

Item 3k	13/00757/FUL
Case Officer	David Stirzaker
Ward	Chorley North
Proposal	Conversion of ground floor from hairdressing salon to self-contained flat
Location	Novita, 37 Cowling Brow, Chorley
Applicant	Mr And Mrs Tebbutt
Consultation expiry:	1st July 2014
Decision due by:	30th December 2013

UPDATE

It was previously considered that this application could be dealt with under delegated powers with any grant of planning permission being subject to an associated legal agreement to secure a commuted sum payment for the provision of off-site public open space. However the formal decision notice has not yet been issued and since the changes introduced by the National Planning Practice Guidance (NPPG) in November last year, the Council's revised position is that all applications affected by the change to NPPG are taken to Chair's Brief for further consideration.

The NPPG was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing what are in the Government's view disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².

This development is for one dwelling which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². In the case of this development there is no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance.

The officer's original report is set out below and Members will note that the recommendation previously was to approve the application subject to a legal agreement. However since the NPPG changes this has now been revised to APPROVE. In all other respects the assessment of the proposal is unchanged and there are no other amendments to the report.

It was previously considered that this application could be dealt with under delegated powers on 26th February 2014 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits in respect of this part of the Borough are as follows:

Allotments

There is no requirement to provide allotment provision on site within this development.

The site is within the accessibility catchment (10 minutes' drive time) of allotments that are identified as being low quality and/or low value in the Open Space Study (ref 1644 – Whittam Road/ Moor Road Allotments, Chorley and ref 1648 – Rear of Bay Horse Hotel, Whittle-le-Woods).

The site is also within the accessibility catchment (10 minutes' drive time) of proposed new allotment sites at Land at Sylvesters Farm, Euxton (HW5.2) and Harrison Road, Adlington (HW5.3). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

A contribution of £1,599 towards the improvement of existing playing pitches in the Borough as identified in the Chorley Action Plan within the Central Lancashire Playing Pitch Strategy & Action Plan, June 2012.

Members need not rehearse the arguments aired when it was first agreed by the Council that the matter could be approved. Any discussion should instead concentrate on the issues regarding imposition or not of tariff style obligations in s.106 agreements raised by the Ministerial Statement dated 28 November 2014. However if there have been material changes in relation to the application site since it was agreed that the application could be approved which might cause the decision to be revisited members are encouraged to discuss these issues.

Recommendation Approve

13/00757/FUL

**DELEGATED
REPORT**

Target Date: 30th December 2013

RECOMMENDATION: Grant Planning Permission

CODE: LEGFUL

Signed:

Case Officer: D. Stirzaker.....

Agreed:

Date: 26th February 2014

Date:

RELEVANT POLICIES: In reaching this decision the policies for the area, which currently comprises the Development Plan which comprises the saved policies of the Adopted Chorley Borough Council Local Plan Review (2003), the Central Lancashire Core Strategy (2012) and all other relevant planning guidance, including supplementary planning guidance and supplementary planning documents, were taken into account. This includes specifically the following policies:

National Planning Policy Framework (NPPF)

Chorley Local Plan Review – GN1 / GN5 / HS4 / HS6 / HS21 / TR4 / Design SPG

Emerging Chorley Local Plan – ST4 / HS4A / HS4B / EP8 / BNE1

Central Lancashire Core Strategy – Policy 4 / Policy 5 / Policy 6 / Policy 10 / Policy 17 / Policy 29 / Design SPD

HOW QUALITY OF SCHEME HAS BEEN IMPROVED: Acceptable as submitted

COUNCILLOR REQUEST TO REFER TO COMMITTEE: No

CONSULTEE COMMENTS: The Coal Authority – Low Risk Area (Standing Advice Informative)
LCC (Highways) - No objections
Planning Policy Advice - Satisfied that the proposal is in accordance with Policy EP8 of the emerging Local Plan based on the additional supporting information submitted by the applicants agent

NEIGHBOUR COMMENTS: No comments received

OFFICERS REPORT:

Proposal

This application relates to the conversion of the ground floor of the property from a hairdressing salon to a self-contained flat.

