

Agenda Item:	5.3
Site:	5 Rykneld Court, Main Street, Branston
Proposal:	Change of use from two garages to form a class B1 office and garage including raising of roof height.

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

[Hyperlink to Application Details](#)

Application Number:	P/2016/00396	
Planning Officer:	Charlotte El Hakiem	
Type of Application:	Change of use	
Applicant:	Mr Fred Smith	
Ward:	Branston	
Ward Member (s):	Cllr Grosvenor	
	Cllr Bowering	
	Cllr Ackroyd	
Date Registered:	12 th April 2016	
Date Expires:	1 st June 2016 (extension of time agreed)	

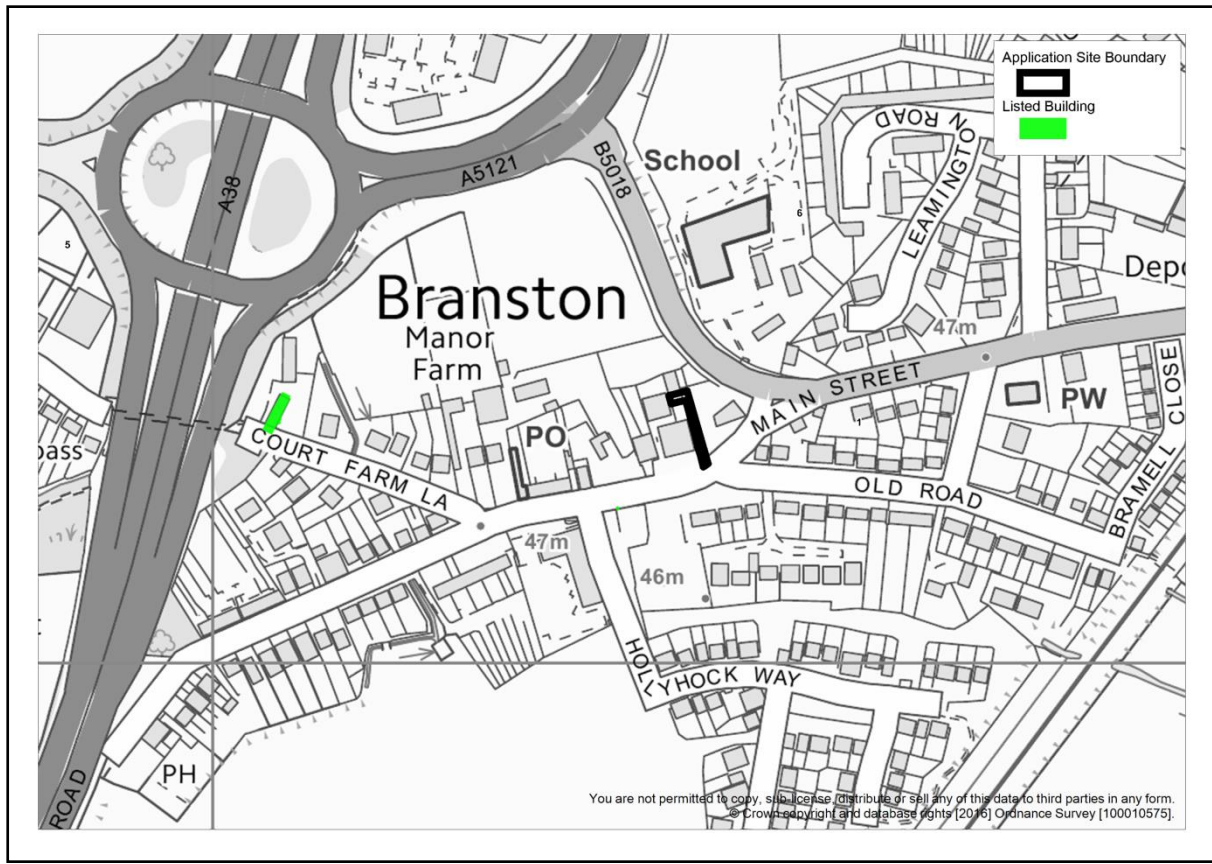
This application has been called in by Councillor Grosvenor for the following reason(s):

There is concern already existing by the residents regarding highway impact in this area. The change of use of these units reduce the parking available from 3 to 2 which may not seem like a lot but at heavy times , for example school drop off, and given the existing restrictions on that road for development of St Modwens houses etc this could cause additional problems to the highway. In addition the change of use to an “office” is also a concern as if this increases the traffic flow further this adds to the highways problems. There are already issues with flooding and the poor state of the pavement outside this area which could be exacerbated further here. I am not objecting to the application but there are issues that need examining and pulling out at committee , especially concerning the change of use.

