

ITEM 4(f)

Application Number: 18/01963/FUL

Description Extension to garage and change of use application (Conversion to Osteopath Clinic) (C3 to D1)

AT 18 Wardle Place, Oldbrook, Milton Keynes, MK6 2XU

FOR Ms Munnelly

Target: 04.01.2018

Extension of Time: 31.01.2019

Ward: Central Milton Keynes

Parish: Campbell Park Parish
Council

Report Author/Case Officer: Chris Walton
Planning Officer

Contact Details: 07795475586
Christopher.walton@milton-keynes.gov.uk

Team Manager: Paul Keen - Deputy Development Management Manager:
paul.keen@milton-keynes.gov.uk

1.0 RECOMMENDATION

1.1 It is recommended that planning permission is granted, subject to the conditions set out at the end of this report.

2.0 INTRODUCTION

2.1 The Site

2.1.1 The application property is a detached two storey and detached single garage located at the junction of Wardle Place and Millburn Avenue. Following the granting of planning permission in 2013 under application reference 13/01281/FUL, part of the dwelling was converted into an Osteopath Clinic (C3 to D1).

2.2 The Proposal

2.2.1 This application seeks to restore the C3 use to the existing dwellinghouse and extend and convert the detached single garage to accommodate the Osteopath Clinic. The proposal includes a single consultation room, as per the current arrangement within the dwellinghouse, as well as a waiting area and w/c.

2.3 Reason for referral to committee

2.3.1 The application is referred to Development Control Panel at the request of the Campbell Park Parish Council on the grounds of insufficient parking.

3.0 **RELEVANT POLICIES**

3.1 National Policy

3.1.1 National Planning Policy Framework 2018

Paragraphs 7-14: The Presumption in Favour of Sustainable Development
Section 12: Achieving Well Designed Places

3.2 Local Policy

3.2.1 Milton Keynes Core Strategy 2013

Policy CSA: Presumption in Favour of Sustainable Development
Policy CS13: Ensuring High Quality, Well Designed Places

3.2.2 Adopted Milton Keynes Local Plan 2001-2011

Saved Policy D1: Impact of Development Proposals on Locality
Saved Policy D2A: Urban Design Aspects of New Development
Saved Policy D2: Design of Buildings
Saved Policy T15: Parking Provision

3.2.3 Supplementary Planning Documents

Milton Keynes Parking Standards SPD (2016)
Milton Keynes New Residential Design Guide (2012)

3.2.4 Neighbourhood Planning

Once a Neighbourhood Plan has been agreed at a referendum and is made (brought into legal force) by the local planning authority, it becomes part of the local planning authority's development plan as an official development plan document which carries statutory weight. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. If a policy contained in the development plan for an area conflicts with another policy in a development plan, the conflict must be resolved by the decision maker in favour of the policy which is contained in the latest document to become part of the development plan.

Neighbourhood Plans therefore form part of the development plan for the relevant area. They will necessarily be in general conformity with the strategic policies contained in the development plan for the area. If they are the most recent document to become part of the development plan, they will attract statutory priority. Neighbourhood plan policies will also take precedence over non-strategic development plan policies where there is conflict.

The application site is within the area covered by the Campbell Park Neighbourhood Plan (made 2018). The relevant policies are as follows:

- Design Policy 1
- Employment Policy 2

3.3 Human Rights Act 1998

3.3.1 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.

3.4 Equalities Act 2010

3.4.1 Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equalities Act 2010.

4.0 **MAIN ISSUES**

Principle of Development

Design/Materials

Impact on Character and Appearance of the Area

Impact on Residential Amenity of Neighbouring Properties

Impact on Parking and Highway Safety

5.0 **CONSIDERATIONS**

5.1 Principle of Development

5.1.1 The proposed business would take place in the extended garage of the property and the applicant has stated that it would be used solely for the purpose of the business. The parking arrangement would remain in situ, with two, tandem spaces sitting forward of the front elevation of the garage.

