

Agenda Item:	5.3
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Site:	9 Keeling Drive, Barton under Needwood, Staffordshire, DE13 8FF
Proposal:	Conversion of attached single garage to form additional living accommodation including associated external alterations

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/2016/01078	
Planning Officer:	Lisa Roberts	
Type of Application:	Householder	
Applicant:	Mr Mark Nuttall	
Ward:	Needwood	
Ward Member (s):	Councillor J Jones	Councillor Mrs J F Jessel
Date Registered:	08 August 2016	
Date Expires:	03 October 2016	

This application has been called in by Councillor Jessel for the following reasons:

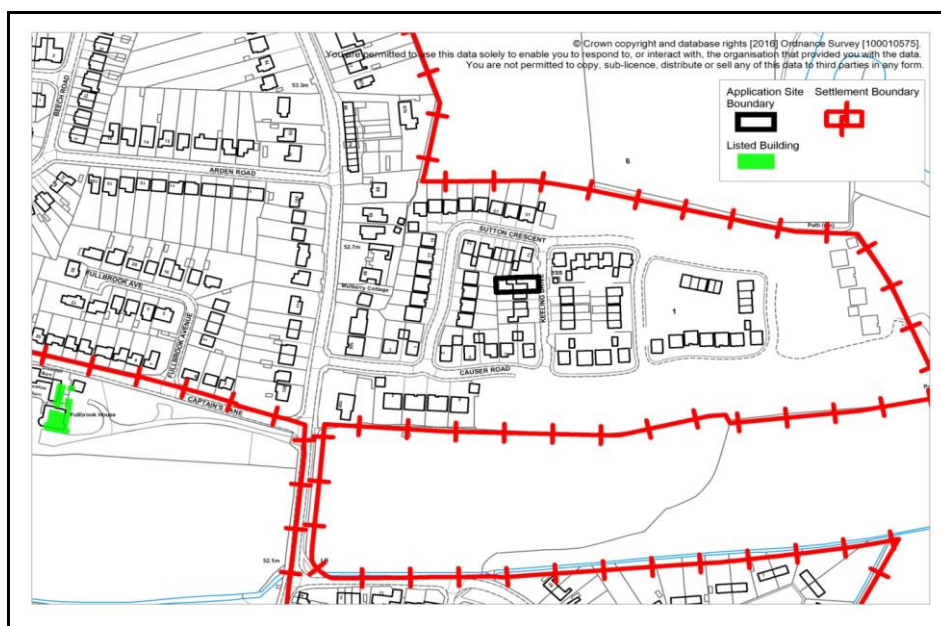
A Planning Condition was applied to the original planning application for 125 dwellings at this site which restricted the use of the garages. This condition meant that rather than garage conversions being considered permitted development, a formal application would be required. This was done to achieve one of the aims in the Local Plan to maintain a street scene that was not completely cluttered and dominated by cars and to encourage car parking in garages and off the street. In agreeing to this condition, the PAC accepted that the SCC parking standards did not automatically apply to this residential development.

If this application is granted it will undoubtedly set a precedent and be the first of many such applications. Considerable time and effort was made by local councillors, Parish Councillors, Planning Officers and Developers to achieve an overall high quality design for this estate. Granting this application will undermine those aims. It will be extremely difficult to refuse any further applications on this site and therefore the imposition of the original condition of removal of permitted development rights will be seen as nothing more than increasing income from similar applications, rather than the desired purpose of maintaining the quality of environment and preventing the estate from being congested visually and physically by cars parked in the roadways and taking over residents' front gardens.

