

Planning Reference No:	10/1446N
Application Address:	47A Barony Road, Nantwich
Proposal:	Change of use from offices to two flats
Applicant:	Mr Palin
Application Type:	Full Planning
Grid Reference:	365370 353040
Ward:	Nantwich
Earliest Determination Date:	31 st May 2010
Expiry Dated:	14 th June 2010
Date of Officer's Site Visit:	14 th May 2010
Date Report Prepared:	27 th May 2010
Constraints:	N/A

SUMMARY RECOMMENDATION

Subject to the receipt of amended plans to alter the internal layout of the first floor flat approve subject to the conditions

MAIN ISSUES

Impact of the development on:-

- **The impact upon residential amenity**
- **Parking**

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Thorley has requested it is referred to Committee due to concerns over parking and over-domination.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located within the Nantwich Settlement Boundary and is made up of a two-storey and single-storey building. Although the site address is Barony Road the property fronts onto Davenport Avenue. The buildings are mainly red brick although the two-storey element includes an area which has been painted white. Part of the building has been converted to a funeral parlour following the approval of application 09/3081N.

The area is predominantly residential with flats located to the south and west of the site. To the east of the site is a terrace of properties which are mainly residential apart from a small shop which is located at the junction of Barony Road and Davenport Avenue.

3. DETAILS OF PROPOSAL

The proposal relates to the change of part of the building to 2 flats (the funeral parlour would be retained). The proposed ground floor flat would have 2 bedrooms and the first floor flat would have 1 bedroom.

4. RELEVANT HISTORY

09/3081N - Change of Use from Offices/Dance Studio/Nursery to Offices & Funeral Parlour – Approved 4th December 2009

P08/1338 - Change of Use from Offices to Children Nursery to the Two Storey Section of Property (Mornings Only) – Approved 30th January 2009

P08/1336 - Change of Use from Offices to Dance School to the Two Storey Section of Property Only – Approved 30th January 2009

P07/1278 – Change of use from (B1) office to children's nursery – Refused 8th November 2007

P04/0310 - Change of Use to Car Sales (Re-Submission) – Approved 24th September 2004

P03/0594 - Alterations and extension to builder's workshop – Refused 22nd July 2003

P97/0862 - COU to motor vehicle repairs and sales – Refused 11th December 1997

P94/0563 - Use of garage as additional workshop space – Approved 25th August 1994

P92/0421 - Alterations and extension to builder's workshop – Approved 27th August 1992

5. POLICIES

Local Plan policy

E.7 – Existing Employment Sites

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

TRAN.9 – Car Parking Standards

6. CONSULTATIONS (External to Planning)

Highways Authority: There will be no significant increase in vehicular movements as a result of this application; therefore there are no highway objections.

Environmental Health: No comments received at the time of writing this report

7. VIEWS OF THE PARRISH COUNCIL

No comments received at the time of writing this report

8. OTHER REPRESENTATIONS

No representations received at the time of writing this report

9. APPLICANT'S SUPPORTING INFORMATION

Supporting Statement

- The building which is subject to this application is in a sound condition given its age and past uses. The building does not contain any architectural features

- The building started life as the Chatwin's bakery, followed by various uses such as light industrial, a builder's yard, car sales, a dance studio and children's nursery

The funeral parlour would be retained and the office element would be converted to flats

- Parking for the funeral cars is within the existing garaging. Visitors to both the funeral parlour and flats will use the car park on Davenport Avenue
- Car parking for the flats will be off Davenport Avenue as agreed on the last application
- The property is on all the major bus routes.

10. OFFICER APPRAISAL

Principal of Development

The application site is located within the settlement boundary of Nantwich and the principle issues in the determination of this application will be whether the proposal is acceptable in terms of its impact upon residential amenity and the highway/parking implication of the proposed change of use. The proposed development will need to comply with policies BE.1, BE.2, BE.3, BE.4 and TRAN.9.

This part of the building has been converted to offices as part of the previous approval on the site 09/3081N and as a result the development will result in the loss of an employment use and will need to be considered with reference to Policy E.7. In this instance the loss of employment use will be relatively minor and it is not considered that allowing the proposal would have a detrimental impact upon the supply of employment premises in the Borough. Furthermore the area is predominantly residential and it is considered that there would be overriding local benefits in the change of use of the building to residential use.