5.1.2 Employment Policy 2 of the Campbell Park Neighbourhood Plan 2018 attends to homeworking and states that new employment opportunities of this nature will be supported providing that they do not result in a loss of residential properties or have an adverse impact on nearby residential properties. Saved Policy E10 of the Adopted Milton Keynes Local Plan 2001 - 2011 outlines the Council's Policy to 'Working from Home'. The policy states:

'Where planning permission is required for business use within part of a dwelling the following criteria will be applied:

(i) The property continues to be used primarily as a dwelling

(ii) The proposed business use is restricted to the employment of the occupier of the dwelling

- (iii) *The proposed business use would not adversely affect the amenities of adjacent residents and the character of the area generally*
(iv) *Adequate parking and access is available'*

5.1.3 The main dwelling would be fully in C3 use with only the garage being converted to D1. The area associated and ancillary to the dwelling would be greater than that associated with the D1 use. The existing use of the living room of the property for the purposes of an osteopath clinic is limited to the occupants of the dwelling by virtue of condition. A condition would be imposed on any permission hereby granted to ensure that this remains the case for this application. In regard to amenity of adjacent residents, character of the area and parking and access, these matters will be discussed in more detail below.

5.1.4 Subject to further assessment of impact on amenity, character of the area, parking and access, the application is considered to accord with Employment Policy 2 of the Campbell Park Neighbourhood Plan 2018 and Saved Policy E10 of the Milton Keynes Local Plan 2001-2011.

5.2 Design/Materials

5.2.1 One of the key objectives of Saved Policy D2 of the Milton Keynes Local Plan 2001 - 2011 is to ensure that extensions to existing buildings will only be permitted providing the scale of the proposed extension does not detract from the character of the original building.

5.2.2 The extension of the garage is relatively minor and would not result in the building becoming a size which may otherwise challenge the main dwelling as the principle building on the plot. Indeed, it is noted that the rear extension would be subservient to the existing garage by virtue of its height, with the extension proposed to possess a ridge height approximately 0.7m lower than that of the existing garage. The works would be carried out with materials which match those on the existing garage.

5.2.3 For these reasons, it is considered that the proposed development does not detract from the character of the original building. The proposal therefore accords with Saved Policy D2 of the Milton Keynes Local Plan 2001-2011 in respect of ensuring that the works would not detract from the character of the original dwelling.

5.3 Impact on Character and Appearance of the Area

5.3.1 Design Policy 1 of the Campbell Park Neighbourhood Plan states that new development should have regard to the character of the area. Saved Policies D2A and D2 of the Milton Keynes Local Plan (2001-2011) and Policy CS13 of the Adopted Milton Keynes Core Strategy (2013) require the Council to have particular regard to the design and visual impact of new development and to the context in which it is placed. Saved Policy D2 states:

'Development proposals for buildings will be refused unless they:

i) Are in scale with other buildings in the immediate vicinity in terms of their height and massing, except where a greater scale is necessary to reflect the development's function and importance.

(iii) Relate well to and enhance the surrounding environment'

5.3.2 The proposed extension to the garage is located towards the rear of the property and, therefore, would not be readily visible within the public realm. Its visibility from Wardle Place is also limited by its height which, as stated above, is lower than the existing garage. Furthermore, it is noted that several properties within the locality have been extended and altered from their original design.

5.3.3 For these reasons it is considered that the proposed extension accords with both Saved Policy D2 and D2A of the Milton Keynes Local Plan and Policy CS13 of the Milton Keynes Core Strategy (2013).

5.4 Impact on Residential Amenity of Neighbouring Properties

5.4.1 Employment Policy 2 of the Campbell Park Neighbourhood Plan 2018 states that homeworking will be encouraged providing that it does not have an adverse impact on nearby residential properties. Saved Policy E10 (iii) and Saved Policy D1 (iii) (iv) of the Milton Keynes Local Plan 2001-2011 seek to protect the amenities of neighbouring properties. Saved Policy D1 (iii) (iv) states:

'Planning permission will be refused for development that would be harmful for any of the following reasons:

'(iii) An unacceptable visual intrusion or loss of privacy, sunlight and daylight;

(iv) Unacceptable pollution by noise, smell, light or other emission to air, water or land'

5.4.2 Given the scale and nature of the proposed works it is not considered that the proposal would have an unacceptable impact on the amenity of neighbouring properties in regard to loss of privacy, sunlight or daylight or result in an unacceptable visual intrusion. In terms of noise, it is considered appropriate, as per the previous application, to limit to hours of operation of the clinic to Monday to Friday 09:00 - 18:00. Subject to this condition, it is considered that by virtue of the size of clinic, the nature of the operation and indeed the fact that it could only be operated by the occupiers of 18 Wardle Place, that the development would not result in an increase in noise which would be tantamount to being unacceptable.