1. Executive Summary

- 1.1 The application site is a newly constructed semi-detached two storey dwelling situated on a new residential estate. The residential estate is accessed via Efflinch Lane to the west, with the eastern part of the site still under construction. The surrounding land use in the immediate vicinity of the application site is residential. This application is a householder application for the conversion of the attached single garage to form additional living accommodation including associated external alterations.
- 1.2 The reserved matters application for the wider residential estate on which this dwelling is located, reference P/2014/00200, removed permitted development rights relating to garaging across the site, stating that the garage accommodation shall be made available at all times for the parking of vehicles and cycles in relation to the residential use of the premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.
- 1.3 The Parish Council have reservations regarding the impact of the removal of parking facilities.
- 1.4 It is considered that there is no material impact on parking associated with the property as a consequence of the conversion of the garage because the site will still accord with the Borough Council's Parking Standards Supplementary Planning Document.
- 1.5 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site



2. The site description

- 2.1 The application site is a newly constructed semi-detached two storey dwelling situated on a new residential estate. The residential estate is accessed via Efflinch Lane to the west, with the eastern part of the site still under construction.
- 2.2 The site currently benefits from an attached single garage with two parking spaces situated in tandem to the front of the garage.

3. Planning history

- 3.1 P/2011/01359 – Outline application to develop land by the erection of up to 130 dwellings with associated open space, comprising parkland, re-contouring, open water and allotments, with all matters reserved – Approved 20/05/2013
- 3.2 P/2014/00200 – Reserved matters application for the erection of 130 dwellings, including details of access, appearance, landscaping, layout and scale – Approved 25/07/2014

4. The proposal

- 4.1 Conversion of attached single garage to form additional living accommodation including associated external alterations. The external alterations in this case consist of the removal of the existing garage door and the installation of a window.

List of supporting documentation

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

- 1:1250 Location Plan
- 1:200 Block Plan
- 1:100 Existing Elevations and Floor Plans
- 1:100 Proposed Elevations and Floor Plans
- Design and Access Statement

- 4.3 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	Councillors have reservations about the impact that the removal of parking facilities will have on the limited parking spaces on the development.

- 5.3 No internal consultees

6. Neighbour responses

- 6.1 No neighbour responses were received.

Ward Member –	With regards to this application which is for the conversion of
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Cllr Jessel	<p>a garage to living accommodation, the property is part of the Efflinch Lane development and from memory I recall that a condition was applied to the effect that the garages had to be retained for their original use, which would therefore make this application suitable for refusal. Could I ask you to confirm whether I am correct or not?</p> <p>Following further clarification regarding the condition Cllr Jessel responded as follows: As Jacqui and I are of the same view, can you let me know as soon as you have made your assessment of the application. If you feel that approval is appropriate, I will make a request to call the application in for consideration by PAC as approval would be in contravention of the original planning application and policies within the local plan.</p>
Ward Member – Cllr Jones	<p>I am completely in agreement with Cllr Jessel. At PAC I insisted that the permitted development rights were removed because we wanted to maintain a street scene that was not completely cluttered and dominated by cars and wanted to encourage car parking in garages and off the street.</p> <p>If this application is granted it will be the first of many and the estate has not yet been completed. We put a considerable amount of time and effort into achieving the street scene and road line that we thought best for this development. Granting this application will undermine all that we tried to achieve.</p> <p>If garages are converted, it will result in more cars being parking in front gardens and in the road. This is contrary to all our aspirations.</p>

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
- SP2 Settlement Hierarchy
- SP24 High Quality Design
- SP25 Historic Environment
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings

- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and Archaeology
- DP6 Protecting the Historic Environment: Other Heritage Assets

'Made' Neighbourhood Plans

None

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 or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- 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, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- 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;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- 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;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

9.3 The application site is located within a new residential estate, the eastern part of which is still under construction. The site is accessed from Efflinch Lane, and therefore there are good links to the strategic highway network. The garage conversion requires the removal of the existing garage door which is to be replaced with a window. The window proposed is in keeping with the design of the dwelling and existing windows. Therefore the proposal is considered to meet the above principles where relevant.

9.4 The application site is situated within the settlement boundary for Barton under Needwood which is a Tier 1 settlement in accordance with Strategic Policy 2 and an appropriate location for new development.

