



Committee and Date  
North Planning Committee  
23<sup>rd</sup> February 2016

Item  
**7**  
Public

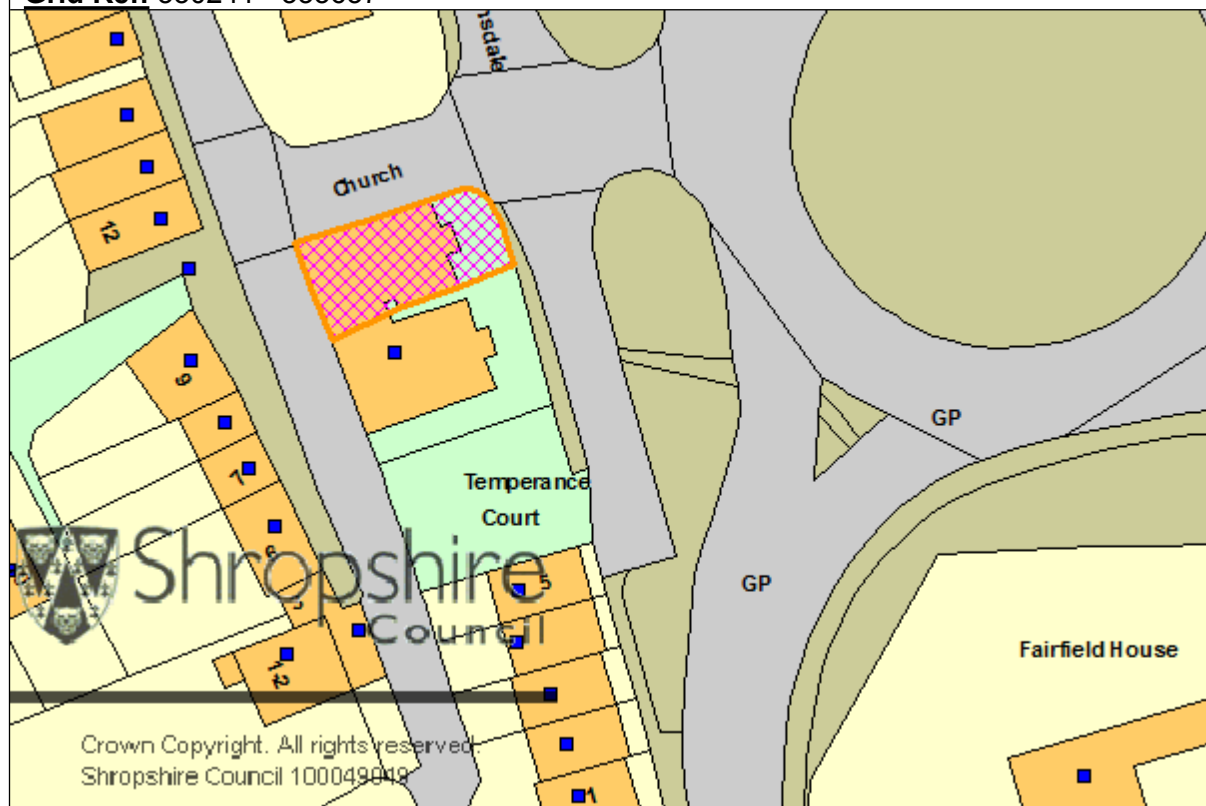
## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 15/05302/FUL	<b>Parish:</b> Selattyn And Gobowen
<b>Proposal:</b> Conversion of school room adjoining former chapel to one dwelling	
<b>Site Address:</b> Gobowen Methodist Chapel Chirk Road Gobowen Oswestry Shropshire	
<b>Applicant:</b> Mr & Mrs E Roberts	
<b>Case Officer:</b> Mark Perry	<b>email:</b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>

Grid Ref: 330241 - 333637



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the applicant entering into a S106**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application is for the conversion of the former school room to one dwelling. This is one of two applications for the site. The site has 2 buildings comprising the main Chapel and the adjoining School Room. The conversion of the Chapel to a dwelling is being considered under a separate application numbered 15/05303/FUL.
- 1.2 Some works to the building have already been carried out which has involved the erection of scaffolding which has raised concerns with local residents. However as the building is not a listed structure, the works that have been done do not require planning permission. The issue of the scaffolding is an issue for highways rather than a planning matter.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The building is located within Gobowen fronting onto a section of no through road which would have originally been the main road prior to the construction of the large roundabout. The no through road provides access to a small communal parking area for the 5 dwellings to the south; on the opposite side of the Chapel building. There are residential properties surrounding the site, terraced properties to the rear which are separated from the site by a narrow road; this a no through road for vehicles but for pedestrian it leads through the village shop. The space around both the School Rooms is limited with the rear and side elevations both hard on the edge of the roads. A small open space is provided to the front which is set behind a low brick wall.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council have objected to the application and raise issues which in the opinion of the Local members and the Chair of the Planning Committee warrant consideration by the Planning Committee.

