

APPENDIX 1

Planning Reference No:	P08/0865
Application Address:	56 Crewe Road Nantwich
Proposal:	Change of use from Public House to A3 Indian Restaurant
Applicant:	Mr Sirajul Islam
Application Type:	Full Planning Permission
Grid Reference	365828 352231
Ward	Birchin
Consultation Expiry Date:	31 st July 2008
Date for determination:	17 th September 2008

MAIN ISSUES

The main issues are:-

- the effect of the extension on the appearance of the building
- impact on residential amenities
- principle of the extension (but note that the report explains that the change of use is permitted development)
- highway safety

SUMMARY RECOMMENDATION

Approval subject to conditions

REFERRAL

This application was to be dealt with under the Council's delegation scheme, however, Councillor Fenton has requested it be referred to Committee on the grounds of highway issues, lack of car parking, location in a residential area and residents' concerns.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application property is a Victorian brick and tile two storey building which was formerly used as a public house and fronts Crewe Road. There is a large car park at the rear of the premises and vacant land behind the car park. The site is located within the settlement boundary of Nantwich in an area which is predominately residential. It is not within the town centre nor immediately adjacent to it.

This application seeks permission for a change of use from a public house to an A3 Indian Restaurant. The application relates solely to the ground floor and it is proposed to extend the single storey kitchen area on the site boundary into the internal courtyard and alter two stores which currently open into this yard. The lounge and bar areas of the former public house will be used as seating areas for the restaurant. At present it is proposed that the first floor living accommodation will not be used but it has until recently been occupied as living accommodation for the public house.

The existing access and car park will be retained to provide parking for 36 cars. The application states that there will be seating for 60 customers and assuming two persons per vehicle this would require 30 parking spaces leaving four spaces for staff and two spare. Opening hours are proposed as 17.00 to midnight Mondays to Fridays and 17.00 to 00.30am on Saturdays and Sundays.

2. RELEVANT PLANNING HISTORY

P08/0498. Conversion of Former Public House and Managers Flat to One Dwelling and Erection of 9 Residential Apartments with Car Park. Approved 27th July 2008.

3. PLANNING POLICIES

The development plan includes the Regional Spatial Strategy for the North West (RSS), (formally RPG13), the Cheshire 2016 Structure Plan (SP), and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Policies in the LP

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- TRAN.9 (Car Parking Standards)

Other relevant planning guidance includes:

- PPS1, Delivering Sustainable Development
- PPS 6, Planning for Town Centres.

4. OBSERVATIONS OF CONSULTEES

Highway Authority: No highway objections but any improvements to visibility at the egress would be welcomed.

United Utilities: No objections to the proposal, foul drains must have adequate grease traps.

Environmental Health: If the application is recommended for approval would require conditions for control of odours and fumes and acoustic insulation to ancillary mounted equipment.

5. VIEWS OF THE TOWN COUNCIL

Object on the following grounds:-

- A restaurant is not appropriate for this location, which is in a primarily residential area. -it is likely to operate later than a pub, causing noise and disturbance to residents. -cooking smells and fumes will detract from the amenity of the area;
- The public house was an established use which did not need planning permission. However, nowadays, it would probably be inappropriate to site a development which leads to late night noise and traffic in a residential area and the opportunity should be taken to establish a more acceptable use in this location if it is clear that the pub is not commercially viable.

6. OTHER REPRESENTATIONS

No letters of representation have been received at the time of writing this report.

7. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

The main points of the Design and Access Statement can be summarised:-

- the alterations include reconfiguration of the internal areas including toilet areas to provide a disabled WC;
- the kitchen extension will be enlarged but these alterations will not be visible being located within a courtyard area;
- building work will be in keeping with the existing building;
- access to the car park and for service vehicles is located at the side of the building;
- both external entrances to the premises will be retained and the front entrance adapted for wheelchair access.

8. OFFICER APPRAISAL

The main issues are the principle of development, impact of the extensions and alterations on the appearance of the building, highway considerations and impact of the use on residential amenities in the area.

Principle of reuse of the public house

In general terms, shopping policies for Nantwich allow new shops/ retail uses, including premises such as restaurants, within Nantwich town centre. There are no specific policies which would prevent the change of use to a restaurant, in principle, in this location.

