

Application No: 09/3553M
Location: 2- 4, LONGBUTTS LANE, GAWSWORTH,
MACCLESFIELD, CHESHIRE, SK11 9QU
Proposal: CHANGE OF USE OF STORES INTO TWO
SEPARATE FLATS OF ONE BEDROOM EACH

For MISS SHARON HUNT, GAWSWORTH VILLAGE
STORE

Registered 30-Nov-2009
Policy Item No
Grid Reference 389012 370458

Date Report Prepared: 22.01.2010

SUMMARY RECOMMENDATION

REFUSE FOR THE REASON STATED

MAIN ISSUES

- Whether the principle of the proposed accords with relevant policies
- Impact on neighbour amenity
- Highways safety
- Housing policy and supply

REASON FOR REPORT

The application has been called in by Cllr Smetham for the following reasons:
1) Concern regarding the loss of the only remaining local shop which serves a school, elderly people's residences and people working locally, in addition to farms and other dwellings. 2) Concern regarding the nature and extent of marketing undertaken in respect of the sale of the business/property.

DESCRIPTION OF SITE AND CONTEXT

The building to which the application relates comprises the ground floor of Nos 2 and 4 Longbutts Lane, which forms part of a small terrace, originally consisting of 4 No. retail units at ground-floor level (Nos 2-8) with accommodation above at first-floor level. The site is located within in a residential area (Gawsworth Village) located within the Green Belt.

The site is currently used as a local retail store. The ground-floors of Nos 6 & 8 were converted to residential use over 10 years ago.

The accommodation above the existing store was sold off separately before the current owner bought the store which, until 2008, used to also incorporate the local Post Office. The site history shows that an application to change the use of part of the retail unit to residential use (the floor area of No. 2) was

approved in 2006 (06/2187P). This was never implemented and is now out of time.

The applicant has submitted information with the application, and additional information has been submitted since the original submission, relating to the viability of the business and the marketing associated with the attempts to sell the business/premises. This information provides some further insight/understanding of the context of this application.

DETAILS OF PROPOSAL

The proposed seeks full planning permission for a change of use of the Retail Shop/Store to 2 No. 1-bedroom flats. No permission is sought, at this stage, for any external physical alterations.

RELEVANT HISTORY

06/2187P Change Of Use Of Ground Floor From Wholly Retail To Part Retail (No.4) And Part Residential Use (No.2) - approved with conditions 25 jan 2006.

POLICIES

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP4 – Make the Best Use of Existing Resources and Infrastructure
DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP7 – Promote Environmental Quality
L2 – Understanding Housing Markets
L4 – Regional Housing Provision
R2 – Managing Travel Demand
RDF4 – Green Belts

Local Plan Policy

H1 – Phasing Policy (Housing)
H2 – Environmental Quality in Housing Developments
H5 – Windfall Housing Sites
H13 – Protecting Residential Areas
DC3 – Amenity
DC6 – Circulation & Access
DC41 – Infill Housing Development or Redevelopment
DC63 – Contaminated Land including Landfill Gas
S5 – Class A1 Shops

Other Material Considerations

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Planning Policy Guidance Note 2: Green Belts

Planning Policy Guidance Note 13: Transport

‘PPS3 Housing and Saved Policies Advice Note’ and the associated ‘PPS3 Housing Self Assessment Checklist’

CONSULTATIONS

Highways:

No objections

Environmental Health:

No objections

VIEWS OF THE PARISH / TOWN COUNCIL

Gawsworth Parish Council:

Object and recommend refusal – on the grounds of the loss of the last village shop in Gawsworth.

OTHER REPRESENTATIONS

None

APPLICANT'S SUPPORTING INFORMATION

‘Supporting Letter’

The applicant submitted a letter of support with the application. The key points are summarised below:

- The Post Office (within the existing Store) was closed in 2008. This has lead to a downfall in footfall and a corresponding decrease in income, *“making it impossible to continue the business”*.
- The Store has been for sale on the open market for 4 No. years; an auction was held on 6th October 2009; the community and Parish Council have been approached regarding the formation of a co-operative but no interest has been expressed.
- Over 50% of trade comes from outside the village.
- The difficulties with trading are affecting the owner’s health.
- 2 No. other Retail units adjacent to the application site have been converted to flats during the past 10 No. years.

- It was hoped that the part change of use approved in 2006 would help sell the business. This planning approval (06/2187P) expired in October 2009.

