

<b>Item 3d</b>	<b>14/01051/FUL</b>
<b>Case Officer</b>	<b>Iain Crossland</b>
<b>Ward</b>	<b>Adlington and Anderton Ward</b>
<b>Proposal</b>	<b>Demolition of former cattery building and erection of detached bungalow</b>
<b>Location</b>	<b>Hudora Kennels The Common Adlington Chorley PR7 4DT</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Roger Corvill</b>
<b>Consultation expiry:</b>	<b>06 November 2014</b>
<b>Decision due by:</b>	<b>28 November 2014</b>

**Recommendation**

It is recommended that this application is approved subject to conditions.

**Executive Summary**

The main issues to consider are the principle of development, impact on the Green Belt character and appearance of the locality and highways.

## **Representations**

### **Adlington Town Council**

Adlington Town Council's objections to the proposed replacement of the Cattery with a bungalow remain the same as those submitted for the previous application on that site, which were:

“Adlington Town Council objects to the proposed development 14/00296/COU Hudora Kennels as it considers it to be inappropriate development within the Green Belt. The Council questions whether permission would be likely to be given for a new build bungalow in the same location, and considers that conversion of an existing building would have the same effect. It also regrets the loss of a useful facility within the village.”

**In total 0 representations have been received**

## **Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
LCC Highways	No objection
Chorley Council Contaminated Land Officer	No comments to make
United Utilities	No comments received

## **Assessment**

### The Site

1. The application site is located in a rural area, around 450m outside the settlement area of Adlington, in an area washed over by Green Belt.
2. The site is located to the south west side of Common Lane as it reaches the end of its existence. The application site is part of a long established kennels and cattery business. There are a number of buildings and runs associated with both animals being kept there. The building which is the subject of this application is situated slightly away from the rest, being located very close to the entrance to the whole complex.

### The Proposal

3. The proposed development is for the demolition of an existing cattery building and erection of a detached bungalow. The bungalow would include three bedrooms and would measure approximately 13.2m by 8m. There would be a dual pitched roof with a ridge and eaves height of around 4.1m and 2.3m respectively.
4. The development would include a garden to the rear and off street parking for two cars to the side.

## **Assessment**

The main issues are as follows:-

Issue 1 – Impact on the Green Belt

Issue 2 – Justification for loss of business use.

Issue 3 – Neighbour amenity

Issue 4 – Impact on character and appearance of the locality

Issue 5 – Impact on highways/access

### Planning Policy

5. Paragraph 89 of the National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are a number of exceptions to inappropriate development which are considered further below.
6. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan, which is a material consideration in the consideration of any planning application.
7. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
8. Paragraph 18 of the Partial Report states: “For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.” The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013.
9. It is therefore considered significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

10. The proposal involves the redevelopment of a previously developed site in the Green Belt and as such should be assessed against criterion d) of Policy BNE5 of the emerging Local Plan.

#### Impact on the Green Belt

11. The application site lies around 360m outside the settlement area of Adlington in an area that is washed over by Green Belt. The proposed dwelling would replace an existing purpose built cattery building of substantial breeze block construction. The proposed dwelling would be located within the wider cattery site which comprises other kennels, parking and a dwelling.
12. Paragraph 89 of the Framework sets out the exceptions to inappropriate development and includes:
  - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
13. The construction of the new dwellings will constitute inappropriate development unless one of the exceptions in the Framework is engaged. As the proposed dwelling would not be in the same use as the cattery building then the proposal would not engage with the first exception listed above.
14. However, the site does fall to be considered previously developed land in accordance with the second exception listed above. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
  - The partial or complete redevelopment of previously developed land;
  - Which would not have a greater impact on the “openness” of the Green Belt; and
  - Which would not have a greater impact on the purposes of including land in the Green Belt.
15. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of ‘openness’.
16. It is considered that in respect of the Framework that the existing cattery building has an impact on the openness of the Green Belt simply because the building/structures exist. However, it is important to note that the presence of a structure on the site currently does not justify any new buildings. The exception contained within the Framework is only engaged where the development would not “have a greater impact on the openness of the Green Belt”.
17. Whether the proposed dwellings have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria in the case of this site could include the footprint and the height of the existing building although it is important to note that there are no specified criteria within The Framework.
18. The proposal involves the redevelopment of a previously developed site in the Green Belt and as such should be assessed against criterion d) of Policy BNE5 of the emerging Local Plan. This states that redevelopment will be permitted if the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.
19. The current rectangular building measures between 17.7m and 19.1m in length and 8m in depth. Being a cattery with ‘runs’, it has both an area that is completely enclosed and

partially enclosed. It is, however, difficult to differentiate between the completely enclosed and partially enclosed areas, with the building appearing as one coherent unit from which the full above ground volume is clear and measurable. The existing building has a gently sloping roof over it, which measures around 3m sloping down gently to around 2.9m above ground level. It is constructed of block and rendered in cream and the replacement building would also be constructed of block and render to maintain the main element of its appearance, albeit now with a pitched roof over.