1. Executive Summary

- 1.1 The site lies within a predominately residential area within a mixed use commercial/village centre. The site is accessed off Main Street. The site relates to two lock up garages which are part of a set of three garages. There is a commercial building adjacent which has lawful use for general industry. The properties to the south consist of a hairdressers, hot food takeaway and pet shop with flats above. Directly behind the site is a community scout hut and to the east of the site a public house.
- 1.2 The application seeks consent for the change of use of two garages to a B1 office and associated garage. The access is narrow and is adjacent to No 36 Rykneld Court. The access serves the three garages that are present on site and a B2 industrial unit. The applicant does not own the access but has a permissive right of way.
- 1.3 Statutory consultees have raised no objections. The Parish Council have not made any comments and 1 letter of objection has been received from a local resident. The Ward Member has called in the application on highway safety grounds and localised flooding.
- 1.4 It is considered that the development is of satisfactory design quality within its context to comply with the provisions of relevant development plan policies and the National Planning Policy Framework. There will be no adverse impact on residential amenity as a consequence of the proposal. The proposal will not have an unacceptable adverse impact on the existing highways network, and there are no objections on highway safety grounds or flooding.

Map of site



2. The site description

- 2.1 The application site consists of two flat roof garages situated to the rear of Main Street, Branston. The site is accessed by a narrow access in between 36 Main Street and the Blacksmiths Arms. There is an area of hardstanding to the front the garages. Adjoined to the garages is a third garage which is not in the applicant's ownership and an industrial unit which is used under a B2 use class, for general industry.
- 2.2 There is a third garage adjoining the application site but this is not part of the application.

3. Planning history

- 3.1 No relevant history. The garages originally served a row of cottages that existed to the rear of Main Street. The cottages were demolished some years ago but the garages remained and were sold off. They have been in the ownership of the applicant for approximately 10 years and have been used for the storage of domestic items and a classic motorbike.

4. The proposal

- 4.1 Change of use from two garages to form a Class B1 office and garage for the occupant of the office. The garages will require external alterations to include raising of the roof height and the installation of a window and personnel door.
- 4.2 This use class includes offices that do not fall within use class A2 such as financial and professional services, for example building societies, banks, solicitors and estate agents.

List of supporting documentation

- 4.3 The following documents have been provided as part of the application:

P_2016_00396_Application Form.pdf
 P_2016_00396_Block Plan.pdf
 P_2016_00396_Existing and proposed elevations and floor plans.pdf
 P_2016_00396_Flood Risk Assessment.pdf
 P_2016_00396_Location Plan.pdf

- 4.4 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

- 5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Parish Council	No response received
5.3	SCC Highways	No objection
5.4	Severn Trent Water	No objection subject to conditions
5.5	Environment Agency	The LPA should apply standard advice

6. Neighbour responses

- 6.1 1 response was received

Neighbour responses	
Principle	The garages formed part of the original planning application for the use of the residents of the flats above the shops on Main Street and they were not intended for business purposes.
Impacts on Amenity	No comments made

Highways Impacts	Any vehicles parking on the access road limit the ability for me or my tenants to have free and unrestricted access to my property as shown in the deeds.
Flood and drainage impacts	The applicant does not own the foul drain; I do not give permission for this drain to be used.
Miscellaneous	There is a party wall in between the garages which the work is proposed; I do not give permission for this work to be done.
	I wasn't consulted on by Mr. Smith that he was submitting this application.
Ward Member	There is concern already existing by the residents regarding highway impact in this area. The change of use of these units reduce the parking available from 3 to 2 which may not seem like a lot but at heavy times , for example school drop off, and given the existing restrictions on that road for development of St Modwens houses etc this could cause additional problems to the highway. In addition the change of use to an "office" is also a concern as if this increases the traffic flow further this adds to the highways problems. There are already issues with flooding and the poor state of the pavement outside this area which could be exacerbated further here. I am not objecting to the application but there are issues that need examining and pulling out at committee, especially concerning the change of use.

