

Item 3b	15/00824/FUL
Case Officer	Helen Lowe
Ward	Pennine
Proposal	Retrospective application for retention of workroom to provide cosmetic tattooing service (sui generis) and change of use of land to garden
Location	90 Preston Road, Whittle le Woods
Applicant	Miss E Lloyd
Consultation expiry:	30th September 2015
Decision due by:	13th November 2015
Recommendation	Approve
Executive Summary	This is a retrospective application for the erection of a work shop to provide a cosmetic tattooing service. On balance it is considered that the proposal would not be so harmful to the amenities of adjoining residents to warrant refusal of the application.

Representations

Whittle le Woods Parish Council have made the following comments:

- Concerns regarding neighbour consultation;
- use of appropriate materials;
- Adequate parking should be incorporated into the plan before the application is passed.

No changes were made to these comments one the amended plans were received.

In total one representations have been received which are summarised below

Objection

Total No. received: One

- This building is within 90cm of our fence at its nearest point. This, we feel, is intrusive and unnecessary given the area of land it potentially could be built on.
- The building is completely out of character with its surroundings.
- The size of the building is such that it imposes grossly on their rear aspect. Due to its elevated base then the height of their existing rear fence (approx. 1m80cm) is nowhere high enough to stop this imposition.
- The building was erected, without planning permission, adjacent to their house and immediately behind the rear quarter comprising of their kitchen, utility and garage so that the loss of light onto our property is now significant and has had a detrimental effect on our property
- They are now overlooked by what is planned to be the route of a stream of customers and the inevitable loss of privacy which is extremely important to us.
- There will be the arrival and departure of cars and other vehicles and this again is a potential disturbance which is completely out of character with the area in question.
- This is a residential area completely surrounding the plot in question and there is no recent history of trade premises being used in close proximity to the proposed site.
- There appears to be no provision for business parking shown in the plans.

No further comments were received in response to the amended plans.

Consultees

Consultee	Summary of Comments received
LCC Highways	No objections

Assessment

Background

1. This is a retrospective application for the retention of a detached outbuilding/workroom that is to be used to provide a cosmetic tattooing services. The application also involves the change of use of a small area of land around the building to be used as domestic curtilage.
2. The application property is one of a small row of terraced stone cottages on Preston Road, Whittle Woods. The rear of the property is accessed via Lucas Lane West to the North.
3. The building measures 6m by 3.6m with a maximum height of 2.8m (it has a gently sloping mono-pitched roof). The building is partially completed and the applicant has indicated that they would ultimately wish to clad it in cedar boarding. No hours of operation have been provided however, each treatment usually takes several hours and the building would only be able to accommodate one customer at a time.
4. The building is located on an area of land to the rear of (east) of the 90 Preston Road, to the rear of an existing detached double garage (granted approval under application 03/01134/FUL). The land that it is sited on is not presently part of the residential curtilage of the property.

Principle of development

5. The application site is located within the settlement boundary but is not within or adjacent to a town, or local centre. Surrounding properties are residential. Policy EP4 of the Local Plan deals with employment development in residential areas, however the proposed use is considered to fall outside the use classes order and is therefore a *sui generis* use. Small scale employment development in residential areas is considered to be acceptable where there would be no detriment to the amenity of the area in terms of scale, character, noise, nuisance, disturbance, environment and car parking.
6. These issues are discussed separately below. The Framework states that there is a presumption in favour of sustainable development and that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with easy access to public transport. Subject to the above matters being adequately addressed it is considered that the proposal is acceptable in principle.

Impact on Neighbour Amenity

7. The building is currently located a minimum of approximately 1.2m from the rear boundary with no. 15 Royton Drive. Amended plans have been provided that re-locate the building a further 900mm to the west, away from the boundary. The land on which the building is sited is at a higher level than the ground level of no.15 Royton Drive. The difference in levels is approximately 0.5m. There is a 1.8 m high fence along the boundary; therefore approximately 1.5m of the building is visible above the fence line.
8. The building is adjacent to the rear of the attached garage at 15 Royton Drive. There are two kitchen windows (the sole windows that serve this room) located in the west facing elevation of no. 15 Royton Drive that face towards the building, although they are not directly adjacent to the building. As the building is currently located, the windows at their closest are approximately 5.8m from the building.
9. It is considered that the building would cause some loss of outlook from these windows. However, given that the building is not directly to the rear of these windows; does not impinge on the private area of garden space; can be moved further from the boundary and the fact that the windows already have a very limited outlook it is not considered that it would be reasonable to refuse the application on these grounds. It is recommended that a condition be added requiring details of the staining of the proposed cedar boarding to be submitted and approved.

