

**Item 3a**                      **14/00603/FUL**

**Case Officer**            **Ian Heywood**

**Ward**                        **Wheelton and Withnell**

**Proposal**                 **1) Proposed change of use and extension of existing garage block to form garage and new live/work unit and 2 ) Demolition of existing outbuilding**

**Location**                 **Prospect House  
Whins Lane  
Wheelton  
Chorley  
PR6 8HN**

**Applicant**                **Mr J Taylor**

**Consultation expiry:**   **08 July 2014**

**Decision due by:**       **27 February 2015**

## **UPDATE**

It was previously considered that this application could be dealt with under delegated powers following Chairs Brief on 22 July 2014 with any grant of planning permission being subject to an associated legal agreement to secure a commuted sum payment for the provision of off-site public open space.

However the formal decision notice has not yet been issued and since the changes introduced by the National Planning Practice Guidance (NPPG) in November last year, the Council's revised position is that all applications affected by the change to NPPG are taken to Chair's Brief for further consideration.

The NPPG was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing what are in the Government's view disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m<sup>2</sup>.

This development is for 1 dwelling which is below the 10 unit threshold and also has a gross floorspace of less than 1000m<sup>2</sup>. In the case of this development there is no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance.

The officer's original report is set out below and Members will note that the recommendation previously was to approve the application subject to a legal agreement. However since the NPPG changes this has now been revised to APPROVE. In all other respects the assessment of the proposal is unchanged and there are no other amendments to the report.

This application was taken to Chair's Brief on 20th January 2015 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits in respect of this part of the Borough are set out within the body of the report.

Members need not rehearse the arguments aired when it was first agreed by the Council that the matter could be approved. Any discussion should instead concentrate on the issues regarding imposition or not of tariff style obligations in s.106 agreements raised by the Ministerial Statement dated 28 November 2014. However if there have been material changes in relation to the application site since it was agreed that the application could be approved which might cause the decision to be revisited members are encouraged to discuss these issues.

**Recommendation: Permit Full Planning Permission, subject to conditions**

**14/00603/FUL**

Target Date: 1 August 2014

**DELEGATED  
REPORT**

**RECOMMENDATION: Permit Full Planning Permission (subject to legal agreement)**

**Signed:** .....

**Case Officer:** Mr Ian Heywood..... **Agreed:** .....

**Date:** 14 July 2014..... **Date:** .....

**RELEVANT POLICIES:** In accordance with S.38 (6) Planning and Compulsory Purchase Act (2004), the application has been determined in accordance with the development plan (the Central Lancashire Core Strategy (2012), 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.

**Note on the Emerging Chorley Local Plan 2012-2026**

The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. 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 and Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination later in 2014 to consider Gypsy and Traveller matters, which would enable the adoption of the local plan, following a supplementary report.

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 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 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 Inspector’s modifications for Development Management purposes at its Executive Committee on 21<sup>st</sup> November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

**HOW QUALITY OF SCHEME HAS BEEN IMPROVED:** N/A

**COUNCILLOR REQUEST TO REFER TO COMMITTEE:** None

**CONSULTEE COMMENTS:**

Wheulton Parish Council have no objections but request that the building be in keeping with the local

area. The Borough Council are requested to ensure that this is not the start of overdevelopment of the area.

Lancashire County Council Highways - No objections

#### **NEIGHBOUR COMMENTS:**

4 letters have been received citing the following grounds for objection:

- increased traffic as a result of business deliveries;
- impact on the amenity currently enjoyed by neighbouring residential properties.

#### **OFFICERS REPORT:**

##### **Proposal**

The application seeks planning permission for the change of use and extension of an existing garage block to form a garage and new live/work unit. The demolition of the existing outbuilding is also proposed.

##### **Site Description**

The site is located in the Green Belt, close to the settlement of Wheelton and was formerly occupied by the original 'Prospect House', which was a large Victorian mansion set in expansive landscaped grounds. This building was demolished at some time prior to 1973 and the site was redeveloped with four detached dwellings, the current application site being one of them. The current building is a bungalow with a large detached garage and a further separate outbuilding, the latter a legacy of the original Prospect House.

The site is approached using the original steeply graded entrance drive from Whins Lane, which now serves all four of the modern properties. The land within the area rises quite steeply from west to east and is quite densely filled with trees, some no doubt a legacy from the original house. The site itself is screened on all sides by either a boundary wall or by closely planted trees resulting in an extremely secluded and private location. The combination of the site topography and boundary treatments means that it is not possible to either see or be seen by any other surrounding properties or view points in the adjacent area from/to the site.

Consent was granted in 2006 (06/01384/FUL) and amended in 2007 (07/01217/FUL) for the current garage building.

