

Committee Report for P/2015/01719

Report of Head of Service (Section 151 Officer)

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

Application Number	P/2015/01719	
Planning Officer	Alan Lynch	
Site Address	Frostfields Silver Lane Marchington Staffordshire ST14 8LL	
Proposal	Change of use of land to domestic garden and erection of three detached buildings for garaging/general purpose storage buildings	
Expiry Dates	Weekly List	1/2 /2016
	Neighbours	27/ 1 /2016
	Consultations	27/1 /2016
	Site Notice	3 /2 /2016
	Newspaper Advert	-
Application not Determined within Statutory Time Period - Reason	It has been necessary to agree an extension of time to accommodate the 'call in' of the application by Councillor Stephen Smith to this Planning Committee.	
Environmental Assessment	Screening opinion undertaken	No
	Schedule 1 or 2	N/A
	EIA Required	No
Relevant Planning Policies/Guidance	Government Documents	The National Planning Policy Framework The National Planning Practice Guidance
	Local Plan Policies	SP8 – Development outside development boundaries SP24 – High Quality Design SP25 - Historic Environment DP1 – Design of New Development DP3 – Design of New Residential Development, Extensions and Curtilage Buildings DP5 – Protecting the Historic Environment DP7 - Pollution and Contamination
	Supplementary Planning Documents	East Staffordshire Design Guide
	Other Policies/Guidance	
Relevant History	P/2013/01447 Change of use of public highway to domestic curtilage and formation of turning head. Approved February 2013. HO14701/009 Erection of garage / greenhouse on land which is to become residential curtilage. Approved December 2004	
Consultation Responses	Councillor Stephen Smith called the application to the Committee commenting “the application has special merits which need to be reviewed as the proposal would improve the local street scene for years to come” and that “this application	

	<p>would improve this derelict ground and improve the appearance of the village; this application has support from all on Silver Lane and the Parish Council.”</p> <p>Environmental Health Officer Request conditions relating to contaminated land at a pre-commencement stage to demonstrate there is no contamination issues.</p>
Parish Council	No comments received at the time of writing this report.
Neighbour Responses	<p>Two letters of response have been received as summarised below.</p> <p>A letter has been received signed by the residents of five properties on Silver Lane who indicate that they fully support the development and believe that the buildings would be a pleasing addition to the considerable improvements already undertaken on this area of the applicant's property. The letter points out that the correspondence has not been written at the applicant's request.</p> <p>Another letter has been received from a separate party who is a regular user of the adjacent public playing fields and surrounds who believes the scheme is an enhancement and in any event in context with the existing large industrial buildings would be inconsequential.</p>
Human Rights Act Considerations	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 issues have been taken into account in the determination of this application.
Crime and Disorder Implications	It is considered that the proposal does not raise any crime and disorder implications.
Equalities Act 2010	Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.
Planning Officer's Assessment	<p>This application has been called to the Committee for determination by Councillor Stephen Smith on the basis that “the application has special merits which need to be reviewed as the proposal would improve the local street scene for years to come.” Councillor Stephen Smith comments specifically that “this application would improve this derelict ground and improve the appearance of the village; this application has support from all on Silver Lane and the Parish Council.”</p> <p><u>The Site</u></p> <p>The application site, which is some 0.4 hectares in area, is located on the southern side of Silver Lane which is a no through road. Frostfields is a domestic property, which has an extensive rear garden to the north west of the dwelling. The application site is situated to the east of the applicant's dwelling at Frostfields. The application site wraps around a parcel of land with a garage already serving Frostfields, which was the subject of a planning permission in 2004. The site is adjoined to the south by commercial buildings on Marchington Industrial Estate. The village playing fields are on the opposite, northern side of Silver Lane. The site is outside the development boundary of Marchington as defined in the recently adopted Local Plan.</p> <p>The land is at present given over mainly to grass, but has caravans, motor vehicles and two sheds. A hedge has been planted along the road frontage. Visually the works would be associated with a change of use of the land - albeit unlawful - to domestic curtilage.</p> <p>The land comprising the application site is understood to have been previously used in connection with the former army base (now occupied by Marchington Industrial Estate) and as a village school; although the buildings were subsequently demolished following the cessation of the school use in 1964. Since that demolition work the land over time</p>

became Greenfield in character and recent aerial photographs show the site as having significant level of tree cover on it which has now been removed.