10. If moved as shown on the amended plans the building would be approximately 19m from the rear elevation of no. 94 Preston Road and is partially screened by the existing double garage. It is not considered that the building causes a significant loss of outlook or overbearing impact for the residents of properties on Preston Road.
11. It is accepted that proposed use itself is unlikely to cause an excessive degree of noise and disturbance, the principal cause of noise and disturbance is likely to arise from the comings and goings of customers and their vehicles. The applicant has suggested that visitor will park on street on Preston Road and enter through the dwelling. However, the applicant also has a substantial area of off street parking to the rear of their property (there is a small area available to provide parking for no. 88). Access to this parking area is from Lucas Lane West. The applicant owns the majority of the land to the rear of nos. 98, 96 and 94 Preston Road (there is no no. 92) and any vehicles parking to the rear would have to pass to the rear of these properties. As the treatments would take a relatively long period and only one person would be treated at once, it is not anticipated that the number of vehicle movements would be particularly high.

Design and appearance

12. Policy BNE1 of the Local Plan states that new development should not have a 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.
13. The size and scale of the building is commensurate with a domestic outbuilding and it not considered to be unduly over bearing or out of keeping with the surroundings. The submitted plans state that the building is to be faced with painted timber panels, however the applicant has indicated that they wish to clad it in cedar boarding. This is considered to be acceptable subject to details of the proposed staining/colouring being provided. This can be secured by condition.

Highway Safety

14. Policy ST4 of the emerging Local Plan sets out the relevant parking standards for new development and policy BNE1 requires that new development should not prejudice highway safety.
15. The LCC Highways Engineer has not raised any objections to the proposals. The number of vehicle movements is considered to be likely to be low and parking on Preston Road is considered to be satisfactory. Furthermore, there is a significant area of hardstanding to the rear of the application property that is within the ownership of the applicant. A revised location plan to reflect the correct extent of land ownership has been requested from the applicant.

Overall Conclusion

16. Subject to the imposition of conditions to secure the moving of the building away from the boundary and details of the staining of the proposed cedar boarding, it is considered that on balance it would be unreasonable to refuse the application on the grounds of its impact upon the amenities of neighbouring residents. It is also not considered that the nature of the business proposals would cause such a degree of noise and disturbance to warrant refusal of the application. The application is therefore recommended for approval.

Planning 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.

Planning History

Reference	Description	Decision	Date
5/5/09620	Garages	Approved	9 February 1973
74/00011/FUL	Kitchen extension and Storm Porch	Approved	24 April 1974
99/00913/FUL	Retrospective permission for the erection of a block wall to the rear of the property	Approved	8 March 2000
03/01134/FUL	Demolition of two existing garages, extension to garden of No. 90 Preston Road, extension to parking area and erection of detached double garage,	Approved	3 December 2003

Suggested Conditions

No.	Condition				
1.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 383 1169 510"><thead><tr><th data-bbox="327 383 810 443">Title</th><th data-bbox="810 383 1163 443">Received date</th></tr></thead><tbody><tr><td data-bbox="327 443 810 510">Proposed outbuilding</td><td data-bbox="810 443 1163 510">26th October 2015</td></tr></tbody></table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Received date	Proposed outbuilding	26 th October 2015
Title	Received date				
Proposed outbuilding	26 th October 2015				
2.	<p>Within three months of the date of this consent 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.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>				
3.	<p>Within three months of the date of this consent the building hereby approve shall be moved in accordance with the plan submitted in the 26th of October. The development shall be carried out strictly in conformity with the approved details.</p> <p><i>Reason: To protect the appearance the locality and in the interests of the amenities of local residents.</i></p>				