

Change of use of two garages within the block of three garages to create an administrative office in support of the occupancy of Nos. 7-11 Private Road (odd numbers inclusive) along with external alterations

Report Item No
A3

Private Road Standard Hill Coalville Leicestershire

Application Reference
18/00627/FUL

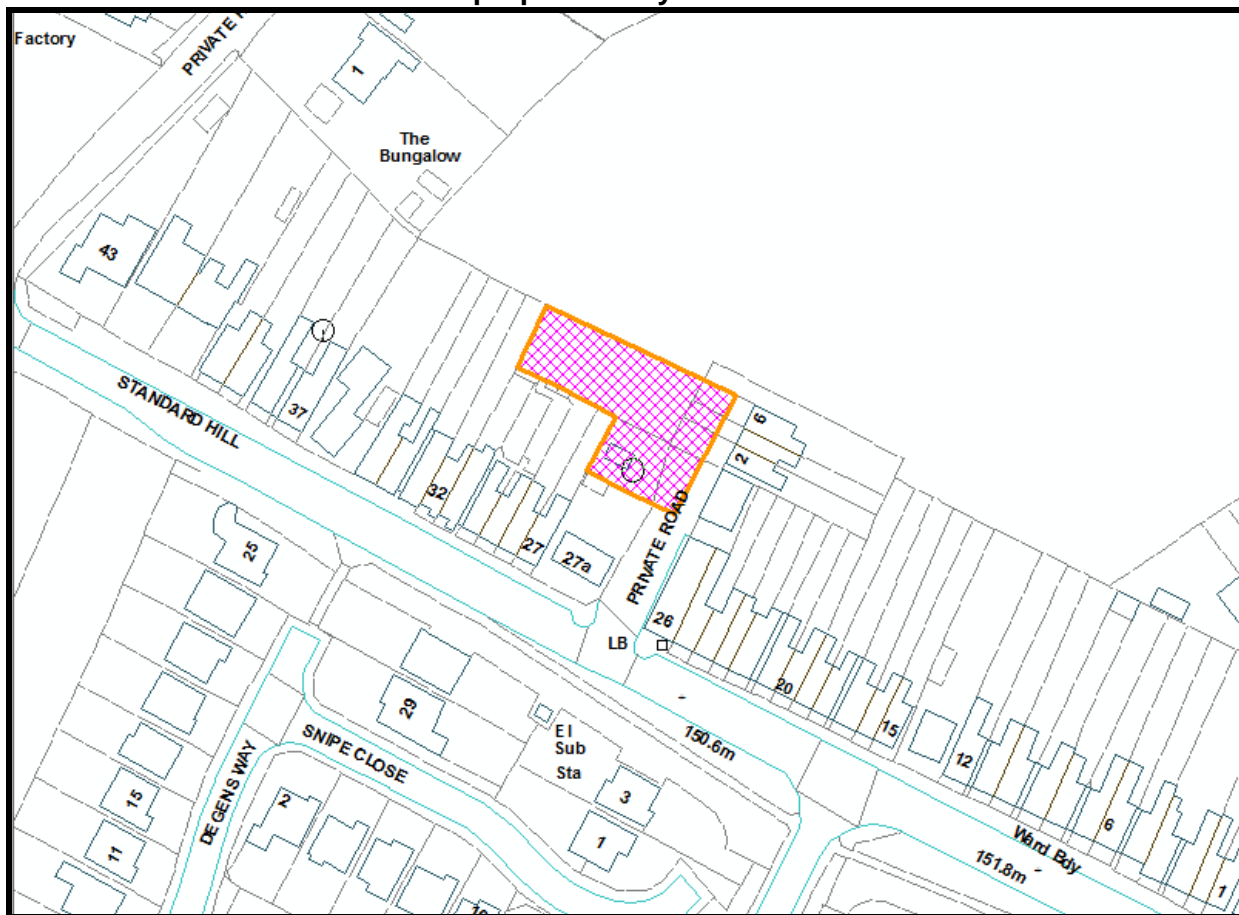
Applicant:
Mr J Kinch

Date Registered:
13 April 2018
Consultation Expiry:
23 May 2018
8 Week Date:
8 June 2018
Extension of Time:
None Agreed

Case Officer:
Adam Mellor

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is called in to Planning Committee by Councillor Geary on the basis of concerns about the loss of the off-street parking spaces and the implications to highway safety.

Proposal

This is an application to change the use of two garages within a block of three garages to create an administrative office in support of the occupancy of nos. 7 - 11 Private Road (odd numbers inclusive) along with external alterations at Private Road off Standard Hill, Coalville.

Consultations

Objections have been received from third parties but no objections have been received from other statutory consultees.

Planning Policy

The application site is within the Limits to Development in the adopted North West Leicestershire Local Plan.