The Proposal

Full planning permission is sought to change the use of this land to domestic curtilage to serve Frostfields and for the construction of 3 No. garage blocks on the eastern area of the site, some 75 metres distant from the applicants dwelling. Two of the blocks, which are proposed to be of timber construction with pitched Staffordshire blue tile roofs, are for 6 No. garages each with the remaining one being for 5 No. Garages (giving a total of 17 No). The proposed structures are indicated to be proposed to be used for garaging/general purpose storage of classical cars.

The application was accompanied by a Planning Statement and further to indications by officers that the scheme would be viewed as being contrary to Local Plan Policies the applicant's agent submitted correspondence to provide justification for the application scheme. This email is attached as an appendix to this report and the contents addressed in the assessment of the scheme below.

Officer Assessment

There are no highway safety concerns raised in relation to the scheme and therefore, the main issues are considered to be the planning policy implications (including impacts on the landscape/visual amenities), the effects on residential amenities, contaminated land and flooding/drainage matters and impacts on heritage assets.

Development Plan Policies: Principle of the Development, Character and Appearance and Impact on Countryside

Strategic Policy 8 of the Local Plan indicates that development outside settlement boundaries will not be permitted unless it is:

- essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside; or
- providing facilities for the general public or local community which are reasonably accessible on foot or by public transport; or
- in accordance with a 'Made' Neighbourhood Plan; or
- is development under the Rural Exceptions Sites policy; or
- is appropriate reuse of Rural Buildings; or
- is infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
- development necessary to secure a significant improvement to the landscape or the conservation of features of acknowledged importance; or
- provides renewable energy generation of an appropriate scale and design.
- is otherwise appropriate in the countryside.

Detailed Policy DP3 indicates inter alia that outside settlement boundaries extensions to existing dwellings will only be permitted if buildings for uses ancillary to the dwelling are modest and designed specifically for that purpose. It continues to say that the extension of residential curtilages within the countryside is acceptable where such extensions will not adversely affect landscape character by the intrusion of urban features.

Policy SP24 and DP1 of the Local Plan deal with the issue of detailed design issues.

Having regard to the above Local Plan Policies, whilst the individual design of the structures including timber exteriors and Staffordshire blue roofs are not unsympathetic, the proposed construction of three blocks of garages with a total of 17 No. car spaces is not a form of development which falls within any of the criteria listed of types development which are permitted outside settlement boundaries in accordance with Local Plan Policy SP8. Furthermore, whilst Detailed Policy DP3 provides some scope for new buildings for uses ancillary to existing dwellings and extensions to residential curtilages, the application scheme proposes to substantially extend the residential curtilage to the dwelling at Frostfields to accommodate three garage blocks (with a total of 17 No. garage units), which would result in a significant and visually intrusive urban feature occupying a prominent position, which is clearly visible from Marchington Village Playing Fields. The physical visual impact is emphasised by the disproportionate scale of the development in comparison with the existing dwelling which the garages are

