

11 December 2012

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 11TH DECEMBER
2012**

The enclosed report provides an update of events that have taken place since the agenda was published.

Addendum (Pages 1 - 6)

Report of Director of Partnerships, Planning and Policy (enclosed)

Yours sincerely



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Chief Executive

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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા
માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director of Partnerships, Planning and Policy	Development Control Committee	11 December 2012

ADDENDUM

ITEM 4a- 12/00910/FUL– Conversion of existing shop with accommodation above (Class A1) to 4 no. Studio Apartments (Class C3), to include removal of the shop front, erection of a two storey rear/side extension, and pitched roof over the existing store

The recommendation remains as per the original report.

A letter has been received from the applicant and is attached to the rear of this addendum.

ITEM 4b- 12/00982/FUL – Land 50M North West Of Wrenalls House, Ridley Lane, Mawdesley, Lancashire.

The recommendation remains as per the original report

Since publication of the committee report an additional 2no. letters of objection have been received from neighbouring residents, the comments of which can be summarised as follows:

- Surrendering the applicant's permitted development rights to erect further outbuildings at the site without planning permission does not give the owner of 'The Nook' peace of mind as there is no guarantee that a garage/workshop will not be erected near the site boundary with 'The Nook'.
- Although a revised access plan has been submitted, there is no guarantee that this would mean a driveway could not be placed up to the border with 'The Nook'.
- It is requested that a clause/condition should be imposed to ensure that any garages/workshops will not be placed alongside the border with 'The Nook'. This would assure privacy and the rural aspect would, to some extent be maintained.
- A very quiet and peaceful life is now under threat.
- The revised access point and Unilateral Undertaking are meaningless as they do not allay concerns regarding the additional noise and loss of privacy.
- The boundary line has been drawn incorrectly, including a triangle of 'Bienvenida' which was purchased from the previous owner of Wrenalls House over 40 years ago.

Officer response

The Unilateral Undertaking submitted with this application would ensure the applicant has to apply for planning permission to erect any further outbuildings at the application site. It would not be possible for the Local Planning Authority to stop the applicant applying for planning permission in the future to erect further outbuildings. However, the Unilateral Undertaking would mean that a proposal would have to go through the full planning process and regard had to the relevant planning policies/guidance and comments received from neighbouring residents. It is important to note that no additional outbuildings have been applied for with this application.

If planning permission is granted, this will be in accordance with the approved plans. Any change to the access arrangements will require a new application to be submitted.

A planning condition ensuring that any garages/workshops will not be placed alongside the border with 'The Nook' would be unenforceable and unreasonable and so would be contrary to the guidance within Circular 11/95 (planning conditions).

It is not considered the proposed development would result in significant detrimental harm to the amenity of neighbouring properties to warrant refusal of the application on these grounds. This has been outlined in more detail in the officer's committee report.

Issues have been raised regarding the submitted red edge and conflicts in relation to land ownership. This specifically relates to a triangle of land to the west which allegedly was purchased from Wrennalls House over 40 years ago. As a result, the Council has carried out a land registry search concerning land within the red edge which has confirmed that all of the land within the red edge is within the sole ownership of the land owner (as stated on the application form). As such, it is considered that the land ownership is correct in this case (for the purposes of determining this planning application) and any future issues which should arise with regard to land ownership would be a civil issue to be resolved between the respective parties.

Since publication of the committee report 1no. additional statement has been received from the applicant's agent in support of the application. The comments of which can be summarised as follows:

- All applications have to be considered in accordance with national and local policies as follows: *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise"*. Section 38, Planning & Compulsory Purchase Act 2004.
- The proposal is in accordance with national planning policies. It is not as is claimed by the CPRE and one other objector inappropriate development in the Green Belt and is therefore contrary to Green Belt policies.
- Paragraph 90 of the NPPF makes it very clear that the conversion of existing buildings, provided they are of permanent construction, is an acceptable form of development. It does not matter what the building is used for, it does not matter how the building came into being (provided it is lawful).
- The Parish Council object because the building was erected under permitted development rights and should not be allowed to be converted. Permitted development is a form of planning permission. Permitted development means that planning permission is granted by statute (General Permitted Development Order) and not by the local planning authority. In addition this building has a Lawful Development Certificate granted in 2005 to show it is legally entitled to be there.
- The conversion is not exploiting planning regulations as is claimed, it complies with planning policy.
- Access has been amended to satisfy the Highways Authority.
- Privacy of the Nook- the building is within an existing residential curtilage, the use of the land is currently residential, so how can the change of use of the building to residential use still within a residential curtilage adversely affect the privacy and peace of the Nook, notwithstanding that the private interests of an individual are not a material planning consideration.
- There is no extension to the garden area the proposal uses part of the existing substantial gardens.
- The objector from the 'Nook' claims planning permission will not be required to erect another garage on the boundary. That is factually incorrect. By signing a unilateral undertaking the

applicant has given up those rights and must apply for any freestanding buildings if he does so they will be considered on their individual merits, at another time. They did not have to do that, but as the officer's report states they have and there are significant benefits and safeguards created by doing so.