Conclusion

As the site is within the Limits to Development the principle of the development is acceptable. The key issues are:

- Residential amenity;
- The impact on the character and appearance of the property and streetscape;
- Highway safety;

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD, and the NPPF.

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the change of use of two garages within a block of three garages to create an administrative office in support of the occupancy of nos. 7 - 11 Private Road (odd numbers inclusive) along with external alterations at Private Road, Standard Hill, Coalville. The existing detached garage block is set to the south-west of nos. 7 - 11 Private Road and is within the Limits to Development.

On the 7th December 2016 planning permission was granted under application reference 16/01043/FUL for the erection of three terraced dwellings, a triple garage block and highway improvements to existing access from Private Road onto Standard Hill. This permission was implemented and the dwellings were constructed.

Subsequently, however, it has come to light via enforcement investigation E/18/00045/COU that the dwellings are being utilised within Use Class C3(b) (up to six people living together as a single household and receiving care) rather than within Use Class C3(a) (use by a single person or family) by Freedom Care Ltd. Whilst the use of the properties within use class C3(b) from C3(a) does not require planning permission for a change of use it is proposed that the detached triple garage block would be adapted so as to be used as an administrative office by the carers who attend the properties. This adaptation would result in the provision of an office, store and water closet in two of the garage bays and the provision of glazing in two openings where a garage door would have been provided (it was noted during the site visit that a garage door has only been provided to one of these bays).

A total of four off-street parking spaces would be retained in connection with the use of the dwellings and the administrative office.

Planning permission was refused under application reference 16/00372/FUL on the 13th June 2016 for the erection of three terraced dwellings and a triple garage block.

2. Publicity

16 Neighbours have been notified.
Site Notice displayed 2 May 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Leicestershire County Council - Highways Authority have no objections.

NWLDC - Environmental Protection has no objections.

Third Party Representations

A total of seven representations have been received from third parties which object to the application with the comments raised summarised as follows:

- The off-street parking required in connection with application reference 16/01043/FUL has never been provided and therefore there is a breach of the condition.
- The loss of the off-street parking provision will result in detriment to highway safety as insufficient off-street parking will be available to residents, users of the shop and users of

- the proposed administrative office.
- Off-street parking should be available for the staff which visit the properties, this is around 15 people on the basis of the supporting information, as well as visitors of the residents who reside in the dwellings.
- On-street parking on Private Road will restrict access for emergency vehicles.
- The development has impacted on the off-street parking provision for the shop at 26 Standard Hill and the viability of this business is now being compromised.
- Level of noise generated from the use of the administrative office would result in detriment to residential amenities.
- Parking of vehicles is being undertaken on private land.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Core planning principles);
Paragraphs 32 and 39 (Promoting sustainable transport);
Paragraphs 57, 60, 61 and 64 (Requiring good design);
Paragraph 123 (Conserving and enhancing the natural environment); and
Paragraphs 203 and 206 (Planning conditions and obligations).

Draft National Planning Policy Framework (2018)

In March 2018, the Ministry of Housing, Communities and Local Government commenced consultation on a draft revised NPPF. In view of the early stage of this consultation process, it is considered that only limited weight may be attached to the policies of the draft NPPF at this time, and greater weight should be attached to the 2012 version. However, there is nothing in the draft NPPF that would materially change any of the recommendations made on this application.

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document - April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

5. Assessment

Principle and Sustainability

The site is located within the Limits to Development where the principle of development is considered acceptable subject to compliance with relevant policies of the adopted Local Plan and other material considerations. Within the NPPF there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

It has previously been established in the grant of planning permission under application reference 16/01043/FUL that the application site is within a sustainable location with Policy S2 of the adopted Local Plan supporting this position (Hugglescote being part of the Coalville Urban Area which is the primary settlement in the District). On this basis the proposed development would be acceptable in principle with the main matters for consideration relating to the impacts on residential amenity and highway safety as well as the design of the proposals.

Residential Amenities

The proposal relates to the change of use of an existing building to an administrative office and consequently the alterations to the external appearance of the building, resulting in the insertion of glazing into two openings, would not result in any adverse overbearing or overshadowing impacts to the nearest residential receptors being nos. 2, 4 and 6 Private Road, set to the north-east, nos. 27 and 27A Standard Hill, set to the south-west, and no. 26 Standard Hill, set to the south-east. As the glazed openings would be at ground floor level there would also be no adverse overlooking implications particularly given that the detached garage block does not sit directly opposite any residential receptor.

The Council's Environmental Protection Team have been consulted on the application and have raised no objections and therefore it is determined that the change of use would not result in any adverse noise implications to the amenities of neighbouring properties which would justify a refusal of the application.

Overall the proposal would accord with Policy D2 of the adopted Local Plan and Paragraph 123 of the NPPF.