	<p>proposed to serve which means that the development would not appear ancillary to Frostfields in its context on Silver Lane.</p> <p>It is recognised that the applicant's agent maintains that the land has already be used as garden area by the applicant for over ten years, however, given that no change of use application/lawful use application has been submitted this contention cannot be given any weight. Further, whilst due regard has been had to the wider locality in respect of the visual presence of existing buildings on the Marchington Industrial Estate, it is not considered that this existing impact overrides the objections to the scheme as they impact on the locality of Silver Lane outlined above. Furthermore, it is also considered that the 2004 approval does not provide a comparable precedent for the current application not least because the extent of the residential curtilage and scale of the buildings currently being proposed are significantly different from the approved scheme. Further, the (by comparison) modest garage approved in 2004 is located in closer proximity to the applicant's dwelling and by its context has a greater degree of visual association. It is thus concluded that the development is contrary to Strategic Policy 8 and Detailed Policy DP3 of the East Staffordshire Local Plan 2012 – 2031.</p> <p><u>Impact on the Amenity of neighbouring Land Users</u></p> <p>Local Plan Policy DP3, and the NPPF (in paragraph 17), requires that residential related development should not harm the amenity of others in terms of issues such as overlooking and loss of light whilst Policy DP7 deals with noise pollution.</p> <p>The use of the land for domestic purposes on Silver Lane does not result in any privacy concerns for neighbours given the physical relationship with existing dwellings and their gardens. There will also be no loss of light to principal windows of existing dwellings as the garages are a significant distance from the nearest dwellings. The degree of separation would also mean that the use of the garages is unlikely to cause significant disturbance to neighbours in terms of noise and activity in accordance with Local Plan Policies DP3 and DP7</p> <p><u>Contaminated Land and Flooding/Drainage</u></p> <p>It is considered that a condition of any planning permission could in principle, secure the necessary remediation of any contamination identified during the construction phase, in line with the Contaminated Land Officer's comments and in accordance with Local Plan Policies SP34 and DP7 and the NPPF. The application site is entirely inside flood zone 1 and therefore will not give rise to any flood risk concerns.</p> <p><u>Impacts on Heritage Assets</u></p> <p>Local Plan policies SP 25 and DP5 and Paragraph 128 of the NPPF requires Local Planning Authorities in determining applications to consider the potential of sites to impact upon heritage assets, and areas of archaeological interest. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and Section 66 of that Act imposes a duty in respect of listed buildings to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.</p> <p>The application site is approximately 275 metres from the boundary of the Marchington Conservation Area and some 390 metres from the nearest listed building and given the distances involvement and the views to and from the site the development would have no material impact on any heritage asset. Given these separation distances, it is not considered that the proposal will have an adverse impact on views into, or those out of these designated areas, or affect any listed building and that the statutory duties under Section 66 and under Section 72 are not therefore engaged.</p>
<p>Planning Officer's response to Parish Council</p>	<p>Not required</p>

Conclusion (including Signature & date)	<p>Accordingly, having regard to the above mentioned planning considerations the application is recommended for REFUSAL for the following reasons :-</p> <p>(1) East Staffordshire Local Plan Strategic Policy 8 indicates that development outside settlement boundaries will not be permitted unless it is:</p> <ul style="list-style-type: none"> • essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside; or • providing facilities for the general public or local community which are reasonably accessible on foot or by public transport; or • in accordance with a 'Made' Neighbourhood Plan; or • is development under the Rural Exceptions Sites policy; or • is appropriate reuse of Rural Buildings; or • is infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or • development necessary to secure a significant improvement to the landscape or the conservation of features of acknowledged importance; or • provides renewable energy generation of a appropriate scale and design. • is otherwise appropriate in the countryside. <p>The construction of three blocks of garages with a total of 17 No. car spaces is not a form of development which falls within any of the listed types of development which are permitted outside settlement boundaries and is detrimental to the landscape of its locality by reason of its visual impact. The development is therefore contrary to Policy SP8 of the East Staffordshire Local Plan 2012 – 2031.</p> <p>(2) East Staffordshire Local Plan Detailed Policy DP3 indicates inter alia that outside settlement boundaries extensions to existing dwellings will only be permitted if buildings for uses ancillary to the dwelling are modest and designed specifically for that purpose and that the extension of residential curtilage within the countryside is acceptable where such extensions will not adversely affect landscape character by the intrusion of urban features. The application scheme which proposes to substantially extend the residential curtilage to the dwelling at Frostfields on Silver Lane, Marchington to accommodate three garage blocks (with a total of 17 No. garage units), would result in a significant and visually intrusive urban feature occupying a prominent position, which is clearly visible from Marchington Village Playing Fields. The visual impact is emphasised by the disproportionate scale of the development in comparison with the existing dwelling which the garages are proposed to serve which means that the development would not appear ancillary in its context. The development is therefore contrary to Detailed Policy DP3 of the East Staffordshire Local Plan 2012 – 2031.</p>	
Engagement	<p>The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraphs 186 and 187 of the National Planning Policy Framework.</p>	
Section 106 required?	<p>No</p>	
Draft Decision Notice checked by Planning Officer or Team Leader		

Team Leader Comments	
Background Papers	<p>The following papers were used in the preparation of this report:-</p> <p>The Local and National Planning policies outlined above in the report. Papers/Drawings on the Planning Application file reference P/2015/01719.</p> <p>For further information contact: Alan Harvey Telephone No: 01283 508618 Email Address: alan.harvey@eaststaffsbc.gov.uk</p>