

Item 8 **11/00624/FUL**

Case Officer **Caron Taylor**

Ward **Eccleston And Mawdesley**

Proposal **Application to vary condition 1 of planning permission 08/00084/FUL (to reduce the 'work' element of units 1 and 2 and minor internal alterations)**

Location **Bluestone Barn Blue Stone Lane Mawdesley Lancashire**

Applicant **Thomas Mawdsley Building Contractor**

Consultation expiry: **17 August 2011**

Application expiry: **6 September 2011**

1. Proposal

Application to vary condition 1 of planning permission 08/00084/FUL (to reduce the 'work' element of units 1 and 2 and minor internal alterations).

2. Recommendation

It is recommended that this application is granted planning permission.

3. Main Issues

- The main issues for consideration in respect of this planning application are:
- Principle of the development
- Impact on the neighbours
- Other issues

Representations

4. No neighbour representations have been received.
5. Mawdesley Parish Council strongly objects to the work condition being reduced. Planning permission to convert the barns was only given because they were live/work units. They state they are also aware that disability cannot be taken into account when deciding planning matters.
6. Mr Mawdsley has already altered the barns and garages beyond recognition from the original drawings. Further alterations should not be allowed. If Mrs Mawdsley is having problems with accommodation, there are several bungalows for rent in the area which will not require any alteration of planning conditions and would suit her needs.
7. As to the matter of selling the properties, maybe Mr Mawdsley should consider reducing the price due to the present economic climate rather than a planning condition.

Consultations

Chorley Planning Policy

8. The Central Lancashire Core Strategy- although not yet adopted- has recently been subject to an examination in public by an independently appointed Planning Inspector. It is therefore a material consideration for this application. Policy 9: 'Economic Growth and Employment' and Policy 13: 'Rural Economy' are supportive of live/work units and encourages micro growth points within rural areas through this type of development.
9. At a local level, Policy DC7A: Conversion of Rural Buildings in the Green Belt and the associated Supplementary Planning Guidance apply to this proposal. The Council gives preference to the re-use of buildings to provide accommodation for commercial, business and other employment uses although tourist and community facilities may be considered.
10. The principle of live/work units can also be applied where appropriate to encourage employment in the area through the conversion of rural buildings in the countryside. The Council's definition of a live/work unit is a work space that is integrated with a dwelling unit occupied by the proprietor of the work space,

with at least 60% of the floorspace being dedicated to the work unit. Criteria ii) of Policy DC7A also states that the residential conversion of the building needs to be an ancillary part of a business use.

11. The proposed development does not accord with the Council's definition of a live/work unit as less than 50% of the floorspace is dedicated to the 'work' element in both Block A and Block B. In order to comply with Policy DC7A, a greater proportion of the floorspace needs to be dedicated to business or 'work' use rather than residential or 'live' use.

Chorley's Conservation Officer

12. Comments on the potential impact of the development upon the significance of an adjacent designated heritage asset, the Grade II listed Blue Stone Farm, or its setting. (the definition of designated heritage assets is found in Annex 1 to PPS5). In terms of the aforementioned criteria the proposed development will, in their opinion have no impact upon the significance of Blue Stone Farm or its setting as the proposed alterations to previous permission granted under ref. 08/00084/FUL are confined to the rear of the building and to its interior configuration.
13. However upon closer examination it appears that the elevations differ considerably from the 'approved plans'. In place of appropriately proportioned and styled window treatments, including rooflights, are inappropriate replacements, additional rooflights and doors. These effectively destroy the original character of the building. The original cart door openings have been domesticated and treated to wholly inappropriate designs. The configuration of the rooflights is also changed from an appropriate layout to one that is far from sensitive to the character of the building. The use of segmental arched, and in some cases virtually half-round door and window heads in wholly inappropriate and shows a complete lack of understanding for the needs of the building. The whole effect has been to domesticate this agricultural building with overtly twee detailing such that its true character has been lost.
14. They would argue that the change in character to this building now has a detrimental impact upon the significance of the setting of Blue Stone Farm. That negative impact is such that it is, in their view, unacceptable. They therefore consider the application to be unacceptable. The applicant needs to revert to the design as shown on the approved plans to application ref. 08/00084/FUL.
15. Amended plans have been received since these comments were made – see below.