20. The scale of the proposed dwelling would be similar in scale to the existing building. The main difference would be the inclusion of a dual pitched roof with a ridge height of around 4m, which is 1.1 metres higher than the existing building on site. The bungalow would measure 13m wide by 8 m deep.
21. The proposed dwelling would have a volume of around 317m<sup>3</sup> and would replace an existing cattery building that amounts to around 368m<sup>3</sup> in volume.
22. The proposed dwelling would result in an improvement in the appearance of the site as the existing building is a rather functional utilitarian design of little positive character. The proposed dwelling would share similarities of scale but would have a more positive appearance and character with the inclusion of a dual pitched roof and door and window openings.
23. The domestic curtilage associated with the proposed bungalow would be within the walls/boundaries of the existing Hudora Kennels site, on previously developed land, and as such there would be no encroachment into the open countryside and Green Belt.
24. The proposed curtilage boundary is drawn fairly tightly around the bungalow and would result in a modest rear garden. The potential for extension of the dwelling and addition of outbuildings under permitted development is therefore limited by such a modest curtilage. There would be no impact on any neighbouring occupiers as a result of any potential permitted development at the site and the removal of permitted development rights would not be necessary and would not therefore comply with the advice set out within the National Planning Practice Guidance (NPPG).
25. The proposed development would therefore have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, and there would be a positive impact on the appearance of the site as a whole.

#### Justification for loss of business use

26. The proposed development would result in the loss of a building used as part of an existing business located in the Green Belt. The building would be demolished and replaced with a residential dwellinghouse.
27. Central Lancashire Core Strategy Policy 10 states that all employment premises last used for employment will be protected for employment use. Where a site/premises would be redeveloped for a use other than B use class employment uses then an assessment must be carried out against a number of set criteria. As the existing building is in use as a part of a cattery, which is Sui Generis and does not fall within the employment use class, Policy 10 is not applicable and no assessment is required.

#### Neighbour amenity

28. The building that is the subject of this proposal is located within the curtilage of the cattery complex, which includes a residential element known as Oaklands. The proposed dwelling would be positioned around 15m from Oaklands. There would be no windows inserted in the proposed dwelling facing this neighbouring property. There would be windows in the rear elevation of the proposed dwelling, however, no views of the private intimate amenity space at Oaklands would be afforded due to the alignment of the properties.

29. As the proposal is for the replacement of a building that already exists in the same position then the impact on light and outlook would not be very much greater than the existing situation.
30. Other dwellings at Adlington Hall Lodge and Common End are located around 80m and 100m respectively from the proposed development. As such there would be no impact on outlook, privacy or light.

#### Impact on character and appearance of the locality

31. The proposed development would result in the redevelopment of a commercial cattery building of functional utilitarian design. The proposed building would have a similar footprint to that of the existing building. It would be of a single storey and would have a dual pitched roof in place of the existing flat roof. The window and door openings would result in a domestic appearance, and the rendered finish would be consistent with other buildings on site.
32. Overall the appearance and character of the site would be improved.

#### Highway Impact and Access

33. It is noted that there already access to the complex off The Common, and that the proposed development would utilise this.
34. The dwelling would contain three bedrooms and two off street car parking spaces would be provided within the identified curtilage. On this basis the scheme would comply with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.

#### Section 106 Legal Agreement

35. In line with Council guidelines the applicant will need to enter into a Section 106 legal agreement requiring a payment of £1,888 towards amenity greenspace, equipped play areas, allotments and playing fields. The legal agreement will be drawn up and passed to the applicant in due course. Any planning permission would be subject to this S.106.
36. Following updated guidance provided in the National Planning Practice Guidance on 28<sup>th</sup> November 2014 the requirement for a contribution towards the provision of Public Open Space is subject to review pending further advice from DCLG and the Head of Legal Services. An update will be placed on the addendum.

#### **Overall Conclusion**

37. The proposed development would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would result in an overall improvement in the appearance of the site and character of the area. There would be no unacceptable impact on the Green Belt. In addition it is considered that adequate parking could provided. On the basis of the above, it is recommended that planning permission be granted.

#### **Planning Policies**

38. 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 Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

#### **Planning History**

Ref: 14/00296/COU Decision: REFFPP Decision Date: 16 July 2014  
Description: Conversion of cattery to bungalow

Ref: 86/00211/FUL Decision: PERFPP Decision Date: 27 May 1986

Description: Replacement kennel block

Ref: 83/00091/FUL Decision: PERFPP

Decision Date: 3 May 1983

Description: Kennel block to replace existing

## Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Notwithstanding the details shown on the submitted plans, the proposed car parking and driveway to the side of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. Reason: In the interests of highway safety and to prevent flooding</p>
3.	<p>No development shall take place until details of the proposed foul and surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved foul and surface water drainage arrangements have been fully implemented. Reason: To secure proper drainage and to prevent flooding</p>
4.	<p>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) shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not 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. Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents</p>
5.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</p>
6.	<p>The proposed off-road parking spaces as shown on the approved site plan shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995. Reason: To ensure adequate off street parking provision is made/maintained and thereby avoiding hazards caused by on-street parking</p>
7.	<p>All dwellings commenced after 1st January 2013 will be required to meet Code</p>



	<p>Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>									
8.	<p>Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>									
9.	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>									
10.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="0"> <tr> <td>Plan Ref.</td> <td>Received On:</td> <td>Title:</td> </tr> <tr> <td>027/PL01/G</td> <td>30 September 2014</td> <td>Location Plan</td> </tr> <tr> <td>027/PL01/G</td> <td>30 September 2014</td> <td>Existing and Proposed Plans and Elevations and Site Plan</td> </tr> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Plan Ref.	Received On:	Title:	027/PL01/G	30 September 2014	Location Plan	027/PL01/G	30 September 2014	Existing and Proposed Plans and Elevations and Site Plan
Plan Ref.	Received On:	Title:								
027/PL01/G	30 September 2014	Location Plan								
027/PL01/G	30 September 2014	Existing and Proposed Plans and Elevations and Site Plan								
11.	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>									