

21/00011/FUL

Mr Richard Carroll

PERTON
Cllr Philip Davis

Cranmoor Lodge Farm Wrottesley Park Road Perton WV8 2HS

Change of use from residential to offices

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 Cranmoor Lodge is accessed from Wrottesley Park Road in Perton via a private road. It is a complex of barns and former RAF buildings converted and adapted for residential accommodation. The approved plan for the development shows the access road generally 3.5m wide with approximately 20m long passing places every 50m apart with a 1.8m wide footpath on one side.

1.1.2 This application relates to a barn which was granted planning permission in 2014 [14/00784/FUL] to be converted to two dwellings. The use has been implemented.

1.1.3 An enforcement case was raised in 2015 [15/00402/BOC] over the amount of demolition works and rebuilding that had taken place. This case has been closed and concluded that it was not expedient to enforce given that the amount of re-building was inconclusive, and the building had not been increased in size.

1.2 Relevant Planning History

2014, Conversion of redundant agricultural buildings to provide 2 dwellings, approved 14/00784/FUL

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The application proposes to change the use of the two dwellings to offices. The floor plans show four offices, with two break-out areas and W.C. No external alterations are proposed to the appearance of the building.

2.1.2 The existing drive would be extended to create a central parking area in front of the building with 14 car parking spaces.

2.1.3 The floor area of the building is approx. 175sqm.

2.1.4 The agent has clarified that the existing raised land by the drive is an overburden from the adjacent development and will be removed from site and the levels returned to the same as they were before.

2.1.5 The proposed car parking areas will be drained to attenuated soakaways.

2.2 Agents Submission

2.2.1 The application is accompanied by a Planning, Design and Access Statement.

3. POLICY CONTEXT

3.1 The site is in the Green Belt

3.2 Core Strategy

CP1: The Spatial Strategy

GB1: Development in the Green Belt

EQ1: Protecting, Enhancing and Expanding Natural Assets

EQ3: Conservation, Preservation and Protection of Heritage Assets

EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

EQ7: Water Quality

EQ9 Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

EQ12: Landscaping

CP9: Rural Diversification

EV5: Rural Development

EV6: Re-Use of Redundant Rural Buildings

EV12: Parking Provision

Appendix 5 Car parking standards

Appendix 6 Space about Dwellings

Green Belt and Open Countryside Supplementary Planning Document

3.3 National Planning Policy Framework

3.4 National Planning Policy Guidance

3.4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless materials considerations indicate otherwise.

3.4.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

4. CONSULTATION RESPONSES

Councillor Davis [09/02/2021]: *I have no objection to the proposed changes proposed.*

Councillor Caine [02/03/2021]: *Additional Comments*

The site is within the Green Belt and the Application should be opposed as it is inappropriate development for conversion from residential to offices.

The proposed Application would have a detrimental effect on the living conditions of nearby resident properties by reason of noise and disturbance and unsocial hours and vehicle movements contrary to Policy EQ9 of the Councils Core Strategy and the NPPF.

The proposed Application for change of use is located outside the centre of Perton as a Service Village where there are already established Offices and Commercial premises. It is therefore an inappropriate form of development.

The approach road, is maintained by the collective of the residents that are located within the development, should this Application proceed then there would be disputes as to future maintenance of the Highway due to extra use of delivery and Service vehicles along with the proposed Office staff. This highway also serves as a Public Bridleway/Footpath (#22). There are no footpaths or laybys to accommodate large vehicles as it is a single track road.

There is no Bus Service for Staff

The T junction also has an Established Garden Centre located in the vicinity.

If PP is granted for this Application, the following conditions must be implemented.

No Outside Storage within the Curtilage of the site.

Restricted Vehicle movements of Delivery and Service vehicles, access for vehicles between 08.30am - 06.30pm (Mon-Fri only) and Weight Limitation to 7.5 tonnes

Remove Permitted Developments Rights

Improvements to T Junction access.