Whilst the application seeks planning permission for a change of use it is noted that this alteration in the use is permitted by virtue of Part 3 of the General Permitted Development Order (as amended). Circular 03/2005 relating to the changes to the Use Classes Order which were introduced in 2005 confirms this. Therefore there can be no objections to the use as a restaurant. The only part of the application which requires approval is that for the extensions and alterations to the building.

Impact of the extensions on the appearance of the building

The kitchen area is single storey and is to be extended by 1.2m into the internal courtyard and this results in an increase in height of the ridge of the lean-to roof over this part of the building to 3.5m. The extension is to be constructed in brick and tile to match the existing materials and there are no objections to the extension with the new window and door in it. Similarly there are no objections to the bricking up of one door to a storage area and the bricking up of a second door to a store to form a staff WC which all form part of the courtyard area.

The application also seeks permission for a stack and ducting rising to 5.3m above ground level. This is located on the main rear elevation about 200mm from the adjacent parapet wall adjacent to 54 Crewe Road. Whilst it is a substantial projection it is on the rear of the building and although visible from Brick Lane this would not be at close quarters. There are therefore no objections to the proposed extensions and alterations to the building.

Highways

The Highway Authority raises no objections to the proposal. Notwithstanding comments above that there is no requirement for planning permission for the proposed change of use it is noted that the floor area of the former public house and the floor area of the restaurant are to remain the same, as is the parking area at the rear. There are no objections to the development on highway grounds either in terms of access arrangements or the parking provision. There are no proposed alterations to the access although it is noted that visibility on egress is limited but in view of the fact that this situation has prevailed for many years it would not be possible to refuse the application on such grounds. The parking standards in the Adopted Local Plan require a higher parking provision for the floor area of a drinking establishment (one space per 2 sq m of floor area) than for the same floor area of a restaurant (one space per 4 sq m of floor area) and therefore there is no requirement for additional parking spaces. Using these figure with a dining area of 60 sq m 15 parking spaces would be required thus indicating an overprovision of parking. However the applicant's submitted assessment indicates that about 30 parking spaces are required.

It is considered that because no permission is required for the change of use there is no reason to refuse the application on highway or parking grounds, and no requirement for further parking spaces, particularly since some customers may walk.

Living conditions

It is noted that the premises are to be opened until midnight Mondays to Fridays and to 12.30am on Saturdays and Sundays. As stated above the change of use is permitted by the General Permitted Development Order (as amended). It is noted that the site is located in a predominately residential area however the premises has a long standing use as public house and has had the benefit of a licence which allowed it to operate until 01:30 hours Mondays to Thursdays and 02:00 hours Fridays to Sundays. It would be unreasonable therefore to refuse the application due to impact on residential amenity because of the opening hours.

The matters which fall to be considered in relation to residential amenity are the impact of the ventilation ducting and the extension on the amenities at adjoining dwellings. The kitchen extension will not be visible from the adjoining dwelling at 54 Crewe Road because of the intervening parapet wall. It is a considerable distance from the side elevation of the adjoining dwelling at 60 Crewe Road and will not have any adverse impact on that property.

However the ventilation stack is close to the boundary of the dwelling at 54 Crewe Road. Odours and fumes can be controlled by suitable filters to remove smells and noise from ancillary mounted equipment can be insulated to control noise from it. Details of a noise insulation scheme and method of removal odours can be required by condition. Therefore the only issue relating to the impact of the ducting is its appearance from 54 Crewe Road. It is not considered that the ducting would appear obtrusive but it is recommended that it should be finished in black rather than left as steel which would draw attention to the ducting. Whilst it will be seen rising from the roof area of the single storey kitchen bearing in mind the position on the rear of 56 Crewe Road, the fact that there is a single storey rear projection on the back of 54 Crewe Road, and the overall size of garden at that property it is not considered that the presence of the duct would impact on residential amenity to such a degree as to justify refusal of the application.

9. CONCLUSIONS

Planning permission is not required for the proposed change of use, which is permitted under the General Permitted Development Order. Planning permission is however required for the extension to the kitchen area, alterations to outbuildings and the provision of the ventilation duct on the rear elevation. It is considered that the proposed extension and alterations to the building would not have any adverse impact on residential amenity at nearby dwellings or the character and appearance of the building.

10. RECOMMENDATION

APPROVE: Conditions

- 1. Standard**
- 2. Plans**
- 3. Matching materials**
- 4. Colour of ducting to be submitted, approved and implemented**
- 5. Retention of parking**
- 6. Scheme to control odours**
- 7. Noise insulation scheme for ancillary mounted equipment**