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- NP1: Role of Neighbourhood Plans
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- SP13 Burton and Uttoxeter Existing Employment Land Policy
- SP24 High Quality Design
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP7 Pollution and Contamination

'Made' Neighbourhood Plans

Branston

- B1 – Integrating New development with Existing Communities
- B2 – Design
- B3 – Protection of Local Heritage Assets
- B10 – Safer Roads and Streets

8. Principle of Development

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

8.2 Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

9. Local Plan

9.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

9.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues
- it is convenient and safe to walk, cycle and travel by public transport between the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities.
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape,
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;

- high quality design which incorporates energy efficient considerations and renewable energy technologies;
 - would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses
- 9.3 The application site is situated in the centre of Branston in the traditional heart of the village. The local centre which is located around Main Street has a mixture of local convenience amenities such as hairdressers, pet shop and takeaway, along with a convenience food store and charity shop. The village has a good mix of amenities, the majority of which are in walking distance of nearby residential properties.
- 9.4 The emphasis in Local Plan Policy SP1 encourages development that has good links to surrounding amenities, workplaces and homes. The site is in the centre of the village amongst other amenities. The applicant argues that there are no small office facilities for rent or to buy within the local centre area and that there is a high demand for this type of development. The applicant has tried to market the garages for sale, as garages, and has received little interest. Therefore the application has been made to create an office unit with a floor space area of 7.7m². This is obviously designed for a small business that employs one or two people. It is considered that the application will re use a building for an economic use within the village centre, within walking and cycling distance of a number of residential properties. It is therefore considered that the application complies with the thrust of Local Plan Policy SP1.
- 9.5 Strategic Policy 13 states that for employment sites within the urban area adjacent to non employment uses, the council will normally grant permission following demonstration of environmental sensitivities including traffic and highway impacts on surrounding areas. The impacts on the area and traffic will be considered in the report below.
- 9.6 Branston Neighbourhood Plan aims to integrate new development into the existing urban area whilst protecting the local character of Branston. The vision of the BNP is to provide an attractive and safe neighbourhood, with good access to a range of shops, services and employment opportunities. It is considered that this application is compliant with this vision.

10. Design and Impact on the character and appearance of the area

- 10.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.

- 10.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 10.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.
- 10.5 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible. The Branston Neighbourhood Plan policy B2 seeks to achieve high quality design that reflects local distinctiveness through the careful use of materials.
- 10.6 The application seeks to convert one garage to the office use and the other retained for the parking of a vehicle associated with the office. In order to facilitate the conversion, the application proposes raising of the roof height of both garages and the installation of a window and personnel door. The application proposes the increase in roof height from 2.3m to 2.7m whilst still retaining a flat roof. The design of the garages were not originally of a high quality design being constructed in the 1960's/1970's and being designed to be fit for purpose. Whilst the office and garage would retain the flat roof, the applicants have stated that they will improve the visual appearance of the garage by using high quality materials. A condition is recommended to control the finish of the external materials.
- 10.7 The proposed conversion will integrate satisfactorily with the character of the surrounding area in accordance with Local Plan Policies SP24 and DP1 and NP policy B2.

11. Residential Amenity

- 11.1 The National Planning Policy Framework and DP1, of the Local Plan seeks to ensure new development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 11.2 Local Plan Policy DP7 states that permission will only be granted planning permission where they will not give rise to unacceptable levels of pollution in respect of noise or light.
- 11.3 The proposed development will have not have any adverse impacts on nearby residents by way loss of light or overlooking. Members need to have regard to the introduction of this use in this location, which is in close proximity to residential properties. Local Plan Policy DP7 seeks to protect residents from disturbance. It is considered in this case that the B2 commercial unit already to the rear of the properties on Main Street and community building to the rear of the development site are far more likely to create more noise and disturbance than the use of this small office under B1 use class. A condition is recommended to restrict office opening times; it is felt that this is a satisfactory measure to control impact on neighbours.

- 11.4 In relation to restricting the use of the unit to limit disturbance to neighbours, a condition is recommended to restrict the unit to B1 use. This will ensure that the unit cannot be changed via permitted change allowed through the use class order.
- 11.5 A number of issues regarding the ownership of the wall and drains are raised by the owner of the adjoining garage and industrial unit. These matters are all civil matters that the owner would have to resolve with the applicant.

12. Sustainability (energy efficiency and low carbon)

- 12.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy saving techniques and improvements to existing buildings. The building is small but energy saving techniques can be conditioned.

13. Highway Matters

- 13.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 13.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 13.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses. The size of the unit only requires one car parking space as dictated by the Council Supplementary Parking Standards. This space is provided by the adjoining garage. There is one space outside the existing garages designed for visitor parking. Any further visitors to the site would need to park in the nearby public car park. This is easily within walking distance of the site. Members need to consider the size of the proposal and the likely number of employees and likely visitors that the unit could accommodate. Staffordshire County Council acknowledge that Main Street is a busy area for traffic, particularly at peak times in the day, however they feel that for the size of unit balanced with the provision of two spaces that this amount of parking is acceptable and a refusal could not be substantiated on these grounds. There is also sufficient turning space within the site to ensure vehicles leave the access on to Main Street in a forward gear. It is considered that the application complies with Local Plan Policies SP1 and SP35.

