

## **APPLICATION REPORT – 21/00362/FUL**

**Validation Date: 28 April 2021**

**Ward: Chorley North East**

**Type of Application: Full Planning**

**Proposal: Change of use to offices and erection of single storey rear extension**

**Location: Wheelton Health Care Centre 209 Blackburn Road Heapey Chorley PR6 8EP**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Arronjay Fuller**

**Agent: Mr Philip Whittaker**

**Consultation expiry: 20 May 2021**

**Decision due by: 16 July 2021 (Extension of time to be confirmed)**

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### **RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions.

### **SITE DESCRIPTION**

2. The application site is located within the village of Wheelton and lies in the settlement area. The site also falls within the Wheelton Local Centre as designated by the Chorley Local Plan 2012-2026. The site itself is occupied by a semi-detached building that was previously in use as a physiotherapy practice at ground floor, although planning permission was granted for the change of use of the property to a dwelling in 2019, with the physiotherapy practice moving into an adjoining property. It is noted that the application property has previously operated as a shop and commercial unit. There is a yard area to the rear of the building with access to Kenyon Lane via a private access track. The character of the area is traditional in nature and the site is at the centre of the village, where there is a mix of uses, whilst beyond this the area is predominantly residential in character. Beyond the village there is open agricultural land.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. This application seeks planning permission for the change of use of the building to offices and for the erection of a single storey rear extension. The proposed extension would project approximately 4m from the rear elevation of the property and would extend across its width. It would have a mono pitch roof with a maximum height of approximately 4m and an eaves height of approximately 2.5m. There would be off street parking for two cars to the rear of the site.

### **REPRESENTATIONS**

4. Representations have been received from the occupiers of 6no. addresses citing the following grounds of objection:
  - Lack of parking and increased congestion.
  - Problems of parking and congestion already caused by existing businesses in the area.
  - Residents struggling to park outside their own homes.

- Access to the parking is over private land.
  - Not enough space for two cars.
  - Impact on privacy.
  - The Council should consider the use of parking permits for residents.
  - Offices are not necessary in this area.
  - A further application that may be forthcoming would result in extra vehicles in the village if approved and so the cumulative impact on highways and parking should be considered.
  - Lack of opportunity for residents to make use of plug in or electric vehicles as they cannot guarantee a parking space outside their homes.
  - There is a risk that if granted the premises could be used for a range of more harmful businesses falling within class E. These other potential uses must be considered.
  - A full parking study into capacity issues within Wheelton Village is required.
5. One representation in support has been received that makes the following comments:
- The property was previously used for business.
  - There is plenty of parking on Blackburn Road.

## CONSULTATIONS

6. Wheelton Parish Council: No comments have been received.
7. Lancashire County Council Highway Services: Have no objection.

## PLANNING CONSIDERATIONS

### Principle of the development

8. The National Planning Policy Framework (The Framework) states that development proposals that accord with the development plan should be approved without delay. The Framework also states at paragraph 80 that “*Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*” More specifically to this application the Framework goes on to state at paragraph 83 that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
9. The application site is located in the settlement area of Wheelton, which is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an ‘other place’. Criterion (f) of Core Strategy Policy 1 reads as follows:  
*“In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.”*  
 The proposed development is small scale and involves the conversion of an existing building and therefore complies with this policy.
10. The application site is located within a District Local Centre as defined by the Chorley Local Plan 2012 – 2026. The Framework seeks to ensure the vitality of local centres, which is reflected by the Local Plan. Policy EP7 of the Chorley Local Plan 2012 - 2026 (Development and Change of Use in District and Local Centres) states as follows:

*The boundaries of the District and Local Centres are defined on the Policies Map. The following criteria apply for change of use and development in District and Local Centres:*

- a) *Planning permission will be granted for A1, A2, A3, and A4 uses which support the role and function of District and Local Centres.*
- b) *A5 uses (hot food takeaways) will be permitted where the proposal would not adversely impact, either individually or cumulatively, on the function, vitality and viability of the centre.*

- c) *Planning permission will be not be granted for non-retail uses (including the loss of A1 use) unless it can be shown that there is no demand for retail or commercial use or the property was last occupied by a non retail/non commercial use. This will need to be demonstrated through an active 12 month marketing process showing that the property has been offered for sale on the open market at a realistic price and that no reasonable offers have been refused.*

*The provision of flats on the upper floors of the building will be encouraged but this will not apply where the applicant can demonstrate that the whole building will be fully utilised for retail/commercial purposes.*

