

Item B. 3	08/01189/COU	Permit Full Planning Permission
Case Officer	Caron Taylor	
Ward	Chorley North West	
Proposal	Retrospective application for change of use of property from residential to mixed use residential and office (B1), for a further 2 years.	
Location	22A Windsor Road Chorley Lancashire PR7 1LN	
Applicant	Mr Stephen Robinson	
Proposal	The application is for the erection of B1 office units (amendment to planning approval 08/00119/FUL).	
Summary	The	
Policies	GN1, EM7	
Planning History	An enforcement notice against the use was authorised by committee in October following complaints received from neighbouring properties regarding the use of the property in particular the parking of the employee's vehicles along Windsor Road. However, issuing of the notice it was put on hold pending the outcome of a planning application. An application to continue using the property for one year was withdrawn (08/01068/FUL), as it was not considered a reasonable timescale for the business to move.	
Background	The application property is a detached house on Windsor Road, Chorley. Part of the property above the integral garage is currently being used by internet based business, Xyone, which is a digital marketing agency.	
Consultations	<p><u>Coal Authority</u> Standing Advice</p> <p><u>LCC Highways</u> Recommend refusal on highway grounds due to lack of parking in the area. Several complaints have been made regarding parking issues on Windsor Road, Kensington Road and all other associated streets in this area. There are also concerns regarding access to fire engines due to parked cars on Windsor Road south of its junction with Kensington Road.</p> <p><u>CBC Economic Development Unit</u> The Economic Development Unit is in full support of this application. As the company were hoping to move to new premises in Matrix Park following the disappointing news that Redrow have decided not to proceed with Phase 3 of Matrix Park they are now being forced to find an alternative accommodation. With the present economic climate being volatile the extension to two years would give the company additional breathing space to further consolidate it's resources and find enhanced economic stability. The company has been operating from 22a Windsor</p>	

Road temporarily in order to reduce overheads and increase profits to retain its viability. It is obvious that having to rush into relocating at this time would cause the company financial hardship that could lead to its demise and the obvious loss of jobs.

Representations

Three letters of objection and one letter of no objection have been received to date, however the consultation deadline has not expired so further may be received.

The reasons for objection can be summarised as:

- Windsor Road is often used by people working in Chorley who leave their cars and walk into town, often without concern for residents;
- Parking on the road has been restricted in the last two years by yellow lines introduced on Windsor Road and Kensington Road, nonetheless the volume of cars attracted by free parking during the week has remained the same. Staff parking all day to work at the application property obviously adds to parking difficulties already experienced by residents and their visitors. Their daughter has received a parking ticket for not being able to park legally near their home;
- The owner has provided no off road parking for their staff or business visitors to relieve congestion in the neighbourhood despite some limited off road space at the property;
- A number of cars are currently coming to the property on a daily basis on weekdays. If the application were approved the business could expand, without Council notice or resident consultation, thus attracting more staff and further exacerbating parking and congestion difficulties in the area;
- As a residential area children play on the street in good weather. Increased business traffic and congestion inevitably impacts on safety;
- This is a residential area and most people in the neighbourhood would wish it to remain so. Ample office accommodation with parking facilities appears to be readily available in Chorley and the surrounding area, yet no alternative office space has been secured by the applicant in the years operating a business from this address. This is the first formal application despite longstanding business use;
- Permission for business use at this address would set an example, increasing the likelihood of a further application for permanent change of use at the end of the two year period and potentially increasing the likelihood of applications for other houses to be used as offices. Ultimately, increasing business use of domestic properties would impact on the character of the area and add to the congestion problems for remaining residents;
- As Windsor Road is solely residential area, so that a business employing a number of people is inappropriate and would detract from the residential amenity of nearby houses;
- The existing use of the property for a business has constantly caused a nuisance due to employees cars being parked on Windsor and Kensington Road, making access to the cul-de-sac difficult;

- The closure of part of West Street car park has put further pressure on street parking in the area;
- The use has gone on for too long already and they therefore oppose the application even on a temporary basis;
- Allowing the application would set a precedent in the area.

One letter states they have no objection to the change of use since it does not detract from the residential nature of the building.

Applicant's Case

The original application 08/01068/FUL for a one year extension to the current use of the property was, in truth done in a bit of a panic due to the impending enforcement notice. However, having had time to think about the practicalities of the matter it is clear that the one year timeframe is unrealistic.

Having looked at the practicalities of moving premises it has become clear to us that even if the economy recovered tomorrow it would be virtually impossible for us to achieve a move prior to 12 months from now.

