

Item 3h	14/00704/FUL
Case Officer	Helen Lowe
Ward	Chorley North West
Proposal	Change of use from solicitors office (A2) to dwelling house (C3)
Location	3 Queens Road, Chorley
Applicant	Mr Jim O’Riordan
Consultation expiry:	13th August 2014
Decision due by:	28th August 2014
Recommendation	Approve

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.

This application was taken to Chair’s Brief on 20th January 2015 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:

The obligations are as follows (sites as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012):

Amenity Greenspace

A contribution of £140 towards new provision in the Chorley North West, Chorley.

Provision for children/young people

A contribution of £134 towards new provision in the Chorley North West, Chorley.

Allotments

A contribution of £15 towards improving the quality/value of the following sites as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012:

Site 1644 – Whittam Street/Moor Road,

Site 1646 – Allotments rear of Worthy Street,

Site 1648 – Allotments rear of Bay Horse Hotel, Preston Road

Policy HW5.2 proposed new allotment site at Sylvesters Farm, Euxton

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 Permit

14/00704/FUL

Target Date: 28 August 2014

**DELEGATED
REPORT**

RECOMMENDATION: LEGFUL

Signed:

Case Officer: Helen Lowe **Agreed:**

Date: 26th November 2014..... **Date:**

RELEVANT POLICIES: In accordance with S.38 (6) Planning and Compulsory Purchase Act (2004), the application has been determined in accordance with the development plan (the Central Lancashire Core Strategy (2012), the Adopted Chorley Borough Local Plan Review (2003) and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Note on the Emerging Chorley Local Plan 2012-2026

The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.

Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

The Council accepted the Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

HOW QUALITY OF SCHEME HAS BEEN IMPROVED: N/A

COUNCILLOR REQUEST TO REFER TO COMMITTEE: None received

CONSULTEE COMMENTS: Lancashire County Council Highways - As no proposed plans are provided, the application cannot be fully assessed.

Planning Policy Advice - Within the emerging Chorley Local Plan 2012 – 2026 the site is not within the town centre boundary, the rear of the

property just borders it, or subject to Policy EP6 (Chorley Town Primary Shopping Area, Primary and Secondary Frontages). The site also borders the conservation area border. (Policy BNE8),

Planning Policy - Open Space - The total financial contribution towards the provision/improvement in Public Open Space required as part of this development is £1888

The Woodland Trust - No comments received

The Coal Authority - low risk area, standing advice

NEIGHBOUR COMMENTS: None received

OFFICERS REPORT:

Proposal

This application relates to Change of use from solicitors office (A2) to dwelling house (C3)

Site Description

The application property is a three storey terraced property, located just outside of the defined town centre boundary in the emerging local plan. Planning permission for change of use of the property from a dwelling to an office was granted in 1976 (ref. 76/00805/FUL). The property has been most recently used as a solicitors office. Surrounding uses are a mixture of commercial and residential.

Constraints

Ancient Woodland Buffer
Coal consultation zone
Chorley Core Area
More than 1 Other
More than 1 Other
Wind turbine consultation zone

Site History

The site history of the property is as follows:

Ref: 76/00805/FUL **Decision:** PERFPP
November 1976

Decision Date: 16

Description: Change of use of house to office

Summary of Objections / Issues

The main issues to consider in determining the application are considered to be the principle of the development, impact on neighbour amenity and impact on highway safety.

Analysis of Issues

Principle of the development

The application property is located within the settlement boundary of Chorley, outside of the defined town centre boundary. As the property falls within use class A2 it is not subject to existing employment premises protection by Core Strategy Policy 10 – (Employment Premises and Sites) and its associated Central Lancashire SPD. There is therefore no objection in principle to the conversion of the property to residential use.

Impact on neighbour amenity

Policy BNE1 of the emerging Local Plan states that new development, including conversions, should not cause any harm to any neighbouring property by virtue of overlooking, overshadowing or

overbearing. It also states that proposals should not cause an unacceptable degree of noise disturbance to surrounding land uses.