### **4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online**

#### **4.1 Consultee Comments**

- 4.1.1 **Affordable Housing Officer** - The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing.
- 4.1.2 **Drainage** – drainage details, plan and calculations could be conditioned if planning permission were to be granted:

4.1.3 **Highways** – Highway objection could not be sustained.

4.1.6 **Parish Council** – objects

The 'layby' made reference to is not a 'layby' it is an access road to the car park for Temperance Court.

There is no parking in this application.

Removal of the wall would change the look of the building and probably, because of limited space, would result in using part of the pavement as parking. This would cause problems for pedestrians as it used on a daily basis as the route to the shop and primary school.

The roof terrace is a concern;

i) It changes the aesthetics of the building

ii) It overlooks the bedrooms of the cottages behind

iii) Anything dropped or falling off the roof terrace could result in injury or damage of people / vehicles using the road behind the school room

Consider it to be over-development of the site.

Illegal scaffolding - no lights or padding. Raises Health and Safety concerns.

4.1.7 **Conservation-**

No objection to the re-use of a non-designated heritage asset to secure the long term conservation of the building.

4.2 **Public Comments**

4.2.1 No representations received at time of writing report.

## 5.0 THE MAIN ISSUES

Policy & Principle of Development

Design, Scale and Character

Impact on Residential Amenity

Highways

Drainage

## 6.0 OFFICER APPRAISAL

6.1 **Policy & Principle of Development**

6.1.1 Gobowen is a Community Hub, therefore Core Strategy Policy CS4 (Community Hubs and Clusters) is relevant, and this states that development in such areas which helps to rebalance rural communities by providing facilities, economic development or housing for local needs, and is of a scale that is appropriate to the settlement, will be allowed. It also seeks to ensure that such development is of a scale and design that is sympathetic to the character of the settlement and its environs.

6.1.2 CS4 also states that sensitively designed development that reflects the needs of the local community, and contributes towards much needed infrastructure and affordable homes for local people, has an important role to play in reinvigorating rural communities, and in reducing carbon emissions by maintaining local services and reducing the need to travel.

6.1.3 Within SAMDev policy S14.2(i) Gobowen is a Community Hub with a housing

guideline of around 200 additional dwellings over the period to 2026, to be delivered through the development two specific sites together with development by infilling, groups of houses and conversions on suitable sites within the development boundary identified on the Policies Map.

6.1.4 The building is neither Listed or in a conservation and therefore is not afforded any Statutory protection to prevent it being demolished. However it is considered that the building is an undesignated Heritage Asset and the aim would be to try and ensure its future preservation rather than removing the buildings and replacing it with new build development. Heritage Assets make a valuable contribution towards the character and appearance of an area so where possible putting such buildings into an alternative use is to be encouraged.

6.1.5 Officers consider that with reference to the above policy the proposal for the conversion of the Chapel building which is considered to be a Heritage Asset, into a single dwelling meets the relevant criteria of the above stated policy and is therefore acceptable in principle.

## 6.2 **Design, Scale and Character**

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.2.2 The applicant is proposing to make very little alterations to the external appearance of the building to retain its unique character and appearance. The original submission included the addition of a larger dormer to the side elevation which would then provide access onto a roof terrace. Following negotiation with the applicant this dormer has now been removed from the scheme which keeps the original form of the building. The ground floor will provide an open plan living, dining, kitchen area some of which would benefit from being a double height space. The plans show that only one bedroom would be provided and this would be on the ground floor. An open mezzanine would be provided to create a first floor. The existing structure has a single storey pitched roof building which provided a link between the Chapel and the School Room. It is proposed that the roof is removed to create a roof terrace which following the submission of the amended plans would be accessed by an open spiral staircase.

6.2.3 The small size of the plot and the comparatively large footprint of the building means that there is very limited amenity space which is why the applicant wanted to make use of the flat roof as a terrace. It has not been realistic to provide any parking within the site. A small space could possibly be created to the front parallel with the road but this would necessitate the removal of the brick wall which would not only reduce the attractiveness of the building would also likely create unfavourable highway conditions as vehicles enter and leave the site because of the restricted visibility.