No Vehicle or Plant storage.

The DCnl must take into account all comments made by residents. there are Restricted Covenants on this area.

I have asked that this Application be 'called in'.

This Application must be decided by the District Council Planning Committee.

Perton Parish Council [09/03/2021]: *The Parish Council has serious concerns on Highway grounds:*

A) the road to the development has a concealed entrance with no signage on Wrottesley Park Road.

B) the farm road is single track with only two passing places.

C) the road is a direct connection to the Staffordshire Way and is very well walked, especially during the pandemic.

D) the junction is a crossing point for people leaving Bluebell Wood and crossing to the farm road.

E) there is already frequent and heavy traffic to Brownies, a nursery and farm shop, situated on the junction.

F) the proposed business use would increase the traffic into this road with staff and clients, disturbing the residents, as this is a quiet residential area.

G) the land is covenanted for residential use only.

Flood Team [01/03/2021]: *The photos the resident sent in appear to show the ground looking very saturated and water starting to pool, suggesting that the ditch put in by the developer is not working as effectively as hoped.*

From a planning perspective, the soakaway put in place in 2014 should be maintained and systems like this should usually be replaced every 15 years or so. However, it is not implausible that the system isn't working correctly e.g. the pipes connecting to the soakaway could be blocked.

We have no objections to the development as the conversion of dwellings into offices will not significantly increase the impermeable area of the site and thus surface water run off shouldn't increase. However, you could recommend that the development doesn't take place until a maintenance check has been done on the existing soakaway system and a further maintenance regime is put in place for the drainage ditch dug by the developer which could also be blocked.

County Highways [01/03/2021]: *No objections subject to conditions.*

Notes to Planning Officer.

i). The proposed development is situated in a private development. The vehicular movements associated with the proposed development are similar to that of the existing use as residential and therefore there would be little or no more impact on the public highway.

No comments and the Consultation period expired for Environmental Health and Severn Trent

Neighbours [11 representations received] expressing concern over:

- Impact on neighbouring amenity - noise/disturbance/loss of view
- Impact on drainage/flood risk/
- Impact on highway safety/maintenance/upkeep of private road/increase in traffic
- Impact on visual amenity of the area/green belt/wildlife
- Legal covenant on the land.

A site notice was posted on the 10th of February 2021.

5. APPRAISAL

5.1 The application has been referred to planning committee by Councillor Caine with concerns with the proposals impact on neighbouring amenity [policy EQ9].

5.2 Key Issues

- Principle of development
- Impact on the visual amenity of the Green Belt
- Impact on neighbouring amenity
- Drainage
- Access/Parking
- Other Matters.

5.3 Principle of Development

5.3.1 The site is located within the Green Belt. Policy GB1 of the adopted Core Strategy advises that development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted.

5.3.2 Policy GB1 and Paragraph 146 of the NPPF sets out forms of development that are not inappropriate in the Green Belt, and this includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

5.3.3 Core Strategy policy EV6 states that proposals must demonstrate that the building is in a condition capable of conversion without demolition and rebuilding or substantial

reconstruction. The policy also provides that preference for the re-use of rural buildings is for economic purposes.

5.3.4 Policy GB1 provides that the carrying out of engineering or other operations or the making of a material change of use of land is acceptable, where the works or use proposed would have no material effect on the openness of the Green Belt or the fulfilment of its purposes.

5.3.4 Core Policy 7 of the South Staffordshire Core Strategy (CS) states that, amongst other things, outside the Main Service Villages, Local Service Villages, and Small Service Villages, proposals for small-scale employment development and the sustainable diversification of the rural economy, will be supported where they are consistent with Core Policy 9 and do not conflict with other local planning policies. Outside village development boundaries, Core Policy 9 states that the Council will adopt the approach set out in Core Policy 7 for the redevelopment, modernisation and expansion of businesses. It also confirms that proposals relating to the sustainable re-use of rural buildings for appropriate uses which support the rural economy will be supported.