‘Subsequent correspondence’

Further information regarding the viability of the business and the nature and extent of marketing that has taken place has been received. Some key points are summarised below:

- The property has been marketed by a total of three agents who are all well respected and experienced in this category of business, namely Timothy Brown of Congleton, Greenhams of Macclesfield and most recently Equity & Law, who have taken the property to auction twice.
- In all cases appropriate marketing tools have been used – use of the internet being a major component in any advertising campaign.
- The most recent agents, Equity & Law (who are auction business specialists), have provided the following information for the client on their activity: a) the property has been mailed on at least three occasions to over 2,000 clients; b) to date there has been over 700 visits to the property web page.
- The Equity & Law site is www.equityandlaw.co.uk and details of the property are available to view on the site. Eg. guide price of £135,000.00; offers are invited.
- There has been a serious and prolonged attempt to sell the property, unfortunately without success to date.
- Turnover is approx. £3,000.00 per week – with a gross margin of 20% before operating costs. The salary derived from the Post Office was approx. £14,000.00 per annum.
- It is claimed that the loss of the salary from the Post Office and reduction in footfall has lead to financial struggles for the applicant.

‘PPS3 Housing Self Assessment Checklist’

The applicant submitted a ‘PPS3 Housing Self Assessment Checklist’. Points from this are summarised below:

- The proposed would provide accommodation that would be ‘affordable’ in Gawsworth village – which is needed
- The site is located within a sustainable location and is accessible to public transport (bus services)
- The site is previously developed and available; the proposed makes effective/efficient use of land
- There is access to open/recreational space
- Parking is available

OFFICER APPRAISAL

Principle of Development

The principle of the proposed is acceptable, subject to being in accordance with relevant Development Plan policies.

Policy

The relevant policies are listed above and relate to the issues identified. Policies S5 (Class A1 Shops) of the Local Plan and guidance in PPS4 are considered to be pertinent to the application

S5 states that:

The change of use from class A1 to another use of either an individual shop or a shop in a small group of shops, will not normally be permitted where it would result in the loss of a shop which serves the day to day needs of local residents.

As an exception, where an existing shop is within a residential area and the Council is satisfied that the loss is justified, a conversion to residential use only will normally be permitted.

EC13 of PPS4 states that:

When assessing planning applications affecting shops...in local centres and villages, local planning authorities should [amongst other things]:

- a. take into account the importance of the shop... to the local community... if the proposal would result in its loss or change of use*
- b. refuse planning applications which fail to protect existing facilities which provide for people's day-to-day needs*

It is acknowledged that: 1) the loss of earnings due to the closure of the post office and the corresponding downfall in footfall have lead to a reduction in income for the current owner/applicant; 2) that the applicant sought to make the business more attractive in 2006 by applying for, and obtaining, planning permission for a part change of use (to provide residential accommodation with the business) and 3) that the business/property has been marketed for a prolonged period of time.

However, at this stage, it is considered that insufficient information has been submitted to enable a satisfactory conclusion to be reached regarding the viability of the retail store, the marketing that has been undertaken to date and the importance of the store to the local community. Hence, it has not been possible to properly assess the proposal against policies S5 and PPS4.

Highways safety

The Highways Officers notes that the current use of the site generates a theoretical parking requirement of 50 spaces. The Officer states that the *“change of use from shops to flats represents a less intensive use of the site which is favourable from a highway perspective”*. The application states that there are 2 No. parking spaces on the ‘forecourt’ of the site. It is noted that there is a slip road in front of the site that served the 4 retail units that originally existed. As the application site is the only remaining retail outlet of the 4, should the application be approved, the slip road would not be required for its original intended purpose and therefore on-street parking would be readily available. Bearing these points in mind it is considered that the proposed does not generate any highways safety issues.

Impact on neighbour amenity

As noted above, the Environmental Health Officer raises no objections to the proposed. It is considered that the proposed would not have a detrimental impact on the amenities of neighbouring properties.

Housing policy and supply

The restrictive housing policy that applied to MBC Local Planning Authority was lifted in 2008 and the NWRSS was adopted. Consequently, the Development Plan allows for new housing developments, providing regard has been given to key criteria outlined in PPS 3, i.e. meeting the housing needs of the area, providing a good mix of housing, being in a sustainable location, using land effectively & efficiently and achieving high quality housing.

