

DELEGATED DECISION REPORT

SMD/2021/0775
Valid 21/12/2021

THE BOATHOUSE
LAKESIDE ROAD
RUDYARD

PROPOSED CHANGE OF USE
TO FORM SINGLE DWELLING

(FULL - MINOR)

MAIN ISSUES

- ☐ Green Belt
- ☐ Design
- ☐ Highways
- ☐ Amenity
- ☐ Ecology
- ☐ Heritage asset
- ☐ Flood Risk

DESCRIPTION OF SITE

The application site is a boat house located on the western edge of Rudyard Lake. The site is north of Rudyard Village. The two storey boathouse measures 8.0m long by 6.6m wide with an eaves height of 2.4m and an overall ridge height of 3.8m. (all dimensions approximate and heights minimum) The building is single storey from the bank side two storey from the lake side. You step up into the building from the bank side. It has a gable roof with a large overhang over the lake. The top level is potentially domestic use and lower level is a mooring for boats.

The building which is currently used as a boat store with storage above is enclosed on three sides with the side fronting the lake is open. The application building, lies within a short distance of boat houses of different design on this side of the lake with residential development to the west and south and a caravan park to the south west. Parking / vehicular access is provided from the caravan park about 70m from the boathouse.

For the purposes of the development plan the application site lies within the Green Belt where restrictive development plan policies apply. It also lies within the Rudyard Lake Conservation Area. The boat house is located in a position where it is considered to be in open countryside outside the small village of Rudyard.

PROPOSAL

The application which seeks consent for the creation of a residential unit on the first floor of the building. The external changes to the building will be limited the conversion being mainly internal changes. The proposed dwelling would be one bedroomed. An original but built up opening in the south west elevation will be reinstated to provide an additional window opening to the proposed bedroom. The lakeside elevation is to have patio doors and windows. A balcony is to be created

with a steel and glass balustrade fitted. The existing metal windows shall be replaced with aluminium windows.

An existing parking area will be used for parking some distance from the boathouse as will an existing vehicular access.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local plan Document (Adopted 2020)

SS1 Development Principles

SS10 Other rural Areas

DC1 Design Considerations

DC2 The Historic Environment

SD5 Flood Risk

T1 Development and Sustainable Transport

NE1 Biodiversity and Geological Resources

H 1 New Housing Developments

National Planning Policy Framework

Paragraph(s) 1-17

Section(s) 9 and 13

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The site has no recent relevant history.

CONSULTATIONS

Publicity

Site Notice expiry date: 03/2/2022

Neighbour consultation period ends: 13/1/2022

Press Advert: N/A

Public Comment

One letter of support has been received with comments supporting the applicants use of the site as a dwelling and considers the development would benefit the amenity of the conservation area.

Five letters of objection have been received with the following comments

- Lack of information
- Impact on conservation area
- Inadequate access
- Inappropriate development in green belt
- Loss of privacy and disturbance from noise
- Concerns that property will be used as a holiday let.

Town / Parish Comments

Submission: Objection

Comments: Horton Parish Council supports all the comments you have received from local residents and have reservations regarding who owns the land and how the sewage will be dealt with. As the applicant has stated in the application that the disposal of foul sewage is 'unknown' will you please ensure that you are satisfied that no pollution to Rudyard Lake will ensue from this proposed development.

Canal and River Trust

Require a drainage condition to cover foul water discharges.

Require a certain slab height for building

Comment on Balcony.

Staffordshire County Council Highways

No Objection

SCC drainage

A change of use to a more vulnerable use in flood zone 2.

Indicate the EA guidance should be followed. Floor level should be 600mm above 1% plus climatic change.

Staffs Wildlife Trust –No objection subject to conditions

Secure via condition should approval be granted:

1. Method statement for eradication of Japanese knotweed from the site
2. Landscaping plan that demonstrates a net biodiversity gain
3. Detailed drainage plan showing location of treatment plant, and sustainable drainage measures for surface water.
4. Protection and mitigation measures for species within the Preliminary Ecological Appraisal May 2022 and Bat Activity survey August 2022
5. Bat-sensitive lighting plan

Conservation Officer

Originally objected but no concerns subject to conditions following submission of further info.

OFFICER COMMENTS

Principle of Development

Section 38 (6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The local development plan for this site comprises the Staffordshire Moorland Local Plan and any relevant Supplementary Planning Documents (SPD's).

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. As stated in the NPPF, the document is a material consideration which must be taken into account in planning decisions.

The proposed development is located outside any settlement within the Green Belt where Policy SS10 of the adopted Local Plan applies along with NPPF Green Belt Policy.

Green Belt

The NPPF makes provision for Green Belt within section 13 of the document. The NPPF states that local planning authorities should regard the construction of new dwellings in the Green Belt as inappropriate. However, there is also provision at paragraph 150 (d) that the re-use of buildings, provided that the buildings are of permanent and substantial construction. The application is supported by the submission of structural supporting letter which concludes that 'the property is in good structural condition with no serious structural remediation required, only minor maintenance, replacement and cosmetic works are required to enable the building to required'. As such the principle of the development in the Green Belt is acceptable. The conversion of the boat house to a residential use would appear to conform to this part of the guidance.

The creation of the balcony will cause some limited extension of the building but para 150 (c) allows for none disproportionate extensions to buildings. Which this limited addition to the building clearly is.

The car parking area for the development (it has no garage) will be some distance from the building 70m to the south of the building on a services road for a caravan park and already exists.

For the reasons stated above the development does accords with national planning guidance in respect of Green Belt.