Firstly it is critical that the company must locate to an appropriately modern looking office building in a well respected forward looking commercial area to create the correct impression for customers. Once such premises have been located an acceptable purchase/rental package need to be negotiated and the appropriate funding secured. Clearly at the current time there are immense difficulties in achieving sensible and affordable funding. If funding could be secured for suitable premises they would then need to be fitted out appropriately. Therefore it can be seen that it would be highly unlikely that a move within 12 months could be achieved, therefore the application was amended to two years to reflect the reality of the situation.

The current difficult trading conditions in all business sectors determine that the pragmatic approach to the security of employment for the staff involved is to remain at the current premises until more amendable trading conditions are prevalent.

The company has been based in Chorley for eight years, having rented offices for seven years at 36 Pall Mall. At the end of the seven years to lease was up for renewal but the directors decided to look to purchase a commercial property rather than continuing to rent for another five years or so. Ideal premises were located at Matrix Park, Buckshaw Village to be built by Redrow and a price was agreed with an expected completion date of November 2007. Due to the lease ending on Pall Mall the business was moved temporarily to the Directors house at 22A Windsor Road until the new property was built and due to the nature of the business arrangements were made for several staff to work remotely from their homes and dial in on a daily basis to their network which reduced the space required at Windsor Road.

Later in 2007 Redrow stated the development would not start until February 2008 with an expected completion date of July 2008 and it was decided to wait for the premises, as it was an ideal location for staff being from Manchester, Preston, Leyland and Chorley. However, it became apparent that work had not started on the new offices and concerns started to grow that the completion was constantly being put back. In July Redrow informed the business

that due to the current economic climate and the state of the commercial property market they had decided not to proceed with the third phase of the Matrix Park Development and therefore the business is back to square one, although is still actively looking for new premises.

With all the indications that we are heading for a recession Xyone's priority is to safeguard all the existing jobs and tread carefully over the next 6 to 12 months. Also because of the current commercial mortgage market being nonexistent and the tightening up on banks lending money to small businesses it might be difficult to get a commercial mortgage. Due to the size of deposit that the business needs to put down on securing properties has increased more time is needed for the confidence of the mortgage lenders to grow in relation to small to medium enterprises.

As a resident of Windsor Road they also have concerns about the parking, 90% of which is from the offices based on St Thomas's Road. The use of the property ensures it still remains as a large residential dwelling and none of the day to day activities would lead to the uninitiated being aware of its mixed use.

The granting of planning permission is crucial to maintain the current level of employment at the company, refusal would ensure that in the worse possible point in the economic cycle that the company would be burdened with huge extra costs. The nature of the business use is very unobtrusive and in no way interfered with the amenity of any of the other residents and as such they feel that planning permission should be granted.

Assessment

The service provided is carried out by seven employees (including the owner) within an office complex who operate from individual computer terminals. This use cannot be considered to be ancillary to the main use of the dwelling given the number of employees who attend the dwelling on a daily basis. Therefore there is a mixed use of the dwelling.

The main issue to consider is whether the development has resulted in a loss of amenity to neighbouring properties and the area in general. Policy EM7 covers employment development in residential areas. This states that new small scale employment development (including that falling within use class B1), will be permitted in areas where housing is the principle land use provided there would be no detriment to the amenity of the area in terms of noise, nuisance, disturbance, environment and car parking. It is not considered that the use of the property has a detrimental impact on the surrounding property in terms of noise, however there are issues with the use in terms of carparking due to the number of employees working at the premises as well as occasional business callers leading to a loss of amenity for nearby residents contrary to EM7.

The property does have some off street parking, however the Council cannot apply a condition that forces employees to use it, as this would not be enforceable or reasonable, as providing a vehicle is taxed and insured it is permitted to park on the public highway. However, it is clear that the business has made efforts to move to proper premises, however these efforts have been prevented by the sudden economic downturn that could not have been predicted.

The Council is therefore in the difficult position in that in the current economic climate it wishes to support small businesses and certainly prevent job losses, but also wishes to ensure reasonable amenity standards are maintained for surrounding residents.

The current financial situation is unusual and on balance, a temporary permission is seen as a reasonable short-term solution, however the permission will be conditioned so that it is only temporary for two-years as applied for as the scheme is not considered acceptable on a permanent basis.

**Recommendation: Permit Full Planning Permission
Conditions**

1. The office use hereby permitted shall cease within two years of the date of this permission.

Reason: The use is not considered suitable in this location on a permanent basis and in accordance with Policy Nos. EP7 of the Adopted Chorley Borough Local Plan Review.