- The overriding purpose of the Green Belt is to protect openness. The building to be converted is already there. There is no loss of openness and therefore no erosion of the Green Belt as the objector states.
- Finally there is precedent. Not 500m away on Salt Pit Lane Application 12/0621/FUL for the conversion of stables in a residential garden to residential was approved in August this year.
- This application is no `make a quick buck` developer, the applicant is the son of the owners of the existing house. The application meets national and local planning policies and every request your officers have made has been acceded to. The officer's report is unequivocal in its support for this scheme.

ITEM 4c-12/00886/FUL – 46 Moor Road, Chorley

The recommendation remains as per the original report

United Utilities have responded and have raised no objection subject to the addition of an informative to any approval.

ITEM 4d-12/00942/FUL – 127A Station Road, Croston

The recommendation remains as per the original report

ITEM 4e-12/00943/CON – 127A Station Road, Croston

The recommendation remains as per the original report

ITEM 4f - 12/00945/REMAJ – Parcel H3, Group 1, west of Central Avenue and south of Worden Brook, Euxton Lane, Euxton

The recommendation remains as per the original report.

Amended plans have now been received showing all the plots meeting the Council's interface distances. The latest plan can be found attached to this addendum.

A finished floor levels plan has also been received for the properties which is considered acceptable.

The following additional conditions are proposed listing the approved plans and ensuring that the development is carried out in relation to the latest plans. The condition regarding boundary treatments has also been amended to specifically require details of the hedge with stock proof fence to be provided and an additional condition restricting the erection of fences and walls has been added to maintain the open frontage nature of the site and also to prevent boundary treatments being erected on the boundary of the site (other than those approved) to ensure a satisfactory relationship with the immediate surroundings is maintained.

The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s).

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

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

Plan Ref.	Received On:	Title:
CC/H3E/JB/PL1 Rev B	29 November 2012	Planning Layout (including levels)
CC-BT-03	4 October 2012	1800mm Brick Wall
CC/HHT01	4 October 2012	The Hilliard House Type
CC/LHT Rev A	29 November 2012	The Lewis House Type
CC/BGHT	15 October 2012	The Burgess House Type
CC/HGHT	15 October 2012	The Hogarth House Type
CC/CVHT	15 October 2012	The Calvert House Type
CC/THT	15 October 2012	The Turner House Type
CC/BHT	29 November 2012	The Burton House Type
PL/CONS-01	29 November 2012	Conservatory Plan (optional)
CC/SGD/1	15 October 2012	Garage Details

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

Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on the approved plans, apart from the 1800mm brick wall that shall be built in accordance with the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. This shall specifically include details of the hedge with stock proof fence shown on the approved site layout. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission) or on the boundary of the site.

Reason: To protect the appearance of the locality and in accordance with Policy No HS4 of the Adopted Chorley Borough Local Plan Review and ensure a satisfactory relationship is maintained with the immediate surroundings.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission) or on the boundary of the site.

Reason: To protect the appearance of the locality and in accordance with Policy No HS4 of the Adopted Chorley Borough Local Plan Review and ensure a satisfactory relationship is maintained with the immediate surroundings.

CHORDALE

Retail & Wholesale

WINE MERCHANTS

Partners: Mr B R Wilding & Mrs A Wilding

275 Eaves Lane, Chorley, PR6 0EY

Tel/Fax 01257 273033

email: mywineman@blueyonder.co.uk

10 December 2012

To Whom it May Concern

Re: 275 Eaves Lane, Chorley

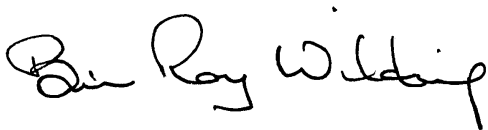
I have conducted my business from the above property since 1988. During this time the viability of 'corner shop' premises has decreased significantly, whilst the demand for low cost domestic accommodation has increased.

As I approach retirement I am looking to put my main asset to the best use and have decided that converting the building into studio apartments could satisfy this need, whilst also making a small contribution to the available stock of low cost domestic accommodation.

My initial application was to convert the building into a maximum possible five studio apartments over three floors. However, having taken the views of local residents and LCC Highways Department, who both seem concerned about parking provision, I have reduced the number of studio apartments to four over two floors. Though I personally feel that low cost, single occupancy studio apartments would be attractive to non-car owners.

I do hope that the Development Control Committee are able to accept their Planning Officers recommendation and Permit Full Planning Permission.

For Chordale Wine Merchants



Brian Roy Wilding
Partner

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