

Application No: 09/1695C

Location: 8, SOUTHWAY, MIDDLEWICH, CHESHIRE, CW10 9BL

Proposal: CHANGE OF USE FROM C3 RESIDENTIAL TO USES A1, A2, A3 AND B1

Applicant: BRIDEN INVESTMENTS LTD

Expiry Date: 02-Aug-2009

Date report Prepared: 7 August 2009

SUMMARY RECOMMENDATION Approve subject to conditions

MAIN ISSUES

- Whether the principle of the change of use is acceptable
- Whether there would be any adverse impact on the listed building
- Whether there would be any adverse impact on the amenity of nearby neighbours
- Whether the access and parking arrangements are acceptable

REASON FOR REPORT

This application is linked to another 3 applications on the agenda (09/1686C, 09/1738C & 09/1739C). It is considered that all applications relating to this area of Middlewich and submitted by the same applicants should be considered as part of the same agenda.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached residential property that is Grade II Listed. The site lies adjacent to the Principal Shopping Area of Middlewich as defined on the Local Plan. Residential and commercial properties lie to the south, north and west of the site, with existing residential garden areas located to the north east. Land to the north east of the site is allocated for retail development and is the subject of a separate application for a foodstore (09/1686C). This application is considered elsewhere on this agenda. A public footpath is located to the front of the site and this provides a pedestrian link between St Anns Road and Wheelock Street. Vehicular access to the site is via Newton Heath and is shared with a number of other residential properties.

DETAILS OF PROPOSAL

Planning permission is being sought for the change of use of the premises from a dwelling to any use within Use Classes A1 (retail), A2 (professional/financial services), A3 (restaurant/cafe) and B1(business). The application is solely for a change of use, with no external alterations proposed.

RELEVANT HISTORY

None.

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP5 Manage Travel Demand: Reduce the Need to Travel and Increase Accessibility
DP7 Promote Environmental Quality
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
MCR4 South Cheshire

Local Plan Policy

PS3 Settlement Hierarchy
PS4 Towns
GR1 New development
GR6 Amenity & Health
GR9 Accessibility, Servicing & Parking provision
GR10 Accessibility, Servicing & Parking provision
BH3 Change of Use/Conversion
E3 Employment Development in Towns
S1 Shopping Hierarchy
S2 Shopping & Commercial development outside town centres

Other Material Considerations

PPS6: Planning for Town Centres
PPG15: Planning & the Historic Environment

CONSULTATIONS (External to Planning)

Highways: no observations.

Environmental Health: comments awaited.

VIEWS OF THE PARISH / TOWN COUNCIL

Middlewich Town Council: no objection.

OTHER REPRESENTATIONS

None received to date.

APPLICANT'S SUPPORTING INFORMATION

A justification of development document has been submitted with the application. This can be viewed on the application file.

OFFICER APPRAISAL

Principle of Development

As the site lies within the settlement zone line (SZL) of Middlewich, the principle of the proposed uses is acceptable subject to compliance with relevant policies and subject to the proposal having no adverse impact on the listed building, on nearby residential properties and provided that access and parking arrangements are acceptable.

Policy

Principle of the proposed uses

Local Plan policy PS4 states that within the SZL of Middlewich, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and is appropriate in terms of use, intensity scale and appearance. Policy E3 states that within the SZL proposals for employment development on land not allocated for such purposes will be permitted where the listed criteria are met. That includes that the proposal complies with other relevant policies including GR1 and that the proposal is appropriate to local character in terms of its use, intensity, scale and appearance. Any new shopping and commercial development outside of town centres will only be permitted where it is for new shopping or commercial development within a SZL of an appropriate scale intended to serve the needs of a locally resident community (Policy S2).

In this case it is proposed to change the use of a single detached dwelling to either an A1 (retail), A2 (professional/financial services), A3 (restaurant/café) or B1 (business) use. The site lies immediately adjacent to the Principal Shopping Area of Middlewich. The dwelling would represent a modest scale commercial development which it is considered would be appropriate to its location on the edge of the town centre. In terms of the proposed uses, it is considered that the site is capable of accommodating all of the proposed uses, though were an A1 or A3 use to be permitted, the hours of use would need to be carefully controlled so as to protect the amenity of nearby residents. It is not considered that the use of the site for either A2 or B1 would lead to a requirement for such careful controls as such uses are more easily able to co-exist with residential uses.

Impact on Listed Building

Policy BH3 states that the change of use of listed buildings will only be permitted where the Council is satisfied that the listed criteria is satisfied. This includes preservation of the character of the building and its setting. No detailed plans have been submitted with the application as it is stated that no internal or external alterations are proposed. Whilst this is considered possible, it is nevertheless unlikely meaning that even if consent were to be granted, it is probable that further applications would be required in order to establish the detail of the change of use. It is likely that use for either A2 or B1 purposes would be possible with no or minimal alterations whereas use as either a shop (A1) or a restaurant/café (A3) would require some level of alteration. However, it is considered that the building is capable of being used for any of the proposed uses without detriment to either the character or the setting of the listed building. No objections are raised by the Council's Conservation Officer.

Highways

Local Plan policies GR1, GR9 & GR10 state that with all proposals accessibility, servicing and parking must be acceptable.

Access to the site is currently taken from Newton Heath via a driveway shared with other residential properties, with parking available to the rear of the property.

No details have been provided regarding vehicular access and parking. The Highways department raise no objections to the application. It is considered that given the small scale of the property and the resultant level of commercial activity that could take place, the existing access and parking arrangements are acceptable. Space is available for additional parking in what is currently the garden area to the property should this be required. However it is considered that this would need to be agreed beforehand so as to ensure that the setting of the listed building is protected. The current access arrangements would change should the proposed foodstore be built, though access would still be available to the rear of the property via the access to the foodstore.

Amenity

Local Plan policy GR6 states that where development adjoins or is near to residential uses it will only be permitted where it would not have an unduly detrimental effect on their amenity due to the listed criteria including loss of privacy, environmental disturbance or pollution and traffic generation, access and parking.

A number of commercial and residential properties are located to the south and north of the site though the ones to the north are further away and are proposed to be demolished as part of the current proposal for a foodstore (09/1686C). It is considered that the proposed uses could coexist with the existing nearby uses without detriment to amenity. However if an A1 or A3 use were to occur, it is considered that the hours of use would need to be controlled by condition to protect the amenity of nearby residents

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site lies close to the town centre and commercial and residential properties are located nearby. The change of use to either A1, A2, A3 or B1 is considered acceptable and such uses would not adversely affect the amenity of the area, the listed building or highway safety.

SUBJECT TO

The expiry of the publicity period, the receipt of further representations and the views of outstanding consultees.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A10GR - Change of use - no consent for external alterations
4. A13GR - Business hours (including Sundays) -A1 & A3 Use
5. A03MC - Cooking odour extraction equipment - A3 Use
6. Details of any additional parking to be agreed by the Local Planning Authority