5.4.3 For these reasons it is considered that the proposed development is acceptable in regard to impact on residential amenity of neighbouring properties and therefore accords with Employment Policy 2 of the Campbell Park Neighbourhood Plan 2018 Saved Policies E10 (iii) D1 (iii) (iv) of the Milton Keynes Local Plan 2001-2011.

5.5 Impact on Parking and Highway Safety

5.5.1 Design Policy 1 (h) of the Campbell Park Neighbourhood Plan 2018 states that new development shall have sufficient parking. Saved Policies E10 (iv), T15 attend to the impacts of development on parking and access. Saved Policy T15 states:

'(ii) On-site parking should not be reduced below the maximum standard if it would be likely to result in off-site parking causing problems that cannot be resolved by on-street parking controls.'

The Highway Officer was consulted on the proposed application and stated the following:

"I have no objections to this subject to the existing use within the house must cease within a period of no more than 3 months following the new clinic opening.

I also recommend that the planning permission is linked to the occupation of the main dwelling as there is insufficient parking for the site to operate as a standalone D1 unit and a separate residential unit."

	Parking Standards Requirement - Zone 3		Provided / Existing	
	Allocated	Unallocated	Allocated	Unallocated
Residential (C3)	2	0.5	2	0
Osteopath Clinch (D1a)	4	0	0	0
Total	6		2	

5.5.2 Whilst it is recognised that the scheme fails to accord with the Milton Keynes Parking Standards (2016), the current circumstances and balance between D1 and C3 uses within the dwellinghouse are a material planning consideration. Currently, the dwelling possesses a single consultation room and three bedrooms. As such, the total on-plot parking requirements under the Standards would be 6 spaces. As stated above, the site currently possesses 2 tandem parking spaces. The proposal does not seek to add additional bedrooms or additional consultation rooms and therefore the on-plot parking requirements are no greater than what the site currently has permission for. Similarly, given the quantity of D1 use proposed, it is deemed that the level of traffic the area would experience would not be substantially different from what the area currently experiences. Furthermore, although it is acknowledged that the site would possess a waiting room, the Parking Standards are clear insofar as only increasing the requirement for parking based on the quantum of consultation rooms. Moreover, whilst it is acknowledged that a neighbour representation has been received stating that parking is an issue within the area, as was noted in the report attached to the planning permission granted in 2013, the local area has a number of unallocated parking bays on the street in the immediate vicinity to the dwelling including 4 bays to the side of the property on Millburn Avenue and 2 spaces on Wardle Place to the south of the application property. Following several site visits, the Planning Officer can confirm this remains the case.

5.5.3 Nevertheless, it is acknowledged that by virtue of having a waiting room, which would be ancillary to the D1 use, and therefore potentially open to conversion to an additional consultation room without the need for planning permission, there is a need to limit the number of consultation rooms to 1 by way of condition.

5.5.4 For these reasons, subject to the imposition of the conditions stated above, it is considered that the proposed development accords with Saved Policy T15 and E10 (vi) of the Milton Keynes Local Plan 2001-2011.

6.0 CONCLUSIONS

6.1 Due to the reasons outlined above, it is considered that the development proposal accords with national and local planning policies. As such, it is recommended that planning permission is granted, subject to the conditions set out below.

7.0 CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 91 of the Town and Country Planning Act 1990.

2. The external surfaces of the development hereby permitted shall be constructed only of materials of a type and colour which match those of the existing building except where indicated otherwise on the approved drawings.

Reason: To ensure that the new work complements the existing building and to ensure the development does not detract from the character and appearance of the area in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policies D1 and D2 of the Milton Keynes Local Plan 2001-2011.

