

Application No: **11/0475C**  
Location: **11- 13, HIGHTOWN, SANDBACH, CW11 1AD**  
Proposal: **Change of Use of One Part of the Existing Ground Floor Unit from Retail (A1) to a Mixed Use Coffee Shop (A1/A3)**  
Applicant: **Costa Ltd**  
Expiry Date: **04-Apr-2011**  
Ward: **Sandbach East & Rode**

**SUMMARY RECOMMENDATION:**

**APPROVE** subject to conditions

**Main issues:**

- Principle of the change of use
- The impact upon neighbouring residential amenity
- The impact upon the Conservation Area

**REASON FOR REFERRAL**

Councillor R. Bailey has called in this application to Southern Planning Committee for the following reason:

*'The planning committee is the appropriate tribunal to consider the impact of the proposed change of use in the conservation area, and the balance between the number of Retail (A1) and Mixed Use (A1/A3) premises, in that area'*

**DESCRIPTION OF SITE AND CONTEXT**

The application unit is situated on the southern side of Hightown, within the Sandbach Conservation Area, within the Sandbach Settlement Boundary. The site contains a two-storey building with windows at ground floor only. The doorway and shop window is recessed and a column supports the overhanging first floor. The site is currently an unoccupied retail unit.

**DETAILS OF PROPOSAL**

This application seeks to change the use of half of the property from a vacant retail unit previously occupied by Ethel Austin (A1 use), to a Costa Coffee (A1/A3 Mixed use). It

should be noted that this only seeks the change of use, the proposed external changes to the shopfront (and therefore issues over design and character) are subject to a separate application (11/0119C).

## **RELEVANT HISTORY**

11/0119C – New full glazed entrance to new shop front - Undetermined

11/0138C – Illuminated adverts – Approved 21<sup>st</sup> March 2011

30506/3 – Installation of 4 roof lights to first floor mansard – Refused 8<sup>th</sup> November 1999

19072/3 – Variation of condition – Planning permission 8/16457/3 (Amendment to opening hours) – Approved 27<sup>th</sup> October 1987

16457/3 – Change of Use to Health Studio from storage ancillary to ground floor retail unit – Permission 5<sup>th</sup> February 1985

10226/9 – Shop sign – Approved 29<sup>th</sup> January 1980

## **POLICIES**

### **National policy**

PPS1 – Sustainable Development

PPS4 – Economic Growth

PPS5 – Planning for the Historic Environment

### **Regional Spatial Strategy**

DP1 - Spatial Principles

### **Local Plan Policy**

PS4 - Towns

GR1 - General Criteria for New Development

GR2 - Design

GR6 & GR7 - Amenity and Health

BH9 - Conservation Areas

S4 – Principal Shopping Area

## **CONSULTATIONS (External to Planning)**

**Environmental Health** – Would like to see the hours of opening detailed by the applicant in their application form conditioned and would request a scheme of acoustic enclosures.

## **VIEWS OF THE TOWN COUNCIL:**

**Sandbach Town Council** – Through this proposed change of use members believe there is a real danger of concentration of mixed-use stores (A3) in the Town, which will result in a lack of opportunity for Retail (A1). Additionally, Members are concerned by the lack of information relating to proposed use of the second half of the site.

## **OTHER REPRESENTATIONS:**

5 objections have been received, the comments from which can be summarised as:

- Impact upon surrounding businesses
- Impact upon the Conservation Area
- Unjustified to open another Coffee Shop in town

In addition 5 petitions objecting to the proposal have been received. These petitions were submitted from/or on behalf of the following businesses; Fragola's Ltd (Coffee & Ice Cream Shop), The Wheatsheaf (Public House), The Black Bear (Public House) and La Roma's (Café) all located in Sandbach, and The Duke of Wellington (Public House) located in Wrexham.

These petitions include a total of 260 signatures objecting to proposal on the basis that the small, independent cafes/coffee houses (in Sandbach) are already struggling in the current economic climate, without having a coffee house giant, such as a Costa on their doorsteps.

## **APPLICANT'S SUPPORTING INFORMATION:**

Planning Statement incorporating Heritage Statement  
Marketing Information

## **OFFICER APPRAISAL**

### **Principle of development**

The application unit is located within the Sandbach Settlement Boundary so is therefore subject to policy PS4 (Towns) of the Local Plan. Within policy PS4 it is advised that within settlement boundaries there is a general presumption in favour of development as long as the use is appropriate to the character of its locality.