5.3.5 National Policy seeks to build a strong, competitive economy, with planning decisions helping to create the conditions which businesses can invest, expand and adapt. Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account the business needs and wider opportunities for development. Paragraph 83 also seeks to support a prosperous rural economy by enabling the sustainable growth and expansion of all types of business in rural areas through, amongst other things, the conversion of existing buildings.

5.3.6 The proposed building is of a substantial construction and the re-use of small scale sites for economic purposes is generally supported provided there is no additional harm caused on the Green Belt or on the nearby village centre. The application site is approximately 1.2 mile from Perton Village Centre and it is not considered that the use of the buildings for 4 offices will adversely impact on the economy of the centre, and whilst I appreciate that the site is accessed by a narrow private road, given the closeness to Perton's development boundary I do not consider the site to be in an unsustainable location. The highway implications of the proposal will be discussed in section 5.7.

5.3.7 With regards to any additional impact on the openness of the Green Belt, the existing drive will be extended/re-positioned to create a parking area in front of the building, the parking of vehicles would be transitional in nature and given the size of the increase [and no additional built development] it is not considered that the proposal would cause any material harm on the openness of the Green Belt or pose any conflict with the purposes of including land within it.

5.3.8 The change of use of the site for offices is therefore supported in principle provided taking into account other material planning considerations.

5.4 Impact on the visual amenity of the Green Belt

5.4.1 Core Policy 2 and Development policies EQ4 and EQ12 of the Core Strategy all seek to protect, conserve and enhance the District's natural assets.

5.4.2 The proposed change of use would bring little change to the appearance of the site and the use for offices would remove the associated domestic paraphernalia which comes with

dwellings. The parking of vehicles on the car park would be transitional in nature, and a landscape scheme is provided which would provide some mitigation with long distance views into the site. I find no conflict with local plan policies CP2, EQ4 and EQ12.

5.5 Impact on neighbouring amenity

5.5.1 Policy EQ9 states that new development "should take into account the amenity of any nearby residents".

5.5.2 The application site is positioned within a complex of residential properties, bounded by agricultural fields. The application site sits farthest north, with the nearest conversion building about 48m from the subject building [south east]. The rest of the converted buildings are over 100m from the proposal, with an area of woodland in between.

5.5.3 Several responses have been received, expressing a concern over noise and disturbance from the proposed office use, given that the site is positioned within a residential area. Office uses are considered to be compatible with residential uses as they can be carried out without detriment to its amenity. I therefore do not consider that the proposed use of the site for a small-scale office use will cause any material harm on neighbouring amenity. Appropriate conditions will be added for opening times and permitted development rights removed for extensions and change of uses.

5.3.4 Regarding a potential loss of view caused by the proposed car park, this is not a material planning consideration to which any weight can be applied. The agent has confirmed that the excess soil will be removed and the former land levels re-instated, and these works will be conditioned.

5.3.5 There is no conflict with Policy EQ9.

5.6 Drainage

5.6.1 Paragraph 163 of the NPPF states:

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

5.6.2 The original 2014 has been implemented and a soakaway installed at the site. This is the same 'red line' as this application. Photos were received from a neighbour that show the soakaway is not working effectively. Consultation was sought with the Flood Team.

5.6.3 The flood officer has commented that they have no objections to the proposed development in principle as the conversion of dwellings into offices will not significantly increase the impermeable area of the site and thus surface water run-off should not increase beyond the existing situation. Notwithstanding this, they have provided suggestions for conditions to improve the situation for the nearby resident to make sure that the soakaway in situ is improved. The condition requires a maintenance check to be done on the existing soakaway system on the application site, to check for any blockages which may be preventing the soakaway system working effectively and maintained as such. Given that the soakaway lies within the 'red line' of this application, it is considered that this condition meets the relevant tests in the NPPF. It is enforceable, precise and reasonable; it will be obvious if the soakaway is failing, and the required steps have not been taken to ensure it is working.