##### **Constraints**

Ancient Woodland Buffer  
Canal and buffer zone  
Green Belt  
Wind turbine consultation zone

##### **Site History**

The site history of the property is as follows:

<b>Ref:</b>	74/00049/FUL	<b>Decision:</b>	PERFPP	<b>Decision Date:</b>	8 July 1974
<b>Description:</b>	Bungalow				
<b>Ref:</b>	03/01132/FUL	<b>Decision:</b>	PERFPP	<b>Decision Date:</b>	10 December
	2003				
<b>Description:</b>	Provision of stable block and sand paddock				

**Ref:** 06/01384/FUL **Decision:** PERFPP **Decision Date:** 6 March 2007  
**Description:** Demolition of existing attached and detached garages followed by rebuilding at a lower slab level with minor changes to design and scale, lower the level of the existing parking area to the front of the house and provide retaining walls where necessary, two single storey extensions to house one including a conservatory and retrospective application for blockwork retaining walls to tennis court and the rear of the house,

**Ref:** 07/00896/FUL **Decision:** REFFPP **Decision Date:** 17 October 2007  
**Description:** Proposed revised garage layout for approved application ref 06/01384/FUL

**Ref:** 07/01217/FUL **Decision:** PERFPP **Decision Date:** 12 December 2007  
**Description:** Proposed revised garage layout for approved application ref. 06/01384/FUL,

### Summary of Objections

The objections received from neighbours cite the following grounds for objection:

- Increased traffic resulting from business deliveries. The proposed business use does not involve the delivery of any 'stock'. The proposal is to use the 'work' element of the building as the family company office and for storage of company records, which are not inconsiderable. The employees of the business that will use the work unit currently share the adjacent bungalow with their parents – the applicant. The net result will thus be that traffic movements will overall be reduced as the requirement for commuting is also reduced.
- Harm to the amenity currently enjoyed by neighbouring residents. Due to the topography of the site and the surrounding area, and the nature of boundary treatments, it is not possible for the surrounding properties to either see or be seen by/from the proposed development.

### Analysis of Issues:

#### Principle of Development: The Framework (National Planning Policy Framework).

The application site is located within the Green Belt. The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building is considered as appropriate development. In this case the original building is the one currently occupying the site.

The Framework (para 6) states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three dimensions are economic, social and environmental. Para 9 says pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including (but not limited to):

- 4<sup>th</sup> improving the conditions in which people live, work, travel and take leisure;

Para 10 says plans and decisions need to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas.

The Framework supports a prosperous rural economy. Para 28 states that, "planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;

## **Central Lancashire Core Strategy (CS)**

Policy 1: Locating Growth, criteria f) states that development 'in other places' – will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need.

CS Policy 13 Rural Economy sets out to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses in a number of ways. It encourages live/work units. In all cases, proposals will be required to show good siting and design in order to conserve and where possible enhance the character and quality of the landscape without undermining the purposes of the Green Belt. In this case it is considered that the siting and design of the proposed development are appropriate for this specific location.

## **The Central Lancashire Rural Development SPD (Oct 2012)**

Para 19 supports the development of small business units in rural areas (mainly use class B1). Para 21 refers to live /work units. 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 50% of the floorspace being dedicated to the work unit. This type of development should have close access to classified roads and space for parking deliveries. Someone who lives in the residential part of the unit should be employed wholly or primarily in the workspace provided in the development. Live/work units will be controlled by suitable conditions to ensure they are used in accordance with the original consent. Conditions will include occupation restrictions to prevent use as a residential dwelling and a requirement that the property is to be inspected to ensure that the layout as a live /work unit has been implemented.

The Central Lancashire Rural Development SPD (Oct 2012) para 18 states "Employment development proposals should be conveniently located in relation to the surrounding road network, provide a safe access, be adequately serviced or can be serviced at a reasonable cost. Applicants seeking planning permission should also demonstrate that the proposed use would not be detrimental to local amenities and the use of neighbouring land. In order to protect visual amenity, signage should be kept to a minimum. The use of large and/or illustrated signs will not be appropriate in the countryside. Uses that involve outside storage or large numbers of parked vehicles are also unlikely to be acceptable, as again these are unlikely to be visually intrusive in the countryside".

In this case the proposed 55% work /45% residential split is considered to be acceptable and the overall scheme for a 49% increase in volume which is also considered to be acceptable.

The nature of the business and the fact that the building is to be used as the company administrative HQ mean that there will be no deliveries of stock for the business to the site. The employees of the business that will use the 'work' element of the building already reside on the site in the adjacent bungalow – the current Prospect House. As such it is considered that the use of the building will not cause visual intrusion into the countryside.

