix of dwellings and local businesses that sit in close proximity.

DETAILS OF PROPOSAL

This application proposes a change of use from a hot food takeaway to an office for a taxi company.

RELEVANT HISTORY

20435/3 – Change of use of butchers shop to fish & chip shop (Approved 06-Dec-1988)

9012/3 – Provision of self-contained flat on two floors, above existing lock up shop (Approved 18-Apr-1979)

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP 1 – Presumption in Favour of Sustainable Development

SD 1 – Sustainable Development in Cheshire East

SD 2 – Sustainable Development Principles

SE 1 – Design

SE 2 – Efficient Use of Land

SE 7 – The Historic Environment

PG 2 – Settlement Hierarchy

CO 1 – Sustainable Travel and Transport

CO 2 – Enabling Business Growth Through Transport Infrastructure

Appendix C: Parking Standards

Cheshire East Site Allocations and Development Policies Document (SADPD)

PG9 – Settlement Boundaries

GEN1 – Design Principles

HER 1 – Heritage Assets

HER 4 – Listed Buildings

HOU12 – Amenity

HOU13 – Residential Standards

INF3 – Highway Safety and Access

Sandbach Neighbourhood Plan

The Sandbach Neighbourhood Plan (Modification) was made on the 21st March 2022

PC3 – Settlement Boundary

HC1 – Historic Environment

H2 – Design & Layout

IFT2 – Parking

JLE1 – Future Employment and Retail Provision

Other Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

Cheshire East Design Guide SPD

CONSULTATIONS (External to Planning)

Environmental Protection (CEC): No objection with an informative relating to the hours of construction being advised.

Strategic Transport (CEC): No objection with no material highway implications being associated with this proposal.

VIEWS OF THE PARISH / TOWN COUNCIL

Sandbach Town Council: No objection provided the application keeps to comments and stipulations contained in the design, access and supporting statement.

OTHER REPRESENTATIONS

1 letter of objection has been received which highlights the following points:

- Parking is already limited in this section of road
- Additional vehicles will take away from parking for residents
- Concern for workings hours due to noise activity at unsocial hours

OFFICER APPRAISAL

Principle of Development

Policy PG9 of the SADPD states that within settlement boundaries, development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan.

Policy HER 4 of the SADPD advised that for listed buildings, the council will normally support proposals for the change of use or conversion of a listed building where the use secured is consistent with the preservation of its heritage significance.

The site lies within the Sandbach settlement boundary and is within proximity of a Grade II listed building. The principle of a proposed change of use is acceptable subject to the consideration of its impact upon a Grade II listed building, the design of the proposed development, the highways impact and the impact upon residential amenity.

Design & Character of the Area

Cheshire East Local Plan Strategy Policy SD2 states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of the development (the balance between built form and green/public spaces)
- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy H2 of the Sandbach Neighbourhood Plan states that extensions and alterations to existing buildings will be expected to meet high standards of design that are in keeping with the character of the local area, appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance and materials, and not cause unacceptable visual intrusion, overlooking, shading, or other adverse impact on local character and amenities.

Policy GEN1 of the SADPD refers to general design principles.

Overview

The proposed application is for a change of use of the existing building from a hot food takeaway (a vacant fish and chip shop) to an office for a taxi company. In consideration of the proposal, there would be no physical change to the building. As such, there is to be no alteration of the character of the building in terms of scale, design or how it is viewed within the street scene. Whilst there is an intention to make a minor change to the fascia signage above the ground floor window, this would be considered as part of a separate application.

The proposed development would comply with Policy SE1, SD1 & SD2 of the CELPS, Policy GEN1 & HOU11 of the SADPD and Policy H2 of the Sandbach Neighbourhood Plan.

Built Heritage

The NPPF paragraph 197 identifies that

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness*

Para 205 states that great weight should be given to the asset's conservation. Para 206 goes on to clarify that any harm to, or loss of, the significance of a designated heritage asset should have clear and convincing justification for the harm.

Policy SE 7 of the CELPS states that 'The character, quality and diversity of the historic environment will be conserved and enhanced. All new development should seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment'.

Policy HER4 of the SADPD follows the wording of the NPPF and states that when considering development proposals or works affecting a listed building, including alterations, extensions and changes of use, in line with its statutory duty, the council will have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest that it possesses.

On a more local level, Policy HC1 of the Sandbach Neighbourhood Plan states that all developments should protect and enhance the heritage significance of designated and non-designated heritage assets and their settings, maintain local distinctiveness and character, and retain distinct features (including those related to the form and setting) of existing buildings.

