

Application No: 09/1739C

Location: IVY HOUSE, 51 WHEELOCK STREET, MIDDLEWICH,
CHESHIRE, CW10 9AB

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

Applicant: TESCO STORES & BRIDEN INVESTMENTS LTD

Expiry Date: 04-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 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 & 09/1695C). It is considered that all applications relating to this area of Middlewich and submitted by the same applicants should be considered on the same agenda.

DESCRIPTION OF SITE AND CONTEXT

The application site contains a detached residential dwelling. The site is located within the Principal Shopping Area of Middlewich as designated on the Local Plan. The site also lies within Middlewich Conservation Area. The rear part of the garden of the property forms part of a Local Plan retail allocation, though this land does not form part of the application site. Land to the east, south and west 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. Existing commercial premises, many with residential uses above, are located on Wheelock Street within the immediate vicinity of the site.

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

28835/1 - Ivy House OUTLINE PLANNING PERMISSION FOR RESIDENTIAL USE - Withdrawn 28.04.1997

20451/3 - Ivy House EXTENSION TO EXISTING BOARDING CATTERY - Permission with Conditions 03.01.1989

19354/3 – Buildings Rear Of Ivy House PROPOSED CHANGE OF USE OF EXISTING OUTBUILDINGS INTO BOARDING CATTERY Permission with Conditions 08.03.1988

12649/9 - RESTAURANT SIGN BOARD - Consent of Advertisement 03.03.1981

12476/3 - C O U TO FIRST FLOOR LEVEL FROM DWELLING TO RESTAURANT AND STRUCTURAL ALTERATIONS TO GROUND FLOOR. Permission 30.12.1980

12455/3 - C O U FROM 1ST FLOOR LIVING ACCOMMODATION TO LICENSED RESTAURANT - Permission 30.12.1980

11682/3 - EXTENSIONS TO EXISTING RESTAURANT - Permission with Conditions 15.08.1980

11029/9 - ILLUMINATED SIGN - Refusal of Advertisement Consent 08.07.1980

1405/9 - FITTING OF PROJECTING ILLUMINATED SIGN. Refusal of Advertisement Consent 21.05.1975

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
BH9 Conservation Areas
E3 Employment Development in Towns
S1 Shopping Hierarchy
S4 Principal Shopping Areas

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: comments awaited.

OTHER REPRESENTATIONS

One letter of representation has been received from the occupier of the property who states that there is no objection to the application provided that it is made subject to approval of the foodstore (09/1686C).

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 Conservation Area, 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. Within a Principal Shopping Area Policy S4 states that proposals for non-retail uses at ground floor level will not be permitted other than, under certain circumstances, the change of use of A1 premises to A2 or A3 uses. The latter will only be permitted where the proposed use is complimentary to adjacent shopping uses, where the proposed use retains a display frontage and where it does not lead to a concentration of non A1 uses.

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/cafe) or B1 (business) use. The site lies within the Principal Shopping Area of Middlewich. Various uses currently exist along Wheelock Street mainly comprising retail, restaurants/takeaways and professional services. Whilst there are a number of restaurants and takeaways and some financial and professional services in the vicinity of the site, it is not considered that the use of these premises for either a A2, A3 or B1 use would lead to a concentration of non A1 uses. Whilst a B1 use is unlikely to generate significant footfall, and would therefore potentially add little to the vitality and viability of the town centre, given the existing use of the premises as a dwelling it is considered that no objections can be raised to this use.

Impact on Conservation Area

As no external alterations are proposed, there would be no impact on the character and appearance of the Conservation Area.

However, as it seems likely that external alterations would be required to facilitate the proposed uses, it is proposed that a condition be added to any consent granted requiring the details of any such alterations to be approved by the Planning Authority beforehand.

Highways

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

Vehicular access to the site is currently taken from Wheelock Street, with a small area of hardstanding located to the side of the property which could be used for the parking of one or two vehicles.

No details of access or parking arrangements have been submitted with the application. The Highways department raise no objections to the application. This is probably due to the fact

that the site is located within the town centre where parking is available and where loading and unloading commonly takes place off Wheelock Street.

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.

As stated, the site is located within the town centre in the vicinity of commercial premises. Whilst some of these premises appear to have residential uses above, subject to the use of appropriate conditions, it is not considered that the uses proposed would have an unduly detrimental effect on amenity.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site lies within Middlewich Town Centre, within the Principal Shopping Area of Middlewich. It is considered that the uses proposed are acceptable in this location and that there would be no adverse impact on amenity of nearby residents or on highway safety.