Applicants Case

16. When the permission was implemented a number of internal revisions were made to the layout. These were mainly made in response to practical consideration which became evident during the conversion process. The revisions were mainly on the ground floor, although the bedroom and bathroom layout was also re-distributed in unit 1.
17. The changes to the ground floor of unit 1 consist of moving the doorway link between the 'live' and 'work' elements from the west side of the unit to the east side and reducing the size of the 'work' element by excluding what is now a lounge and lobby at the eastern end of the building.
18. The entrance to the 'work' unit of unit 2 remains at the western end of the building, although this is now achieved by an internal lobby area. The 'work' area has been reduced by the provision of a bedroom at the eastern end of the building. This bedroom is used by one the two disabled sons of the occupier of unit 2.
19. The 'work' element of unit 1 has been reduced to the area shown on the revised drawings in response to the difficulty which the applicant have had in selling the property. Potential buyers have been put off by the large area of the 'work' element of the property. It is understood that the applicants now have a potential purchaser who would be able to utilise the smaller 'work' area shown on the revised drawings.
20. The properties have been marketed since April 2010 and it is understood that the applicants now have a potential purchaser who would be able to utilise the smaller 'work' area. It is also understood that the problem is unlikely to be solved until the size of the 'work' element is reduced.
21. The revised layout and usage of the building accords with policy DC7A of the Local Plan and Policy 9 of the Central Lancashire Publication Core Strategy which seeks the appropriate re-use of rural buildings and encouraging live/work units and the latter actively encourages live/work units. National PPS4 is also supportive of them.

22. The proposed variation application reflects the needs of existing and potential occupants of the two units and will have no impact on the external appearance of the building. The application will enable the building to be fully and actively utilised for the purpose for which planning permission was granted.

Assessment

Principle of the development

23. The main issue is that although it is still proposed to use the properties as 'live/work' units, the percentage split of floor area between the 'live and the 'work' elements has changed so that the 'work' element has been reduced. In addition the external elements of the conversion have not been carried out in accordance with the originally approved plans. Changes have been made to the main cart opening and secondary opening on the front elevation. Changes have also been made to the number and layout of rooflights in the rear roof plane and two additional sets of double doors have been added, also on the rear.
24. The building is in the Green Belt and policy gives preference for conversion of rural buildings to employment uses, including 'live/work' units as opposed to purely residential conversions as these uses are usually the most sympathetic types of uses for rural buildings as they typically involve minimal alteration to the building, with the larger internal spaces often being retained. In addition conversion schemes can provide very useful workspace for businesses in rural areas, help expand and diversify the rural economy and reduce the demand for new commercial buildings.
25. The changes to the approved scheme still incorporate a work element into the conversion. Policy DC7A states that proposals for residential development will only be permitted if the residential conversion of the building is an ancillary part of a business use. The property has been marketed for a number of months as live/work units without success. It is however considered that although the changes made to the internal layout mean that there is a smaller percentage of the floor area given over to the work element, it is still more than would be found in regular dwelling with a home office. In addition, the original permission did not have a condition controlling that the layout must remain as the percentage live/work layout as approved. If the current application were approved such a condition could be applied preventing the layout from be altered in the future. This is considered an important material consideration in determining this application.
26. Therefore although the proposed internal layout is less 'work' than would normally be permitted, this application now allows the Council to apply a condition controlling the floor layout in the future and for this reason, along with the fact that the property has been unsuccessfully marketed, the application is recommended for approval.

Impact on the neighbours

27. It is not considered that the changes will impact on neighbouring properties (however please see the section on other issues regarding a window on the front elevation).