11. The proposed development would not result in any loss of what was formerly use class A1 retail space, however, the proposal does not propose a use falling within classes A1, A2, A3 or A4 either. These uses now fall within use class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), as do offices, although use class A4 (drinking establishments) is not included within this new class. The proposed development would fall within use class E comprising offices that was formerly use class B1. The proposed use and layout represents a small scale office operation that would be occupied by an existing recruitment business.
12. Although the proposed use does not strictly fall within the classes of development identified as being suitable within policy EP7, the preamble states that the local centres play an important role in the borough's retail hierarchy as well as acting as social centres and places of employment providing the function of convenience shopping, a range of services and community facilities to a local area.
13. The proposed use would provide employment within the locality, and would contribute greater vitality to the local centre than the extant use of the property as a dwelling, by bringing some custom and footfall into the local centre during the daytime. The proposed use would, therefore, have the potential to add some vitality to the local centre, which is the thrust of the Local Plan policy. Furthermore, the vitality of the local centre would not be harmed as the existing use is not a retail one.
14. Given that the building has planning permission to be used as a dwelling, and on the basis of the above, it is considered that the proposed development would have a positive impact on the Wheelton Local Centre and the function that it performs in consideration of the present situation and would not detract from its vitality and viability. The proposal therefore complies with the aims of policy EP7 of the Chorley Local Plan 2012-2026.

#### Design and impact on the character of the area

15. The proposed extension would be located to the rear of the application building and would be developed in place of a previous extension to the rear that is larger in scale and functional in appearance. The siting of the proposed extension is concealed from public views being shielded by the application property and surrounding properties. As such the proposed extension would not be a prominent addition to the host building, and would have little impact on the character of the area given the concealed nature.
16. The proposed extension would be of smaller scale to the existing one and would be faced in render. The use of render would provide a contrast with the stone finish of the original building, which is not unusual in such instances and there are examples of such developments within the locality. As such the inclusion of the render finish would not be harmful to the appearance of the development in this particular instance, and the modest extension would be commensurate with the host building.
17. The application site is within the centre of the village in the designated area of Wheelton Local Centre. Although an office would generate less footfall and activity than other uses supported in local centres it would have slightly more presence than the extant use as a dwelling and would not detract from the character of the village centre in this respect.

18. On the basis of the above the proposal is considered to comply with policy BNE1 of the Chorley Local Plan 2012 – 2026, which states that development should not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

#### Impact on neighbour amenity

19. The proposed extension would replace an existing extension and would be of smaller scale. As such there would be no greater impact on light or outlook from the proposed extension than the existing development, and therefore no impact on the amenity of any nearby neighbouring occupiers.
20. The property itself is semi-detached and is joined to a physiotherapy clinic. As such it would not be attached to any residential property. The proposed development of an office would result in more comings and goings than a dwelling, which is the extant use of the property, and this would be most notable to the rear where two parking spaces would be located. The use of these spaces is, however, likely to be of low intensity with cars arriving at the start of the working day and then leaving at the end of the day, rather than any repeated comings and goings. In this respect the vehicle movements and any associated disturbance is likely to be similar to that of a dwelling. Others accessing the property would do so via the front of the building in an area where footfall is to be expected i.e. within the village centre, and would not cause any undue disturbance to residential occupiers.
21. It is noted that a range of uses fall within class E of the Use Class Order under which the proposed development would be classed, including cafés and restaurants, gymnasiums, and nurseries amongst other things. Some of these uses would present different impacts on neighbour amenity that would require further assessment if such a change ever took place. It is, therefore, recommended that a condition is attached to any grant of planning permission restricting the use of the premises specifically to offices as applied for.
22. On the basis of the above, the proposal is considered to comply with policy BNE1 of the Chorley Local Plan 2012 – 2026, which states that development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating overbearing impacts, and should not cause an unacceptable degree of noise disturbance to surrounding land uses.

#### Highway safety

23. The site is located within close vicinity to the crossroads in the centre of Wheelton village and has waiting restrictions fronting the site (No Waiting at Any Time). Blackburn Road has footways on both sides, and is lit by a system of street lighting. The road is a 30mph area and on street parking on this road and on the surrounding streets can reach capacity close to the centre, although it is noted that there is unrestricted on-street car parking available along Blackburn Road for some distance to the south west, which provides ample parking opportunity within a short walk of the site.
24. There have been reports of obstructive parking across driveways and rear access points, and parking that affects the safe and free passage of vehicles, especially from permitted local large and agricultural vehicles. The policy ST4 of the Chorley Local Plan 2012 – 2026 and appendix A recommends parking provision of one-off street parking place per 30sq.m. of class B1 office space, which equates to a requirement for three parking spaces in this instance. The proposed development would provide off street parking for two cars to the rear of the building, and so is technically one space short of meeting the standard. It is noted that the extant dwelling would have required two spaces and only had access to one and, therefore, the shortfall is equal to the extant position. Notwithstanding this there is ample on street parking to the south west of the site further along Blackburn Road and, therefore, the local conditions and extant position are such that there would be no harmful impact on highway safety, capacity or amenity as a result of the proposed development.
25. Concerns have been raised in relation to the potential impact of the proposal on residents ability to park outside, or close to, their houses. Although it is recognised that people