3. The existing area of the property currently authorised for D1 use, as approved under planning application 13/01281/FUL, will cease within three months of the permission hereby granted being implemented.

Reason: To safeguard the amenity of neighbouring properties and in the interest of parking and highway safety, in accordance with Employment Policy 2 and Design Policy 1 of the Campbell Park Neighbourhood Plan 2018 and Saved Policies D1(iii) (iv), T15, E10 (iv) (iii) of the Milton Keynes Local Plan 2001-2011.

4. The use hereby permitted shall be operated only by the residents of the associated dwelling (18 Wardle Place) and no other persons shall be employed.

Reason: To ensure adequate parking is provided and amenity of neighbouring properties is protected.

5. The osteopathy clinic hereby permitted shall be limited to the following hours only:

0900-2000 Mondays-Fridays;
0900-1400 Saturdays; and

Not at all on Sundays, Bank or Public Holidays.

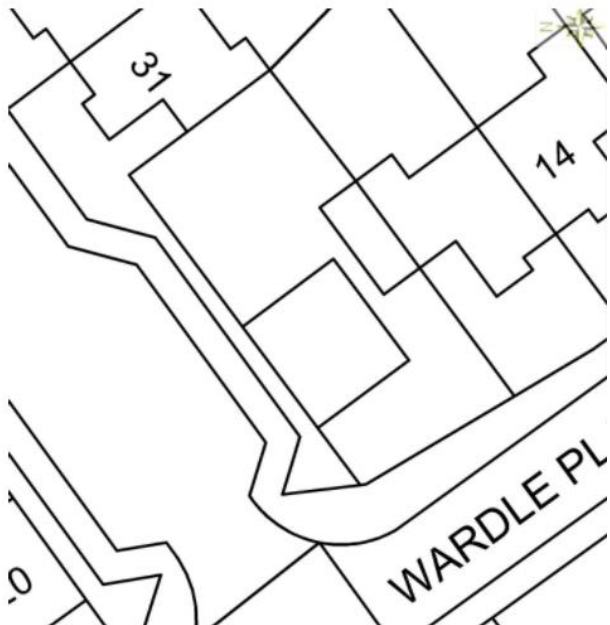
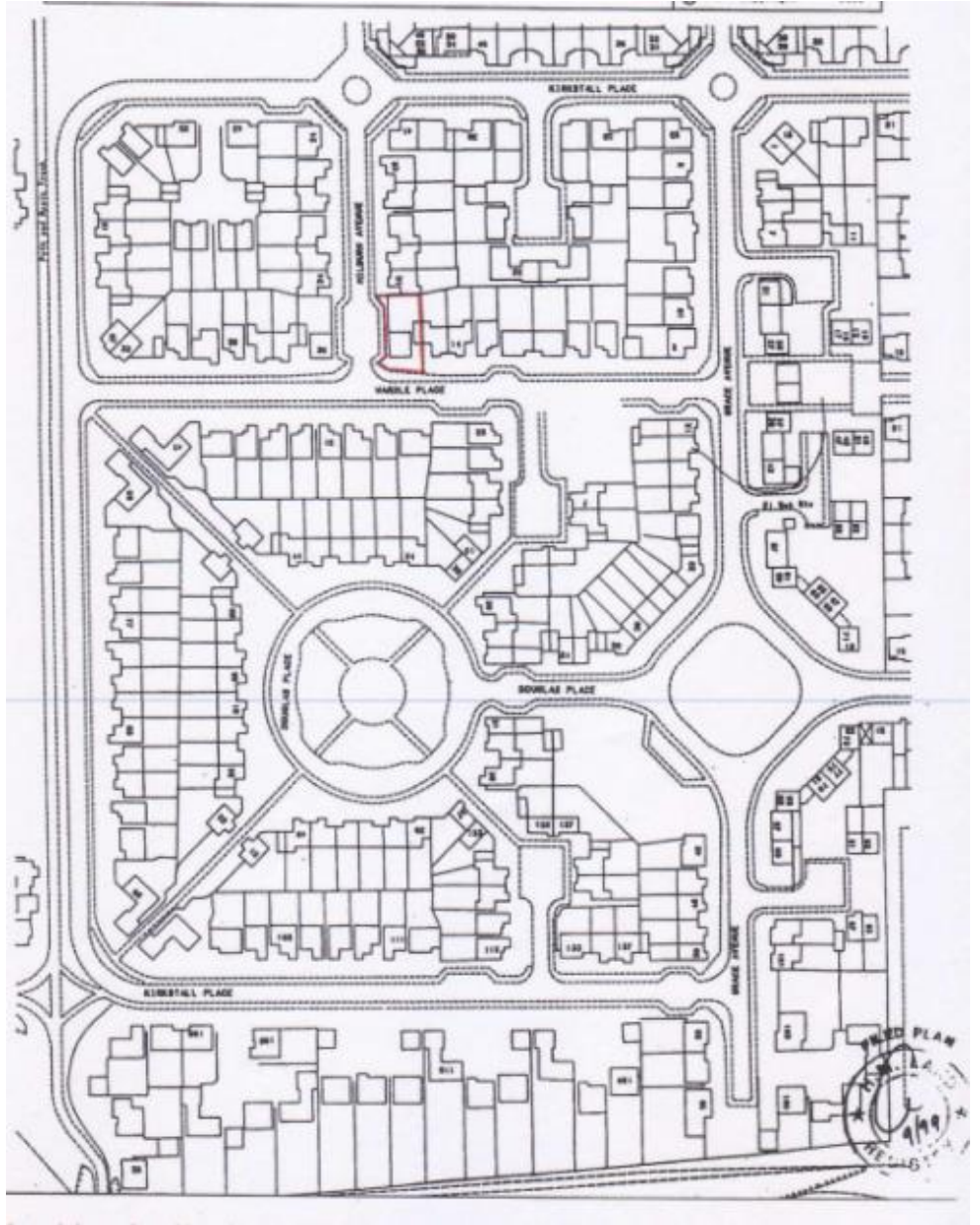
Reason: To protect the amenity of the neighbouring properties and ensure the development does not result in highway inconvenience.