Impact on the Character and Appearance of the Building and Streetscape

The need for good design in new development is outlined not only in adopted Local Plan Policy D1, as well as the Council's adopted Good Design for NWLDC SPD, but also Paragraphs 57, 60 and 61 of the NPPF.

It is considered that the elevation of the detached garage block where the alterations would be undertaken is not readily visible from Standard Hill due to the presence of vegetation to the boundary of no. 27A Standard Hill. In any event the provision of glazing in two openings where garage doors would have been provided is not considered to have any significant implications to the character and appearance of the building or the overall appearance of the streetscape.

On this basis the design and appearance of the alterations to the existing building would be acceptable and would ensure compliance with Policy D1 of the adopted Local Plan as well as Paragraphs 57, 60 and 61 of the NPPF and the Council's adopted Good Design SPD.

Highway Safety

The County Highways Authority have been consulted on the application and has raised no objections.

In the consideration of application reference 16/01043/FUL it was determined that the provision of build-outs either side of the vehicular access in order to improve the level of visibility achieved in both directions was sufficient in addressing highway safety concerns associated with the movement of vehicles out of Private Road onto Standard Hill. These build-outs have been provided and consequently it is considered that the movement of vehicles out of the site in connection with the administrative office would not result in severe detriment to pedestrian or highway safety. On this basis the proposal would accord with Policy IF4 of the adopted Local Plan and Paragraph 32 of the NPPF.

The dwellings approved as part of application reference 16/01043/FUL had two bedrooms each and as part of the permission granted a total of six off-street parking spaces were provided, three of which were in the detached garage block. For the avoidance of doubt it is not the responsibility of this development to address the short comings in off-street parking provision for neighbouring dwellings or the shop, particularly given that it is not evidently clear whether they have a 'right' to park on Private Road, and matters associated with the obstruction of parking spaces or vehicular accesses would be a police matter.

A supporting statement supplied by the agent has outlined that 15 members of staff are employed in connection with the C3(b) use and these employees operate on a shift basis with there being 3 shifts in a day. It is not however made clear how many staff would be present on the site at any one time. The supporting statement also outlines that the occupants of the properties "are highly unlikely, by reason of their background, to require a motor car as a means of personal transport." Further information supplied by the applicant has also outlined that the office will not be "manned by any additional staff members and it will be used primarily by the local manager who is present on the site during weekdays only."

As outlined in the 'Proposals and Background' section of this report the use of the properties within use class C3(b) does not require planning permission and at present this use operates without requiring parking within two of the bays of the tripe garage and this would continue to be the case with or without the development. It is also the case that whilst garage spaces are available there is no requirement to insist that such spaces are utilised and therefore vehicles connected with the use are entitled to park anywhere within the confines of the site.

Although the County Highways Authority consider that the loss of two parking spaces at the site is not ideal, particularly in light of the existing demand for on-street parking facilities on Standard Hill, it is accepted that the proposal is ancillary to the use undertaken from the site and the risk of displaced parking in connection with the use is reduced as it is situated on a private drive. Paragraph 32 of the NPPF outlines that development should only be refused on highway safety grounds where the cumulative impacts of the development are severe and the loss of two off-street parking spaces as a result of the proposed development would not be considered severe in this instance. On this basis a reason to refuse the application as being contrary to Policy IF7 of the adopted Local Plan and Paragraph 39 of the NPPF could not be substantiated in this instance.

Conditions would be imposed on any permission granted to ensure that the administrative office remains ancillary to the use of the site as well as the fact that should the C3(b) use cease the

two garage spaces shall be re-introduced.

Other Matters

In terms of the matters raised by third parties which have not been addressed above it is considered that in the conclusion of application reference 16/01043/FUL it was determined that given that the site would be located less than 45 metres from the highway emergency vehicles would be able to access the site with the representations received specifying that emergency vehicles have parked on Private Road so as to visit the properties. This therefore suggests that there is no issue with regards to the movement of emergency vehicles within the site.

No financial information has been provided to substantiate the claim that the development has led to a loss of trade for the retail premises at 26a Standard Hill, as a result of the loss of off-street parking for customers on Private Road. Nor has it been demonstrated that customers of the premises had a right to park on Private Road or that the development in question has taken such parking spaces away.

Summary Reasons for Granting Planning Permission

The site is situated within the Limits to Development where the principle of this form of development would be acceptable. In addition the proposal would not impact adversely on the appearance of the streetscape, residential amenity or highway safety. There are no other material planning considerations which indicate that planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the above mentioned policies.

RECOMMENDATION - PERMIT, subject to conditions;

1. Time limit.
2. Approved plans.
3. External materials.
4. Administrative office ancillary to C3(b) use.
5. Off-street parking provision.
6. Re-introduction of garage spaces if C3(b) use ceases.