It is noted the property is within proximity to The Commercial Hotel, a Grade II listed building which sits to the north-west of the site. The application proposes a change of use that makes no alterations to the external appearance of the applicant property. Furthermore, when considering visibility of the property from this heritage asset, the applicant site is heavily screened by the existing properties sat between the buildings.

Of the minimal visibility towards the rear of the site, this does not differ from what can be seen with the previous commercial use of the property. Given the setting of this heritage asset has already been compromised by previous commercial development within the surrounding the subject building throughout the 20th century, it is considered there would be no greater impact from this proposed change of use.

On this basis, the proposed development would have a neutral impact on the setting of this listed building and therefore it is acceptable in heritage terms.

The proposed development would comply with Policy SE7 of the CELPS, Policy HER4 of the SADPD and Policy HC1 of the Sandbach Neighbourhood Plan.

Amenity

Policy HOU 12 of the SADPD states that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

- loss of privacy
- loss of sunlight and daylight
- the overbearing and dominating effect of new buildings
- environmental disturbance or pollution; or
- traffic generation, access and parking

When assessing the proposed scheme, there are to be no external changes being made to the property. As such, there would be no impact on the residential amenity for the neighbouring dwellings in terms of loss of privacy or light, or the scheme having an overbearing and dominating effect.

In consideration of the potential for environmental disturbance or pollution, it is advised the proposal would make a change of use from a hot food takeaway (previously a fish and chip shop) to an office for a taxi company. The existing use is the subject of three conditions which seek to protect residential amenity as follows:

- 2. This permission shall relate to the use of the ground floor only.*
- 3. The opening hours of the fish and chip shop hereby permitted shall terminate at 11.0p.m. each weekday.*
- 4. Before the use hereby permitted is brought into use an odour and fumes absorption facility shall be incorporated within the building.*

The proposed office would be used for telephone and online bookings only. Taxis would not be despatched from or parked at the premises and there would be no public access (the main headquarters of this taxi business will remain in Congleton). The application states that the

applicant would like to operate from 5am – 1am. There will be no comings and goings other than at shift change between 2pm and 5pm

This application would provide some benefits in terms of the removal of the risk of potential odours, and the removal of vehicle movement and customers entering the building up to 11pm each night. These benefits need to be balanced against the proposed increased hours of operation.

Based on consultation with the Environmental Protection team, it has been confirmed that they have no objection to the scheme with an informative being advised which relates to the hours of any construction works and associated deliveries to the site taking place during the development. The primary use of the property would be as an office with an operating centre to take customer calls or online bookings, with radio link contact to the drivers. The form of this communication would be comparable to the typical use of a residential property. The proposed use would improve residential amenity based on the existing situation.

On this basis, this proposed change of use would not cause any harm to the residential amenity of occupants within the neighbouring properties.

The development complies with the SPG and SADPD Policy HOU12.

Highways

Policy CO2 of the CELPS identifies that 'proposals should adhere to the current adopted Cheshire East Council Parking Standards for Cars and Bicycles set out in Appendix C (Parking Standards)', with Policy SD1 of the CELPS seeking to ensure that developments, wherever possible, provide sufficient car parking in accordance with adopted highway standards.

When considering this application, it is highlighted the primary function of the property will be as an office for telephone and online bookings in relation to its use as a taxi company. Taxis would not be despatched from or parked at the premises as there shall be no driver facilities on site. Furthermore, there would also be no public access. As such, there is to be an absence of vehicle movement and customers entering the building.

Given its location, there is no provision of car parking specifically associated with the existing building. Furthermore, there are on-street parking restrictions along the front of the premises. Whilst so, there is potential for staff to access car parking within the wider area such as carparks to the north and south off Crewe Road. There is also the option for staff to access the site on foot.

Based on consultation with the Strategic Transport team for Cheshire East Council, it is established there are no material highway implications associated with this proposal. As a result, there have been no objections raised to the scheme on highway grounds.

In consideration of this, it is determined there would be no parking concerns as a result of the proposed development.

The proposal complies with Policy SD1, CO1, CO2 and Appendix C of the CELPS, Policy INF3 of the SADPD and Policy IFT2 of the Sandbach Neighbourhood Plan.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed change of use is acceptable in this instance and complies with the Development Plan and the NPPF.

Approve subject to the following conditions:

- 1. Standard Time**
- 2. Approved Plans**
- 3. Hours of operation 5am to 1am**
- 4. This change of use relates to the ground floor of the building only**
- 5. The taxi office hereby approved shall be for telephone and online bookings only. No taxis shall be dispatched from the premises and the office shall not have public access for bookings.**

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