Policy DC7A of the Adopted Chorley Borough Local Plan Review (2003) and Policy HS9 of the emerging Chorley Local Plan 2012 – 2026 refer to the conversion of buildings in the Green Belt. Both policies set out a number of criteria to be met before a development proposal for the re-use of an existing building in the Green Belt can be considered acceptable:

Policy HS9 lists these as follows:

- a. the proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;
- b. The proposal would not harm the character or quality of the countryside or landscape;
- c. The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect on the openness of the Green Belt;
- d. If an agricultural building, it is not one substantially completed within ten years of the date of the application;

- e. The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;
- f. The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be tightly drawn around the building footprint and the requirement for outbuildings, which should be minimal;
- g. The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have an undue environmental impact;
- h. The development would not result in the loss of or damage to any important wildlife habitat or protected species.

It is considered that the proposed development complies with all these criteria.

**Impact on the amenity currently enjoyed by neighbouring residents:**

Policy HS5 of the emerging Chorley Local Plan 2012 – 2026 refers at paragraph b to the requirement for building extensions to not have an unacceptable adverse impact upon the amenity of neighbouring properties through overlooking, loss of privacy and reduction of daylight. The proposed development is situated in a position such that the site cannot see or be seen by neighbouring residential properties. The site is surrounded by masonry walls and a tall and dense planting of trees such that the proposed development will only be visible from within the site and will not be able to see or be seen by any of the neighbouring properties. Furthermore the nature of the business operation and that fact that family members employed in the business already live on site mean that there will be no deliveries of stock for the business arriving at or leaving from the site and that there will be a general reduction in any commuting journeys from the site means that traffic movements will, in general, be reduced compared to those undertaken currently. Consequently it is considered that there will be no material impact upon the amenity currently enjoyed by neighbouring residents.

**Open space:**

The Open Space and Playing Pitch Supplementary Planning Document (SPD) was adopted for development control purposes at the Council meeting on 17<sup>th</sup> September 2013. The proposal has been assessed against the provisions of emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.

Amenity Greenspace

Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

There is currently a deficit of provision in the Wheelton and Withnell ward in relation to this standard; a contribution towards new provision in the ward is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

There is currently a deficit of provision in the Wheelton and Withnell ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling.

Parks and Gardens

There is no requirement to provide a new park or garden on-site within this development.

The site is within the accessibility catchment (1,000m) of parks/gardens that are identified as being

low quality and/or low value in the Open Space Study (1689 – Bothy Garden Withnell Fold and 1690 – Memorial Garden Withnell Fold); a contribution towards improving these sites is therefore required. The amount required is £1,467 per dwelling.

Natural and Semi-Natural Greenspace

There is no requirement to provide new natural/semi natural greenspace on-site within this development.

There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study; therefore a contribution towards improving existing provision is not required.

Allotments

There is no requirement to provide allotment provision on site within this development.

The site is within the accessibility catchment (10 minutes’ drive time) of allotments that are identified as being low quality and/or low value in the Open Space Study (sites 1648 – Preston Road, Whittle-le-Woods, 1649 – Maybank/Oakdene, Withnell Fold, 1639 – Pleasant View, Withnell). A contribution towards improving these sites is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

**THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:**

Amenity greenspace	= £140
Equipped play area	= £134
Parks/Gardens	= £1,467
Natural/semi-natural	= £0
Allotments	= £15
Playing Pitches	= £1,599
<b>Total</b>	<b>= £3,355</b>

**Community Infrastructure Levy:** The development is liable for CIL to the value of £9942.40

**Conclusion** The proposed development is considered to be acceptable and is therefore recommended for approval.

<b>Site Visit Date:</b>	13 June 2014	<b>Site Notice Expiry Date:</b>	4 July 2014
<b>Nbr Letter Expiry Date:</b>	8 July 2014	<b>Press Notice Expiry Date:</b>	N/A

**RECOMMENDATION: Permit Full Planning Permission (subject to legal agreement)**

**CODE: LEGFUL**



**PROPOSED CONDITIONS:**

1. 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*

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

**Drawing: Proposed Plans & Elevations**

**PH/PL/14/002A**

**30.06.2014**

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

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

4. The business floorspace of the live/work unit shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use;

*Reason: To secure the creation and retention of the live-work unit and to safeguard the quality of the Green Belt and the purposes of including land within it.*

5. The business floorspace of the live/work unit shall not be used for any purpose other than for purposes within Class [B1] in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

*Reason: To secure the creation and retention of the live-work unit and to safeguard the quality of the Green Belt and the purposes of including land within it.*

6. The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of that unit, a widow or widower of such a person, or any resident dependants.

*Reason: To secure the creation and retention of the live-work unit and to safeguard the quality of the Green Belt and the purposes of including land within it.*

7. The area of the proposed development marked as the 'Records Store' shall only be used for the storage of company records and shall not be used for the storage of any 'stock' associated with the company.

*Reason: In the interests of the amenity of the area.*