naturally wish to park as close to their properties as possible the availability of on street car parking is a benefit, which cannot be guaranteed and as such cannot be protected in relation to an application for planning permission. Unrestricted parking on the highway is available to all road users and Blackburn Road offers ample opportunities to the south west. Ideally the applicant would take a considerate approach to the management of staff parking and would direct staff to park along the less congested section of Blackburn Road to the south west. Although this is to be encouraged it cannot, however, be guaranteed. The introduction of parking permits would be one possible method of managing this more formally but cannot be secured through any grant of planning permission, and is a matter for Lancashire County Council (LCC) as the Local Highway Authority.

26. LCC Highways have assessed the proposal and are of the opinion that the proposed change of use to offices and erection of a single storey rear extension would not have a detrimental impact on highway safety and capacity in the immediate vicinity of the site. It is therefore considered that the proposed development complies with policies BNE1 and ST4 of the of the Chorley Local Plan 2012 – 2026.

#### Other matters

27. Access to the parking is over private land: Rights of access are a private civil matter and cannot be considered in the planning assessment.
28. Not enough space for two cars: The site plan identifies adequate space for two vehicles.
29. A further application that may be forthcoming would result in extra vehicles in the village if approved and so the cumulative impact on highways and parking should be considered: No major applications have been received or approved for the development in the vicinity of the site that would warrant any assessment of cumulative highway impacts from development that includes this current application.
30. A full parking study into capacity issues within Wheelton Village is required: There are no grounds on which to require a highway capacity assessment of Wheelton village on the basis of the proposed development given its small scale nature.

#### **CONCLUSION**

31. The proposed development would not have a detrimental impact on the vitality and viability of the Wheelton Local Centre, would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would have no unacceptable impact on the character of the area. In addition there would be no unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted.

#### **RELEVANT HISTORY OF THE SITE**

**Ref:** 04/01355/COU      **Decision:** REFFPP      **Decision Date:** 27 January 2005  
**Description:** Change of Use from retail, offices and health care services to hot food takeaway

**Ref:** 18/01081/FUL      **Decision:** PERFPP      **Decision Date:** 14 January 2019  
**Description:** Change of use from mixed use physiotherapy practice and flat to separate dwellinghouse (Class C3) and physiotherapy practice (Class D1) including internal alterations and single storey rear extension

**Ref:** 20/00368/FUL      **Decision:** PERFPP      **Decision Date:** 17 June 2020  
**Description:** Section 73 application to vary condition 3 (approved plans) attached to planning permission 18/01081/FUL (Change of use from mixed use physiotherapy practice and flat to separate dwellinghouse (Class C3) and physiotherapy practice (Class D1) including internal alterations and single storey rear extension) to alter the internal arrangement and rear extensions

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

Suggested conditions

No.	Condition												
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>												
2.	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>												
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="336 1021 1299 1263"> <thead> <tr> <th data-bbox="336 1021 663 1070">Title</th> <th data-bbox="663 1021 1062 1070">Drawing Reference</th> <th data-bbox="1062 1021 1299 1070">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 1070 663 1133">Location plan</td> <td data-bbox="663 1070 1062 1133">GBS-GDA-ZZ-M3-A-CC_CC-0009 Rev.P01</td> <td data-bbox="1062 1070 1299 1133">25 March 2021</td> </tr> <tr> <td data-bbox="336 1133 663 1196">Proposed site plan</td> <td data-bbox="663 1133 1062 1196">GBS-GDA-VV-ZZ-M3-A-CC_CC-0013 Rev.P01</td> <td data-bbox="1062 1133 1299 1196">25 March 2021</td> </tr> <tr> <td data-bbox="336 1196 663 1263">Proposed building plans</td> <td data-bbox="663 1196 1062 1263">GBS-GDA-ZZ-M3-A-CC_CC-0008 Rev.P01</td> <td data-bbox="1062 1196 1299 1263">25 March 2021</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Location plan	GBS-GDA-ZZ-M3-A-CC_CC-0009 Rev.P01	25 March 2021	Proposed site plan	GBS-GDA-VV-ZZ-M3-A-CC_CC-0013 Rev.P01	25 March 2021	Proposed building plans	GBS-GDA-ZZ-M3-A-CC_CC-0008 Rev.P01	25 March 2021
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4.	<p>Before the development hereby approved is brought into use, the car parking identified on plan ref.GBS-GDA-VV-ZZ-M3-A-CC_CC-0013 Rev.P01 shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</i></p>												
5.	<p>The workshop units hereby approved shall be used for Class E(g) purposes and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).</p> <p><i>Reason: To define the development and to protect the amenity of neighbouring occupiers.</i></p>												