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 The application seeks to convert the attached garage to form additional living accommodation. In order to facilitate this conversion, the application proposes the removal of the garage door to the front and replacement with a window. The window proposed reflects the style of the windows in the main dwelling, being of the same size, proportions and design. The brickwork beneath and to either side of the window is to match the existing dwelling. A condition is recommended to control the finish of the external materials.
- 10.6 The proposed conversion will integrate satisfactorily with the character of the surrounding area in accordance with Local Plan Policies SP24 and DP1.

11. Residential Amenity

- 11.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential 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 The proposed development will not have any adverse impacts on nearby residents by way of loss of light or overlooking. The massing and form of the building is to remain unchanged. The proposed window would be situated on the front elevation, however, it is considered a sufficient distance from the dwellings opposite, particularly given that it is set back considerably from the existing living room window.
- 11.3 The proposed conversion will integrate satisfactorily with the character of the surrounding area in accordance with Local Plan Policies DP1 and DP3.

12. Highway Matters

- 12.1 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.

- 12.2 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.
- 12.3 The Council's parking standards Supplementary Planning Document (SPD) sets out standards for different uses and different sized dwellings including space size, accessibility and the quantity of car parking spaces required for different uses. The SPD would expect a three bedroom dwelling such as the dwelling in the proposal to have two parking spaces. Currently the application site has three parking spaces including two at the front of the property and one in the garage. In proposing to convert the garage to living accommodation there are two spaces provided to the front of the property of the existing garage thereby still conforming to the Council's SPD for this size of dwelling. Staffordshire County Council has confirmed that they have no objections to the proposal.
- 12.4 The Council's parking standards SPD also sets out standards for the minimum size of car parking spaces, these being a minimum of 2.4 metres wide by 4.8 metres long. The 1:500 block plan submitted with the application details the spaces as being 2.4 metres wide by 5.2 metres long. The car parking spaces therefore exceed the minimum requirement.

13. Historic Environment

- 13.1 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.
- 13.2 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.
- 13.3 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.

- 13.4 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.
- 13.5 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.
- 13.6 Fullbrook is the nearest listed building located 275m to the south west of the site on Captains Lane. The nearest conservation area is the Trent and Mersey Canal Conservation Area located approximately 460m to the east, with the Barton conservation area located approximately 550m to the north.
- 13.7 There will not be an impact on the setting of listed building given its proximity to the site. There is a lot of built form between the listed building and the application site.
- 13.8 The property is not situated in a conservation area. There will be no impact on the view into or out of the Trent and Mersey Canal or the Barton conservation areas, owing to the separation distances and the intervening development. Section 72 is therefore not engaged
- 13.9 The proposal has no impact on heritage assets and as such Section 66 of the relevant legislation is not engaged.

14. Flood Risk and Drainage

- 14.1 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.
- 14.2 The application site falls in Flood Zone 1, no consultation is required with the Environment Agency for householder developments and alterations within this zone. The use of the dwelling is to remain as a household and therefore the development would be no more vulnerable in terms of flood risk. The application therefore complies with the NPPF and Local Plan Policy SP27.

15. Conclusions

- 15.1 The application proposal is acceptable in principle with the development appropriate within an existing residential area situated within the settlement boundary of Barton under Needwood. The design of the alterations is in keeping with the existing dwelling and surrounding area, and improvements can be secured via the finish of materials.
- 15.2 The highway impact of the scheme has been assessed by SCC Highways and no objections have been raised in relation to the proposal, with sufficient car parking spaces remaining to serve this size of dwelling. It is considered that the nature of development and conversion of the garage is a sufficient distance away from the occupiers of neighbouring properties by way of disturbance. There are no issues in relation to flood risk or drainage as part of the scheme.
- 15.3 The proposed development is not within 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 Section 66 and 72 are therefore not engaged.

15.4 RECOMMENDATION

15.5 **PERMIT** subject to the following conditions:-

1. Time limit condition (3 years)
2. Approved plans condition
3. Submission of details of materials

Informatives

1. Engagement informative

16. Background papers

16.1 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

17. Human Rights Act 1998

- 17.1 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.

18. Crime and Disorder Implications

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

19. Equalities Act 2010

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

For further information contact: Lisa Roberts

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