- 13.4 The Branston Neighbourhood Plan recognises that there is an existing parking problem in Main Street, Branston. Neighbourhood Plan Policy B10 states that all new development should be carefully designed to provide off road parking. The development provides off road parking and therefore is compliant with this policy.

14. Historic Environment

- 14.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 14.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 14.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 14.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 14.5 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 14.6 The nearest listed building is a milepost (Grade 2) located on Main street, 72m to the south of the garages. Court Farm is the nearest listed building located 235m to the west of the site down Court Farm Lane, which is also Grade 2 listed. The nearest conservation area is the Trent and Mersey Canal Conservation Area which is located approximately 488m to the North.
- 14.7 There will not be an impact on the setting of the listed milepost given its proximity to the site. There is already a lot of built form around the milepost.

- 14.8 There will be no impact on the view into or out of the canal conservation area owing to the separation distances and the intervening development and uses.
- 14.9 The impact of the proposal on heritage assets is limited and as such Section 66 of the relevant legislation does not need to be engaged.
- 14.10 In these circumstances, it is considered that neither Section 66 or Section 72 is engaged in this case.
- 14.11 The proposal is also felt to comply with neighbourhood plan policy B3 which seeks to protect and enhance heritage assets. Branston Neighbourhood Plan seeks to protect local heritage assets, of which the adjacent Blacksmiths Arms is named. It is considered that this development will not have any adverse impact on this heritage asset and will actually contribute to a visual improvement of this area.

15. Flood Risk and Drainage

- 15.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 15.2 The application site falls in flood zone 2, the Environment Agency have been consulted and their comments state that the LPA should refer to the Environment Agency Standard Advice. The Environment Agency standing advice states that this type of development is classed as less vulnerable. This means that buildings used for offices for example are not required to remain operational in the event of flooding and therefore can be vacated in any event. The application therefore complies with Local Plan policy SP27.

16. Biodiversity

- 16.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 16.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 16.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments.
- 16.4 Given the character of the area there is no requirement for a preliminary ecological assessment to be submitted. However due to the applicant carrying

out works to the roof of the garage, an informative is recommended to advise the applicant of their ecological responsibilities regarding protected species such as bats and birds. The application would therefore comply with Local Plan Policy SP29.

17. Conclusions

- 17.1 The application proposal is acceptable in principle with the development appropriate within a busy village centre. The design of the building is typical of its original use and improvements can be secured via the finish of materials.
- 17.2 The highway impact of the scheme has been assessed by SCC Highways and no objections have been raised in relation to the proposal. It is considered that the nature of development and the conversion of the building is a sufficient distance away from the occupiers of neighbouring properties by way of disturbance. There are no issues raised in relation to flood risk, drainage or ecology as part of the scheme.
- 17.3 The proposed development is not in a conservation area and given the separation distances and the form of existing built development, it is not considered that the proposal would have an impact on views into, or those out of the nearest conservation area nor is any Listed Building or its setting affected. The statutory duties under Sections 66 and 72 are therefore not engaged.
- 17.4 The scheme will provide economic benefits to the economy of the local area. These positive factors weigh heavily in support of the application and on balance the benefits of the scheme outweigh any specific concerns that are raised in relation to the proposal.
- 17.5 Overall, the scheme, when considered against the three pillars of sustainable development, as identified within the NPPF, will have a positive economic impact, mitigate any social impact and have minimal environmental impacts and therefore there is a presumption in favour of granting permission. The proposal also accords with the East Staffordshire Local Plan Policies SP1, SP29, SP35, DP1, DP2, DP7 and DP5.

17.6 RECOMMENDATION

PERMIT subject to the following conditions:-

1. Time limit condition (3 years)
2. Approved Plans Condition
3. Submission of details of materials
4. Details of Sustainability measures to be incorporated into the building.
5. Operating Hours
6. Restriction of use to B1 office.

Informatives

1. The applicant is advised that this consent does not absolve them from their responsibilities in relation to protected species.
2. Engagement informative

18. Background papers

18.1 The following papers were used in the preparation of this report:

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference P/2016/00396

19. Human Rights Act 1998

19.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

20. Crime and Disorder Implications

20.1 It is considered that the proposal does not raise any crime and disorder implications.

21. Equalities Act 2010

21.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

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