### **Principal Shopping Areas**

Policy S4 advises that within Principal Shopping Areas, proposals for further non-retail uses at ground floor will not be permitted (other than proposals involving the change of use of A1 premises to A2 or A3 uses). This application would be for an A1 and A3 mixed-use proposal so would adhere to this aspect of policy S4.

Policy S4 goes on to state that proposals for the change of use of existing A1 ground floor retail uses to A2 or A3 uses will only be permitted where the following criteria are satisfied. i) the proposed use is complimentary to adjacent shopping uses in terms of its operational characteristics. ii) the proposed use retains a display frontage appropriate to a shopping area. iii) the proposed use does not lead to a concentration of non-A1 uses, iv) the proposal accords with other policies of the Local Plan.

Taking each of these in turn, it is considered that the proposed Coffee Shop would be complimentary to adjacent shopping uses, as it would increase the footfall in this part of the town centre. With an increased number of people visiting this area of town it

increases the probability of custom increasing in neighbouring shops/businesses. In addition, the site is currently vacant, and has been for approximately 1 year so currently attracts no footfall to the area. Another favourable aspect of the proposal is that it is not entirely for A3 use, it is for A1/A3 mixed use, as a number of items would be sold on the site such as ceramic cups and saucers and coffee beans etc.

In relation to the shop frontage, the glazed frontage will clearly show what the shop unit is offering and will not be obscured or blocked up.

In relation to surrounding uses, it is considered that the proposal would not lead to a concentration of non-A1 uses. This is for 2 reasons. Firstly, the current unit (which is of A1 use) is to be split as part of this application so half of the existing A1 space would remain as A1. Secondly, there are no other A3 use classes in the immediate vicinity of the application unit. To the west of the site are a clothes shop (A1), an estate agents (A2), and electrical shop (A1) and a cobblers (A1). To the east of the site is a shoe shop (A1), a DVD/Game rental shop (A1) and a Photography shop/processing place (A1/B1). Over the road from the proposal is a clothes shop (A1), a bank (A2) and a Pub (A4).

As a result of the above, it is considered that the development adheres with policy S4 of the Local Plan.

### **Amenity**

In respect to the impact of the development on neighbouring units, it is considered that there would be no issues created by the development in relation to loss of privacy, loss of light or visual intrusion as a result of the development.

To ensure that any potential issues in relation to noise pollution are mitigated, Environmental Health has requested that 2 conditions should be added to any approval of permission. These are the hours of opening as specified in the application form, and the request of an acoustic enclosures scheme. For information, the hours requested are 07:00 – 19:00 Monday to Saturday and 08:00 – 18:00 Sunday and Bank Holidays.

As such, once conditioned, it is considered that the development adheres with policy GR6 of the Local Plan

### **Conservation Area**

There are no direct impacts on the Conservation Area as a result of this change of use application, although clearly getting part of the building back into use will be beneficial to the area as a whole.

### **Other matters**

The primary concern raised by the objectors was that the proposal would have a negative impact upon the local independent café's and coffee shops. In response to this concern, ministerial advice states that considerations of commercial competition are not planning matters. Paragraph 29 from "The Planning System: General

Principles" is the most up to date version of this advice. Paragraph 29 states that *'The planning system does not exist to protect the private interests of one person against the activities of another.'* As such, this issue cannot be considered as part of this planning application.

## **CONCLUSIONS**

The proposed change of use would be complimentary to adjacent shopping uses, would not lead to a concentration of non-A1 uses, would be of an appropriate design and would have little impact upon neighbouring amenity or the Conservation Area. As such the proposal complies with policies; S4 (Principal Shopping Area), GR2 (Design), GR6 & GR7 (Amenity and Health) and BH9 (Conservation Areas) of the Congleton Borough Local Plan First Review 2005.

## **RECOMMENDATIONS**

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Development in accord with approved plans
2. Commencement of development (3 years)
3. Business hours (including Sundays)
4. Scheme of acoustic enclosures
5. Scheme of acoustic enclosures

Location Plan: Cheshire East Council Licence No. 100049045