Amenity

The existing building has 2 first floor windows to its eastern elevation facing 46-48 Barony Road. There would be a separation distance of approximately 11.5 metres from the first floor principal windows at 46-48 Barony Road and the first floor windows to the side of the application property. It is considered that this relationship would cause a significant level of loss of privacy to the principal windows to the rear elevations of 46-48 Barony Road and is therefore unacceptable. This separation distance would also be contrary to the spacing standards set out in the Councils Supplementary Planning Document on Development on Backland and Gardens which states that ideally there should be a separation distance of 21 metres between principal elevations.

In order to address this issue the agent has agreed to alter the internal layout of the first floor flat so that the windows to the side elevation facing 46-48 Barony Road would be secondary windows and could be obscure glazed. The agent has stated that these amendments have been done but at the time of writing this report the case officer was yet to receive the amended plans, further clarification on this issue will be provided as part of the update report.

Due to the separation distances it is not considered that the change of use would have a detrimental impact upon any other properties.

Design

This is an application for the change of use of the building only and no external alterations are proposed.

Highways

The site has a long planning history and it is important that this is brought to the attention of the committee in determining this application. The site has 3 refusals relating to a lack of parking provision on the site. Prior to 1992 the use of the site was as a builder's workshop and planning application P92/0421 allowed an extension to this builders workshop which resulted in the loss of the sites off-street car-parking provision however the extension provided large garages and would have no impact upon the car parking provision for the site, a condition was attached to ensure that this was retained for the parking of vehicles and no other purpose.

In 1994 a planning application P94/0563 was submitted to allow this garage to be used as additional storage space, this was approved following the submission of a legal agreement in the form of a 'license to occupy' 6 parking spaces within the forecourt of the adjacent tyre depot, this application was approved with a condition limiting the use to the period of the 'license to occupy'.

In 1997 a further application P97/0862 was submitted to change the use of the site to motor vehicle repairs and sales. This application was refused for 2 reasons;

1. Unacceptable increase in on on-street parking detrimental to highway safety and residential amenity
2. Unacceptable increase in noise and disturbance detrimental to the living conditions of local residents

Following an enforcement investigation a retrospective application was submitted for part of the site (the 2 garage units) for a change of use to car sales. This application was refused due to a lack of off-street car parking which would be detrimental to residential amenity.

The applicants resubmitted this application under application P04/0310 after securing 2 off-street parking spaces in the forecourt of the adjacent site. This application was allowed with conditions for the provision of 2 off-street parking spaces and signage for customers and staff to these car parking spaces.

In November 2007 planning permission for the change of use of two-storey part of the building to a children's day nursery was refused due to the lack of off-street car-parking and the lack of any safe picking up and setting down of children within the site

It should be noted that the adjacent site has been developed for a residential use and there is no possibility of off-street parking being provided in the adjacent site as per planning permissions P04/0310 and P94/0563.

In 2008 planning permission was granted for the use of the site as a children's day nursery and dance school. As part of this permission there was an agreement that the parents and staff using the site would use the Scout Hut car park further down Davenport Avenue. A similar agreement was made in 2009 when planning permission was granted for the use of the site as a funeral parlour and office (the funeral parlour element of this proposal has now been implemented).

The site is in close proximity to the shop at the junction of Barony Road and Davenport Avenue and it is accepted that there may be some times of the day when on-street parking is a problem in the area. However the proposed change of use would create the

demand for 2 on-street car parking spaces only, and given that the Highways Authority has raised no objection it is not considered that the application can be refused due to the lack of off-street parking.

11. CONCLUSIONS

The proposal involves no external alterations to the building and subject to the receipt of amended plans to alter the internal layout of the first floor flat it is considered that the proposal would not have a detrimental impact upon residential amenity. Although no off-street parking would be provided the Highway Authority as raised no objection to the proposal given the scale of the proposal and as a result the development is considered to be acceptable in terms of its highways implications.

12. RECOMMENDATIONS

Subject to the receipt of amended plans to alter the internal layout of the first floor flat Approve subject to the following conditions;

- 1. Standard 3 years**
- 2. Amended plans**
- 3. Obscure glazing to the 2 first floor windows to the eastern elevation**
- 4. No use of the single storey flat roofed area as a balcony or roof terrace**

Location Plan:
Licence No: 100049045