- 6.2.4 To protect the character of the building for the future a condition will be included on any planning permission granted, removing permitted development rights for alterations and extensions to the building.
- 6.2.5 It is fully acknowledged that the site is constrained in terms of its size and has very limited private amenity and no parking space. This is not ideal and the open space provision is less than would normally be expected for a new dwelling. Accordingly, this does weigh negatively against the proposal. However, weight must also be awarded to the fact that the development will ensure the long term future of a historic building which contributes towards the character of the area. It is considered that the benefits of the scheme in terms of securing a Heritage Asset outweighed the lack of amenity space and parking.
- 6.3 **Impact on Residential Amenity**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 The site has residential properties to the west. The layout of the site is such that there is no land to the west or north. The neighbours closest are those to the west although they are separated by the road. The existing west facing elevation has 3 small windows which would provide light to the mezzanine area. There would be around 8m between these windows and the front elevations of the dwellings to the west. These 3 windows are currently high where users of the chapel would not be able to look out from. The mezzanine will bring these windows within reach of the future occupiers. In order to preserve the privacy of neighbours it will be conditioned that they are obscure glazed.
- 6.3.3 A condition will be imposed that no further openings can be created in the building elevation in order to prevent any future potential loss of privacy or impact on the character of the building. No extensions to the building are proposed and therefore the proposal would not result in there being any increased loss of light to surrounding properties.
- 6.3.4 The application includes the provision of the roof terrace to increase the occupiers access to open space, this will be accessed by a spiral staircase. To ensure that the privacy of the neighbours is not affected by occupiers using the roof terrace it is proposed that perforated metal fencing is installed. This will need to be of a type and height that prevent direct views from the roof terrace to the windows opposite.
- 6.3.5 Overall in view of the above it is considered that the proposed development subject to appropriate planning conditions, will not have an unacceptable impact on the residential amenities on the neighbouring properties.
- 6.4 **Highways**
- 6.4.1 One concern has been raised by a local resident regarding the impact the proposal will have on the adjoining highway and also the parking provision. This is acknowledged by the Council's Highways Officer who would prefer 2 off street spaces to be provided. It is also commented on by the Highways Development Control Officer that as the use of the site was as a chapel, there would be the

potential for unrestricted usage of the premises by people using their cars. By creating a dwelling it would reduce the number of potential vehicles using the premises. It is also recognised that there is no existing problem with on street parking in the locality. As such it is considered that were the occupiers to have a car they could feasibly and safely park on the road if necessary along with any visitor's cars.

## **6.5 Affordable Housing**

6.5.1 An appropriate affordable housing contribution will be sought in accordance with adopted Policy CS11 and the Housing SPD. In this case the number of dwellings proposed would not result in the on-site provision of affordable housing; instead a financial contribution would need to be made which would be secured by a S106 legal agreement.

## **6.6 Drainage**

6.6.1 The proposed development does not propose any increase in roof area, as such there would not be any increase in surface water run off. There is no evidence of any particular drainage problem on the site. As such is not considered reasonable to impose conditions requiring the submission of drainage calculations as the existing system will be used.

## **7.0 CONCLUSION**

7.1 It is considered that the conversion of the building to residential use will preserve the building for the future. Whilst it is not a listed building or within a conservation area, the works proposed will not have a significant impact on the external appearance of the building. The conditions recommended for inclusion will not only protect the appearance of the building for the future, but also protect the amenities of neighbouring properties. In view of the above subject to the applicant entering into a S106 legal agreement requiring the payment of the affordable housing contribution it is considered that the proposal meets the requirements of the NPPF, policies CS4, CS11 and CS17 of the Shropshire Core Strategy together with the SPD on the Type and Affordability of Housing.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the

claim first arose first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 **Human Rights**

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 **Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 **FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. **Background**

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:  
CS4- Community Hubs and Clusters  
CS11- Type and Affordability of Housing  
CS17- Environmental Networks

### RELEVANT PLANNING HISTORY:

## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder)
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Cllr M. Price
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Local Member
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Cllr David Lloyd MBE
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Cllr Robert Macey
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Appendices
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APPENDIX 1 - Conditions
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## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised plan Numbers SK1(c), SK2(c), SK3(a), SK4(a), SK5(a) received on 25th January 2016.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

#### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

3. Prior to the installation of the spiral staircase shown on drawing no. SK1(c) details of screening for the western edge of the roof terrace shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to first use of the roof terrace.

Reason: To protect the privacy of neighbouring occupants.

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- addition or alteration to the roof
- erection of a porch
- any windows or dormer windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

5. The windows in the west elevation shall be glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation unless otherwise agreed by the Local Planning Authority.

Reason: To preserve the amenity and privacy of adjoining properties.

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