Site Description

The site comprises of an end of terrace property located on Cowling Brow in the settlement of Chorley. The property comprises of a hairdressing salon at ground floor and a self-contained flat above at first floor level. To the front of the property is a hard standing area which merges into the footpath and to the rear is a garage.

Constraints

Coal consultation zone
Chorley Core Area

Site History

The site history of the property is as follows:

Ref: 13/00577/FUL **Decision:** WDN **Decision Date:** 12 August 2013

Description: Conversion of ground floor from hairdressing salon to self-contained flat

Ref: 5/1/01971 **Decision:** PERFPP **Decision Date:** 23 January 1963

Description: Construction of new shop front

Summary of Issues

The main issues are as follows: -

Issue 1 - Principle of Development

Issue 2 - Design & Scale

Issue 3 - Neighbour Amenity

Issue 4 - Traffic & Parking

Analysis of Issues

Issue 1

As the property comprises an A1 use at ground floor, Policy EP8 of the emerging Chorley Local Plan states that a change of use application resulting in the loss of an A1 premises must demonstrate that a) the use is not financially viable, b) there is sufficient provision in the local area; and c) the facility is in an isolated location remote from public transport routes.

The applicant had now originally submitted information to address this but has now submitted a supporting statement, prepared by the agent who is a Chartered Surveyor, setting out how the commercial use of the property over the last 3 years has struggled wherein 3 tenants have not been able to run a business successfully with all leaving in arrears even when the landlord has allowed significant rent free periods. The statement asserts that the premises and the location mean that the property is unlikely to be able to sustain a viable business in the foreseeable future.

The supporting statement also details what provision there is in the locality of other shops and the nearest comprise a hot foot takeaway and an off-licence and grocers. There are also several other shops on Cowling Brow. The statement concludes that the property of this nature can no longer cater for a local need as a business could no longer compete with larger stores in Chorley. The property should therefore be permitted to change to a flat to avoid the risk of it falling into neglect.

Planning Policy have considered the statement and consider it sufficiently addresses the requirements of Policy EP8 of the emerging Chorley Local Plan. The 'principle' of the conversion of the property to a flat is there now an acceptable one.

Issue 2

The application plans detail a proposed layout internally and propose the use of panels in the shop frontage to provide privacy for occupants. However, the Design & Access Statement (DAS) states that the shop front will be removed and the property will be given a more domestic frontage. The final details of the frontage are therefore recommended to be the subject of a pre-commencement condition. No other changes are proposed to the property and the DAS also states that the hard standing at the front of the property will be retained for the occupier/s of the flat to use as an off road car parking space.

Issue 3

The change of use of the ground floor of the premises from a hairdressing salon to a flat will

potentially lead to a reduction in noise and disturbance for neighbours given the most recent use of the property as a hairdressing salon. Moreover, the hairdressing salon could have been re-used for retail purposes given it falls within Use Class A1. On this basis, it is considered that the proposed flat at ground floor will not cause detrimental harm to the living conditions of the adjoining and adjacent residents.

Issue 4

There is space to park a car at the front of the property and there is also space at the rear of the property in a garage. On street parking is also available on Cowling Brow and on Brownley Street. LCC (Highways) have not raised any objections to the application so on this basis, there are no objections to the application on traffic and parking grounds.

Conclusion

On the basis of the above, it is recommended that planning permission be granted subject to the signing of a S106 agreement to secure a commuted sum in line with the recently adopted Open Space and Playing Pitch SPD.

Site Visit Date:	11 th December 2013	Site Notice Expiry Date:	1 st January 2014
Nbr Letter Expiry Date:	27 th November 2013	Press Notice Expiry Date:	N/A