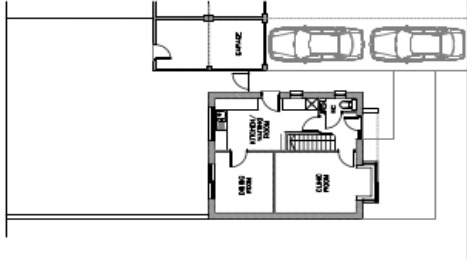
6. The floor space within 18 Wardle Place to which this permission relates (as shown on the proposed floor plan) shall only be used as an osteopathy clinic (Use Class D1) and shall not be used for any other purpose within Use Class D1 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order, nor for any other purpose without the prior permission of the Local Planning Authority. Should the use hereby permitted cease the use of the room subject to this application shall revert back to C3 dwellinghouse

Reason: To ensure that no alternative uses within Class D1 are established in the interests of neighbouring residential amenity and highway safety and convenience.

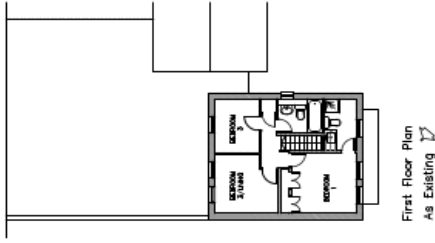
7. The number of consultation rooms associated with the D1 use shall not exceed 1, as outlined in the approved plans, unless agreed in writing by the Local Planning Authority.

Reason: To ensure adequate parking is provided and amenity of neighbouring properties is protected.