The immediately adjoining property to the east is no. 1 Queens Road, which is also the subject of an application to change its use from A2 to C3 (ref. 14/00705/FUL). Adjoining no. 1 is 1-3 Park Road is presently in a mixed use, with a gymnasium on the ground floor and residential flats on the first and second floors.

Adjoining the application property to the west is a vacant auction house and further beyond this other office buildings. There are no windows in the side elevation of the auction house overlooking the application property. To the front, on the opposite side of Queens Road is an office building and further to the north east are residential properties. To the rear is an access road leading to a public car park.

Two of the flats within 1-3 Park Road have a bedroom window that overlooks the rear yard area of the application property, although views are screened by the rear outrigger at no. 1. These windows were permitted subject to a condition that they be obscure glazed and non-opening. An application to vary that condition to allow the windows to open (but retaining the obscure glazing) is currently under consideration (14/00808/FUL). The windows in the neighbouring property do not look directly into any windows of the application property (they are perpendicular to the dwelling), and are screened by the outrigger at no. 1. Although the windows are a later addition to the neighbouring property (approved under application 10/00255/FUL) it is not considered that the relationship is unusual or uncommon in a high density, town centre location with terraced properties and converted buildings in close proximity. The conversion of the application property to a dwelling would not be unduly harmful to the privacy of the nearby flats and it is not considered that the level of overlooking of the rear yard area (which can also be clearly seen from Back Mount to the rear) caused by these windows would prejudice the change of use to residential.

It is therefore not considered that the change of use proposed is likely to give rise to a significant increase in overlooking or noise and disturbance for neighbouring residents.

Highway Safety

The applicant has not provided details of the proposed internal layout of the dwelling, although considering the existing internal layout it is considered likely that the dwelling would be a three or four bedroom property. There is no off street parking available at the property and no on street parking on either side of Queens Road. Farringdon Street long stay car park is located immediately to the rear of the application site.

Policy ST4 of the emerging Local Plan requires that three bedroom dwellings should have two off road parking spaces and a four bedroom property should have three.

Although the proposals results in a short fall of off street parking it is considered that the proposals is acceptable for the following reasons:

- The property is located in very close proximity to the town centre and a long stay public car park;
- The off street parking requirement for an A2 office of this size (approximately 130 sq m excluding the garage) according to policy ST4 is 4.4 spaces, greater than that for a three or four bedroom dwelling;
- The property historically was a dwelling.

It is recommended that a condition be added requiring details of the internal layout of the dwelling to be provided before the use as a dwelling commences.

Section 106 agreement

There is a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing planning permissions in the Borough irrespective of size. This is set out in policies HS4A and HS4B of the Emerging Local Plan.

Also, in September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contributions towards the provision and improvement of public open space within the Borough are therefore now based on comments are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, , deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.

The Council's Planning Policy have advised that a figure of £1888 is required in this instance. The applicant has been made aware and a draft s106 agreement has been produced.

CIL

The Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq m. This was adopted in July 2013 and charging commenced on 1 September 2013. As the proposal results in new residential floor space being a CIL liability notice will be issued for the development, however as no new floor space is being created the amount payable may be nil.

Conclusion

Subject to the applicant entering into a legal agreement to provide the required contribution towards the provision/improvement of public open space, the proposal is accordingly recommended for approval. The proposal would not have a significant impact on highway safety compared with the existing use and would not cause any significant loss of privacy for neighbouring residents.

Site Visit Date:	24 July 2014	Site Notice Expiry Date:	13 August 2014
Nbr Letter Expiry Date:	24 July 2014	Press Notice Expiry Date:	5 August 2014

RECOMMENDATION: Approve subject to legal agreement

CODE: LEGFUL

CONDITIONS:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.

Reason: In the interests of neighbour amenity.

2. Before the dwelling hereby permitted is first occupied for residential purposes, details of the proposed internal layout shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure a satisfactory form of development on the interest of the amenity of neighbouring residents.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Existing layout	Page 1	23 June 2014
Location plan		23 June 2014

Reason: For the avoidance of doubt and in the interests of proper planning

4. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004