

Update: Members will recall that this application was considered at DC Committee on 10th February where it was resolved to approve full planning permission subject to a S106 Agreement to address identified open space deficits within this part of the Borough. Following this resolution the agent for the application has confirmed the following:

We have clear instructions that they [the applicant] will not agree to the imposition of a levy required as a contribution towards the provision of play space etc, especially bearing in mind the recent Directive from the Department for Communities and Local Government in 'Planning Contributions (Section 106 Planning Obligations)' published November 2014.

As such this application is brought back before Members to be determined as submitted without a contribution to open space.

Item 3B	14/00324/FUL
Case Officer	Helen Lowe
Ward	Chorley North West
Proposal	Proposed change of use from solicitors office (A2) to residential (C3)
Location	20 St Thomas's Road, Chorley
Applicant	Mrs Susan Barnes
Consultation expiry:	28th May 2014
Decision due by:	17th June 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

14/00324/FUL

Target Date: 17 June 2014

**DELEGATED
REPORT**

RECOMMENDATION: LEGFUL

Signed:

Case Officer: Helen Lowe **Agreed:**

Date: 29th August 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. The examination of the local plan remains open, and the Inspector will reconvene the examination later in 2014 to consider Gypsy and Traveller matters, which would enable the adoption of the local plan, following a supplementary report.

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: Further information regarding the proposed internal layout has been provided.

COUNCILLOR REQUEST TO REFER TO COMMITTEE: No

CONSULTEE COMMENTS: Lancashire County Council Highways - The latest plans sent by the applicant show that the proposal will be 3 bedrooms. This would require

two parking spaces. With the single space in front of the building and the cycle storage provision, the proposal is now considered acceptable.

The Coal Authority - low risk area, standing advice

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

Planning Policy - The existing A2 use is not a use subject to existing employment premises protection by Core Strategy Policy 10 – (Employment Premises and Sites) and its associated Central Lancashire SPD.

Within the emerging Chorley Local Plan 2012 – 2026 the site is not within the town centre boundary or subject to Policy EP6 (Chorley Town Primary Shopping Area, Primary and Secondary Frontages).

NEIGHBOUR COMMENTS: None received

OFFICERS REPORT:

Proposal

This application proposes the change of use from a Solicitors office (use class A2) to residential (C3)

Site Description

The application property is a two storey semi detached property, located just outside of the defined town centre boundary in the emerging local plan.

It is likely that the property was a dwelling at some point in the past; however there is no record of the original planning consent. The premises were in use as an insurance brokers and architects office at the time of an application submitted in 1976.

Constraints

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

Site History

The site history of the property is as follows:

Ref: 77/00211/FUL **Decision:** PERFPP **Decision Date:** 14 April 1977

Description: Double garage

Ref: 76/00337/FUL **Decision:** PERFPP **Decision Date:** 15 June 1976

Description: Change of use of 1st floor offices to Art Gallery with retail outlet

Summary of 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.

Both adjacent properties to either side are currently also in commercial use, although the property to the west has recently gained consent to convert to residential use (14/00389/PAJ). Properties to the rear on Woodville Road and Springfield Road are primarily residential. It is not considered that the change of use proposed is likely to give rise to a significant increase in overlooking or noise and disturbance.

Highway Safety

The application proposes the conversion of the existing offices into a three bedroom property. Initially the applicant had not provided any details of the proposed internal layout for the property, however, in order to fully assess the highway safety impacts of the proposals details were provided.

There is space to park one vehicle to the front of the application property. Policy ST4 of the emerging Local Plan requires that three bedroom dwellings should have two off road parking spaces. St Thomas's Road has a traffic regulation order extensively restricting waiting on-street. There is a large garage to the rear of the property, but to gain access to this by a vehicle you would need to pass through the rear of the adjacent property to the west (no. 22). This is now shown to provide cycle storage and can be accessed to the side of the property.

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;
- The off street parking requirement for an A2 office of this size (approximately 198 sq m excluding the garage) according to policy ST4 is 6.6 spaces, greater than that for a three bedroom dwelling;

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, there may no liability if the building has been in use for at least 6 months continuously within the last three years.

Conclusion

Subject to the applicant entering into a legal agreement to provide the required contribution towards the provision/improvement of public open space

Site Visit Date:	7 May 2014	Site Notice Expiry Date:	28 May 2014
Nbr Letter Expiry Date:	13 May 2014	Press Notice Expiry Date:	N/A

RECOMMENDATION: Permit subject to s106

CODE: LEGFUL

CONDITIONS:

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

Title	Drawing Reference	Received date
Existing ground floor plan	Page 1	24th April 2014
Existing first floor plan	Page 2	24th April 2014
Proposed ground floor plan	Page 1	13th June 2014
Proposed first floor plan	Page 2	13th June 2014

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

2. 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