5.7 Access/Parking

5.7.1 The County Highways officer has raised no objections to the proposal on highway safety grounds as they do not consider the travel movements to be generated by the proposed development to result in a material increase over the approved scheme.

5.7.2 The use of the site for two dwellings would likely to have at least four vehicles [combined] and then there would be additional traffic caused by visitors and deliveries to these properties. For an office proposal of this size the Council would expect 7 car parking spaces to be provided; as this application proposes 14 spaces, there would be an adequate amount of parking for the proposal. The parking standards in the Appendix 5 of the Core Strategy for office use require 1 space per 20 sq m gross floor space. Cycle provision is also provided. Whilst there would be an increase in travel movements above a normal residential use, it is not considered given the size of the proposal [floor space of the buildings] that the proposal would result in a significant travel movements to warrant a refusal. Opening times for the office use can be conditioned to reasonable hours; and the gates to be installed would open inwards.

5.7.3 I note that concerns have been expressed by residents with the increase in traffic and whether the business use would be required to pay more contribution for the upkeep/maintenance of the private road. Whilst I sympathise with the neighbours, this would be a separate civil/legal matter and would depend on the wording of the existing legal agreement.

5.7.4 The proposal is compliant with Policy EV12 of the Core Strategy.

5.8 Other Matters

5.8.1 The majority of the comments received have been addressed in the main body of the report. Concerning the existence of a legal covenant preventing a commercial/business use, this would be a separate legal issue that the applicant would need to address. Restrictive covenants are not considered in applications for planning permission. Equally, planning permission does not quash any restrictions on title. Landowners must both obtain planning permission, and comply with restrictive covenants, in order for development to be carried out. The PROW is covered by its own legislation and shall continue to be allowed access to the general public. An informative will be placed on the permission reminding the applicants of this matter.

6. CONCLUSIONS

6.1 The proposal would make an efficient use of a substantial rural building for economic purposes in accordance with local plan policies GB1 and EV6. It is not considered that the change of use would cause any material harm on the character or appearance of the green belt; and an E class office use is compatible with residential uses. The amount of parking is satisfactory, and no concerns have been expressed by the Highways Department over safety.

6.2 In light of the above I consider permission should be granted at the site subject to conditions.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: 2026/001 received 06/01/2021
3. The offices shall only open between the hours of 9am and 6pm Monday to Saturday, and shall remain closed on Sundays and Bank Holidays, unless otherwise agreed with the Local Planning Authority.
4. The landscape scheme shown on the approved plan(s) shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. The planting, hard landscaping (and any other introduced features shown on the approved plan(s) shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
5. There shall be no outside storage on the site.
6. Prior to the site being brought into use, the existing raised land by the drive [excess soil] is to be removed from site and the levels returned to the original.
7. No delivery vehicles to the site shall exceed 7.5 tonnes.
8. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans.
9. The development hereby permitted shall not be brought into use until the proposed cycle parking facilities have been provided with reasonable weather protection and a secure fixture to allow cycles to be parked without risk of damage.
10. The proposed development shall not be brought into use, until a maintenance check has been done on the existing soakaway system and any blockages or issues

effectively resolved and cleared. The Council shall be notified when this has been undertaken.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 [as amended], or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the building(s), the subject of this approval, without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 2, Class A, gate, fences, walls etc
 - b. Schedule 2, Part 7, Class A - extensions etc of shops or financial or professional premises
 - c. Schedule 2, Part 7, Class E - hardsurfacing
 - d. Schedule 2, Part 20, Class AA - new dwellinghouses on detached buildings in commercial or mixed use
12. The premises shall be used for offices and for no other purposes (including any other purpose in Class E; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
5. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
6. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
7. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
8. In the interest of highway safety
9. In the interest of sustainability

10. To ensure the development has an acceptable means of drainage.
11. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
12. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.