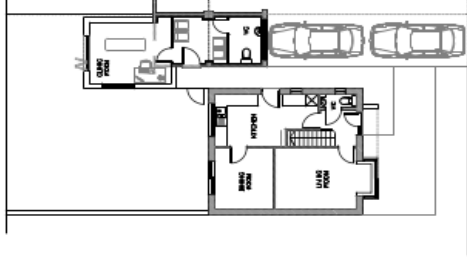




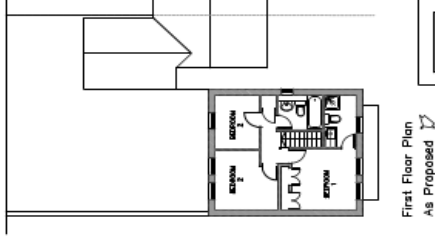
Ground Floor Plan
As Existing




First Floor Plan
As Existing



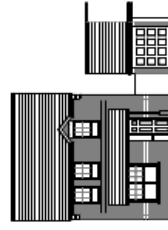
Ground Floor Plan
As Proposed



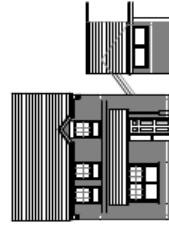
First Floor Plan
As Proposed


Mr. O. Kennedy
 Proposed Single Conversion & Extension
 17 Macaulay Place, Millers Point, NSW 2000
 Plans & Elevations As Existing & As Proposed

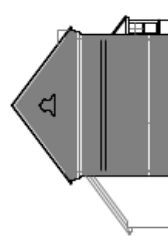
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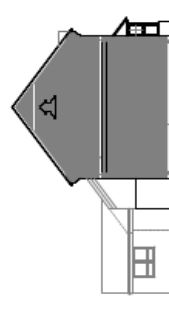
Front Elevation
As Existing



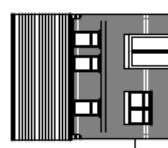
Front Elevation
As Proposed



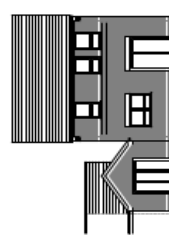
Flank Elevation
As Existing



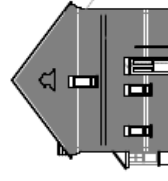
Flank Elevation
As Proposed



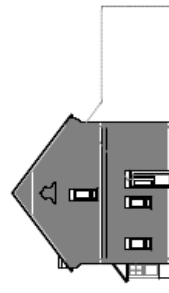
Rear Elevation
As Existing



Rear Elevation
As Proposed



Flank Elevation
As Existing



Flank Elevation
As Proposed



Flank Elevation
As Existing



Flank Elevation
As Proposed

Appendix to 18/01963/FUL

A1.0 RELEVANT PLANNING HISTORY

13/01281/FUL

Part change of use of the premises from residential house (use class C3) to osteopathy clinic (use class D1)
PER 25.09.2013

A2.0 ADDITIONAL MATTERS

A2.2 The neighbour representation received in relation to the proposal stated that the Planning Officer should be obliged to gain proof and justification that the business is unable to operate within an office block or business park location. The Planning Officer is not obliged to carry out this task and it is not a requirement of the pertinent local or national policy; the nature of this development does not require the application of a sequential test approach in order to determine its acceptability. The representation also stated that the scheme may deprive the council of receiving the appropriate business rates. Working from home is permissible, as is Saved Policy E10 indicates.

A3.0 CONSULTATIONS AND REPRESENTATIONS

A3.1 Campbell Park Parish Council

The Committee objected to the application on the grounds of insufficient parking. The proposed parking does not meet the SPD Parking Standards D1a – 4 parking spaces per 1 consulting room and SPD C3 – 2+0.5 unallocated parking spaces - three bedroom residential dwelling.

A3.2 Ward – Central Milton Keynes – Cllr Priestley

No comments received.

A3.3 Ward – Central Milton Keynes – Cllr Williams (Member of Development Control Committee)

No comments received.

A3.4 Ward – Central Milton Keynes – Cllr Wallis

No comments received.

A3.5 Highways Development Control

The proposals will result in the use moving from the house to an extended garage.

I have no objections to this subject to the existing use within the house must cease within a period of no more than 3 months following the new clinic opening.

I also recommend that the planning permission is linked to the occupation of the main dwelling as there is insufficient parking for the site to operate as a standalone D1 unit and a separate residential unit.

A3.6 **Neighbour/Third Party Representations**

Neighbour representations were received from the following addresses:

- 16 Wardle Place

The following material planning issues were raised:

- Impact on parking and highway safety
- Impact on amenity