Other Issues

28. The comments of the Conservation Officer are noted. The case officer has secured an amended plan for the front elevation which shows the two main openings being altered to accord with the plans as originally approved and is considered acceptable. A condition will be applied requiring the building to be altered to accord with this plan. The more minor changes to the rear of the property are not visible from public viewpoints and it is not considered expedient to take enforcement action against them.
29. Condition 11 of permission 08/00084/FUL required one of the windows in the front elevation to be obscure glazed, and it has been inserted with clear glazing in. The agent advises they are aware of this and will deal with it via a separate application. This condition will therefore be re-imposed on any permission as it has not been applied to remove or vary it as part of this application.

Overall Conclusion

30. The application is recommended for approval subject to conditions, specifically ones controlling the internal floor layout and requiring works to be done to the front elevation so they accord with the scheme as originally approved.

Planning Policies

National Planning Policies:

PPG2, PPS4, PPS7.

Adopted Chorley Borough Local Plan Review

Policies:DC7A

Planning History

07/00670/FUL - Conversion of existing barn to 2No Live/work units, conversion of existing buildings to garaging and provision of new access to adjacent paddock. Withdrawn. 3 October 2007

08/00084/FUL- Conversion of redundant barn into two live/work units, and refurbishment of two out-buildings for car parking. Permitted 11 April 2008.

08/01124/FUL Demolition of existing Outbuildings and erection of replacement garage/hobby rooms. Permitted 22 December 2008

**Recommendation: Permit Full Planning Permission
Conditions**

1. The front elevation of the building shall be altered to comply with drawing number 06/108/P20 (apart from the window to bedroom 2 of unit A) 'Proposed Remedial Work to Completed Building' received by the Council 12th October 2011, within 3 months of the date of this permission.
Reason: The works taken place on this elevation to convert the building are considered unacceptable in design terms and contrary to Policy DC7A of the Adopted Chorley Borough Local Plan Review. The remedial works will make this elevation acceptable in design terms.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no windows other than those expressly authorised by this permission or as subsequently agreed in writing by the Local Planning Authority, shall be inserted in any elevations as hereby permitted.
Reason: to protect the amenities and privacy of the adjacent properties and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.
3. The internal layout of the building shall be as shown on drawing number 06/108/O.01 Rev D with the rooms used for the purposes shown. The internal layout shall not be changed from this layout or the rooms used for purposes other than shown on this plan.
Reason: The permission has been granted having regard to the circumstances put forward with the application. To alter the internal layout would be contrary to policy DC7A of the Adopted Chorley Borough Local Plan Review.
4. The use of the work units hereby permitted shall be solely limited to B1 purposes as defined by the Town and Country Planning (Use Classes) Order 1987 or any Order amending or revoking and re-enacting that Order.
Reason: In the interests of the amenities of local residents and in accordance with Policy Nos. EP20 and 21 of the Adopted Chorley Borough Local Plan Review.
5. Notwithstanding the submitted plans, the buildings shown as C and D are hereby not permitted to be used as car ports.
Reason: The submitted drawings do not indicate the cladding materials to be used on the structures contrary to the provisions of Policy GN5 of the Adopted Chorley Borough Local Plan Review.
6. The mitigation measures detailed at Section 6 of the report prepared by Joyce Gillies dated 15th November 2007 shall be submitted implemented within 3 months of this permission.
Reason: To secure the potential habitat of protected species in accordance with the provisions of Policy EP4 of the Adopted Chorley Borough Local Plan Review.
7. Notwithstanding the submitted plans, the paddock shown on drawing number 06/108/P.02 shall not be used in conjunction with the converted barn.
Reason: for the avoidance of doubt as the curtilages of the barn conversion scheme need to be controlled in accordance with Policy DC7A of the Adopted Chorley Borough Local Plan Review.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with Policy No. DC7A of the Adopted Chorley Borough Local Plan Review.

9. Notwithstanding the submitted plans, the additional window on the front elevation to the proposed bedroom two in property A is hereby not permitted and shall be deleted and not inserted.

Reason: In the interests of the amenities of occupiers of neighbouring property and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.