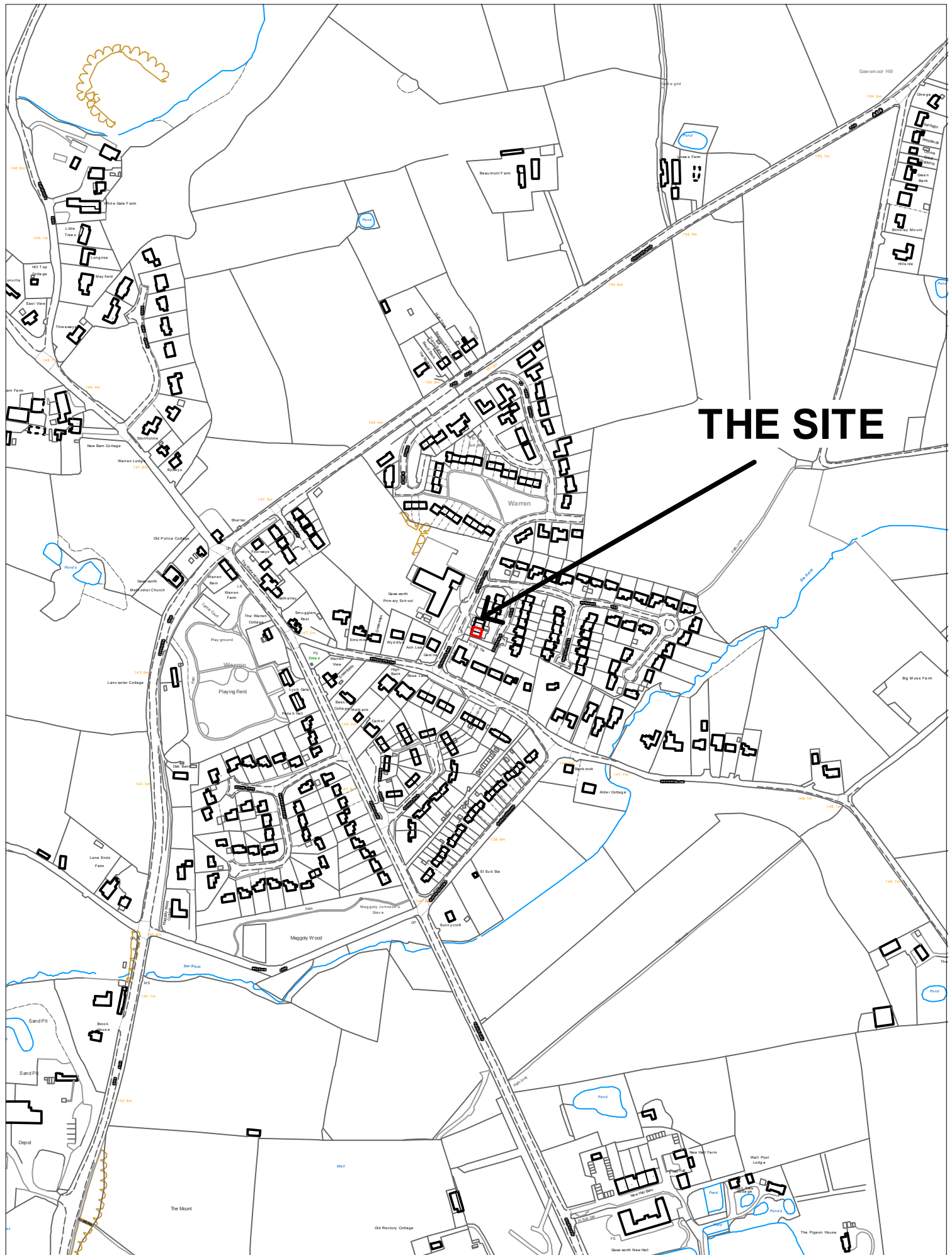
It is considered that the proposed dwellings would be of a type, size and quality that will contribute to the housing needs of the area. It is also considered that the site is located within a sustainable location and, in line with recommendations in PPS3, that the proposed makes efficient use of land.

Bearing these points in mind it is considered that the proposed accords with Development Plan housing policies and supply.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that: a) the proposed flats would contribute to the housing needs of the Borough and; b) the proposed would not have any detrimental impact on the amenities of neighbouring properties and c) there would be no threat to highways safety.

However, as noted above, at this stage, it is considered that insufficient information has been submitted regarding the viability of the retail Store, the marketing that has been undertaken to date and the importance of the store to the local community. For this reason it is recommended the application be refused on the grounds of insufficient information.



THE SITE



Application for **Full Planning**

RECOMMENDATION : Refuse for the following reasons

1. R04MS - Insufficient information