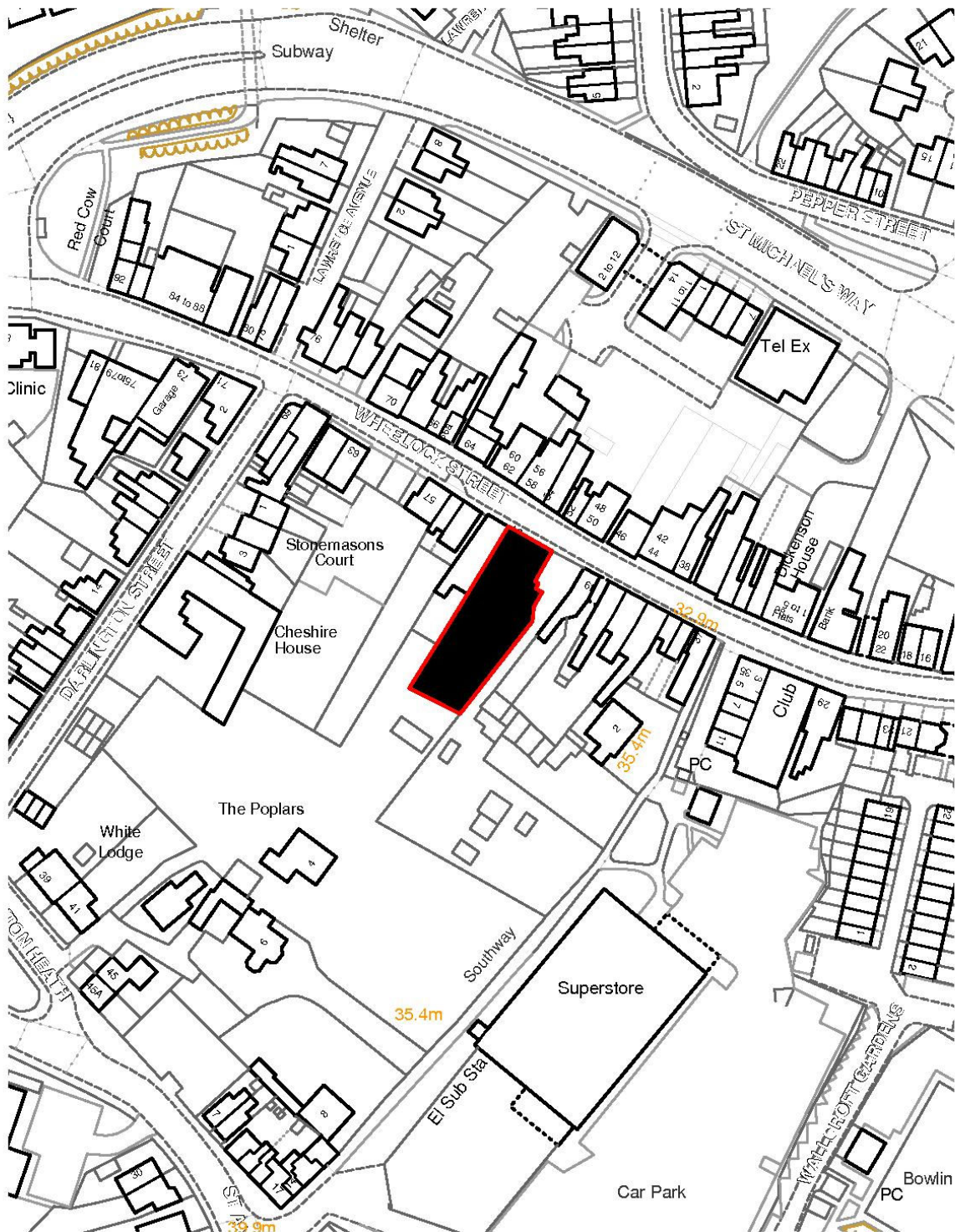
SUBJECT TO

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) -A3 Use
5. A03MC - Cooking odour extraction equipment - A3 Use



**Borough of
Macclesfield**

YOUR COUNCIL-YOUR SERVICES

Scale - 1:1250
Date of plot: 10/08/2009

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