INFORMATIVES

Public Right of Way

It is important that users of the PROW are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development or use of the site. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. The applicants attention needs to be drawn to this and that surface works may be required. The County Council is only responsible for the surface of the footpath for pedestrians, not vehicles, and the applicant should be made aware of this.

Signs

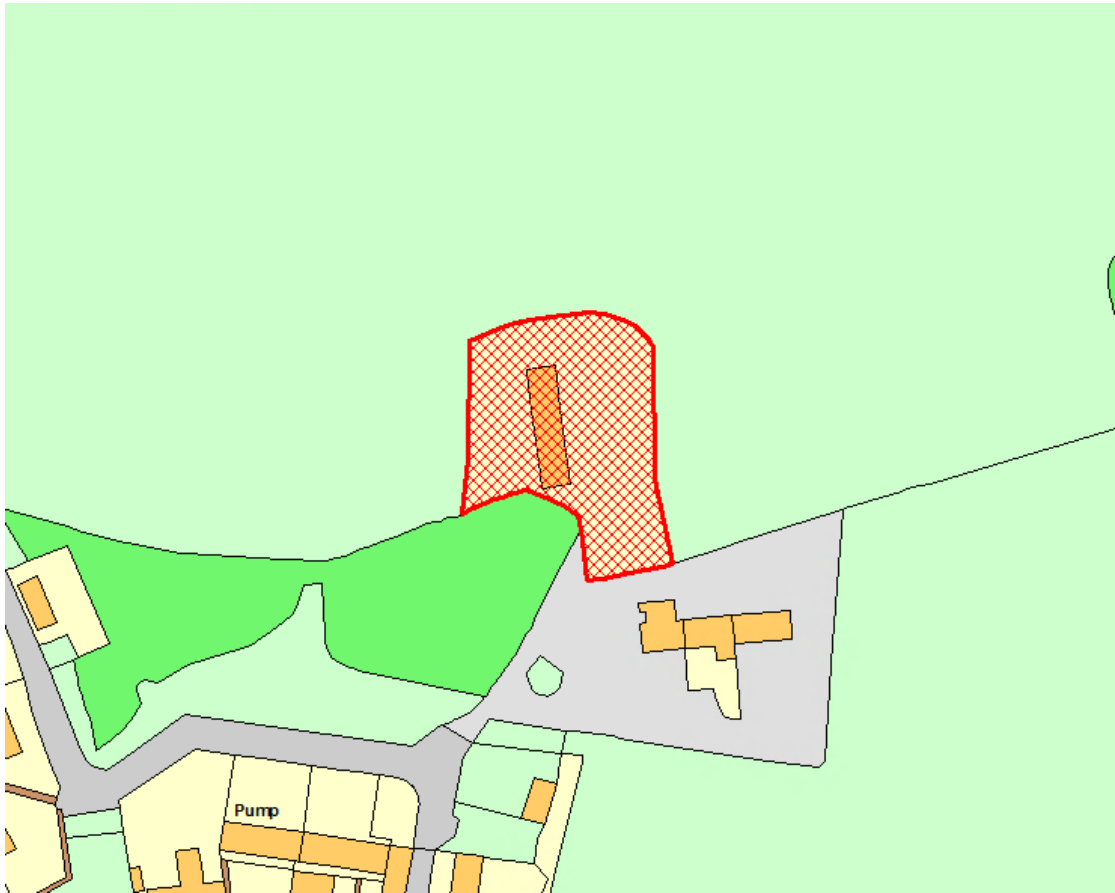
This permission does not grant or imply consent for any advertisements, signs or fascia development.

Legal Covenant

Please note that the Land may be subject to a legal covenant which affects or limits its use.

Proactive Statement

In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



Cranmoor Lodge Farm, Wrottesley Park Road, Perton WOLVERHAMPTON