Design

Policy SS1 of the local plan sets out a number of development principles which new development should adhere to in order to contribute positively to the social, economic, and environmental improvement of the Staffordshire Moorlands. Policy DC1 of the adopted core strategy sets out a list of design considerations that new development should incorporate into any new scheme. It states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area.

The only substantial change to the building is the addition of the balcony. The external alterations proposed to the building will be conditioned so that appropriate materials are used as part of the development. It is considered that generally the proposed design is in keeping with the character of this part of Staffordshire Moorlands and good use is made of existing openings.

Ecology

Policy NE1 of the local plan relates to biodiversity and geological resources. It states that biodiversity will be conserved, enhanced and positively managed in order to resist any proposed development which could have an adverse effect upon protected species. The policy also seeks to ensure a net biodiversity gain, ensuring that any unavoidable impacts are appropriately managed.

The planning application has been submitted with an accompanying bat and nesting bird survey in support of the proposals. The wildlife trust does not object to the development merely requests that conditions are added to any approval. These conditions seek to achieve a net gain.

It is considered that the proposed development accords with Policy NE1 of the local plan.

Amenity

In accordance with Policy DC1 all new development should be designed to protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook and privacy.

In terms of residential amenity considerations, there are no extensions proposed which would cause overshadowing or overbearing impacts. All principal windows to habitable rooms either do not give rise to any overlooking of neighbouring residences and at least 21m will be maintained to all neighbouring dwellings. If the conversion is carried out as indicated then there will be no conflict with the Council's informal amenity standards.

As a consequence the proposal will not give rise to significant and demonstrable adverse impacts to neighbouring residential amenity.

In terms of the amenity of future occupants, the proposed dwelling will benefit from a large area of domestic curtilage to its north west that extends to the road it will be in excess of the minimum required by the Council's informal amenity standards (65 square metres).

Concern has been raised about the premises being used as a holiday let. Given the significant curtilage, distance from neighbouring dwellings and the large number of holiday lets / caravans in the area, it is not considered that such a use would be inappropriate or detrimental to residential amenity if it were to occur. Furthermore, given the small size of the proposed dwelling, and therefore limited number of occupants, the intensity of the use and any resultant disturbance would be self-limiting.

Highway Safety

Policy T1 of the local plan sets out the Council's position on development and sustainable transport. It states that the Council will promote sustainable patterns of transport which reduce reliance on the private car. It also requires that the appropriate level of car parking is provided.

Access to the site will be taken via the existing original vehicular access to the Caravan Park. The highway authority has no objected to the application on highway safety grounds. The car parking area provide space for two cars. The proposal would appear to be neutral in the planning balance.

Heritage

The building is located in a conservation area. The building to be converted appears to be important in the character of this part of the conservation area where there are a line of similar historic boat houses. The building appears to be a none designation as a none designated heritage asset. Policy DC2 of the local plan indicates that protection should be given to non-designated heritage assets.

The proposed physical changes to the building are limited and are considered to have limited effect on the character of the building. Clearly the proposed change of use to a dwelling would help retain a building of some historical significance in the conservation area. The Conservation Officer has been consulted on the application and they required some alterations to the development relating to the proposed thermal upgrades and proposed materials. This additional information required has been submitted and subject to conditions the Conservation Officer is supportive of the development. It is agreed that the development subject to these conditions will have an acceptable impact on the Conservation Area.

Flood Risk

Policy SD5 of the local plan sets out the Council's position on development and flood risk. The development of sites within areas at greater risk of flooding will only be considered where they are deemed acceptable due to national or other policies or material considerations.

A flood risk assessment has been provided but this makes no reference to the slab level that the residential floor of the building has. It is indicated by consultees that the Statutory Reservoir weir Level of the lake is 161.77m OD and Environment Agency standing guidance requires that floor levels in building of this type be 600mm above the 1% flood level with climate adjustments.

The first floor level of the building is 163.18m OD which complies with this requirement. (600mm above the level of the lake is 162.37m). Thus the proposed parts of the building to be used as a dwelling (a more vulnerable use) is acceptably above the predicted flood level.

Drainage

Policy SD4 of the Local plan aims to protect people from adverse effects of pollution. Consultees have expressed concerns about the treatment of foul sewage. The site is by the reservoir and the land associated with the development where foul water will be treated is understood to be uphill of the building. So any foul treatment scheme will be more difficult to achieve than normal but the site has some curtilage land and it would appear to be able to be achieved. It is considered that a detailed scheme could be secured by condition, noting that any drainage arrangements would also need to comply with building regs.

Other Matters

Permitted development rights classes A-E Part 1 Schedule 2 will be removed from the property via restricted condition as the site is located within the Green Belt and is a non designated heritage asset and ensures the property benefits from an appropriate amount curtilage for the size of the property. The condition allows for the LPA to ensure any new development at the site is well considered and respects the character of the area.

Land ownership concerns are civil matters rather than material planning considerations.

CONCLUSION / PLANNING BALANCE

The application seeks consent for the conversion of the upper floor of a boat house into a residential unit with one bedroom. The site is located within the Green Belt but the development will be a change of use of an existing building, the re use of this building is supported. The principle of development proposed is therefore considered to be acceptable and it is in accord with national and local green belt policies.

The form of the conversion is considered acceptable and will be neutral in the planning balance. As will the effect that the proposal will have on the ecology of the area.

The proposed works will help preserve what would appear to be a none designated heritage asset and so the proposal can be seen as positive in the planning balance. cause an improvement

Overall, this application, is considered to accord with all other relevant local development plan policies and other material considerations which includes the NPPF.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Rebecca Bowers

Recommendation Date: 02.02.2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council