

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 17/01876/LBC	<u>Parish:</u>	Cheswardine
<u>Proposal:</u> Restoration alterations and extensions to existing dwelling and erection of new dwelling		
<u>Site Address:</u> Property Known As The Lodge Ellerton Newport Shropshire TF10 8AW		
<u>Applicant:</u> Mr And Mrs Pariera		
<u>Case Officer:</u> Karen Townend		<u>email:</u> planningdmne@shropshire.gov.uk

Grid Ref: 372028 - 325587



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Recommendation:- Grant Listed Building Consent subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application, in addition to an associated full planning application, seeks consent for restoration and extension of the listed building to create an annexe. The full planning application is also for construction of a new detached dwelling within the setting of the listed building. However, the new dwelling does not require listed building consent. Works are also required to create an access drive, install services and landscaping.
- 1.2 Historic England advises that listed building consent is required for all works of demolition, alteration or extension to a listed building that affect its character as a building of special architectural or historic interest. This report will focus on the works proposed to the listed building and the relevant consultation responses. Full details of all consultation responses and consideration of all other issues is covered in the report for the full planning application.
- 1.3 The listed building will become a one bed annex. In support of the application the agent/ architect has submitted full plans, visual impression drawings, a design and access statement, heritage statement, protected species survey and updated survey report.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site area is 1.68 hectares, located in an area designated as countryside in the planning policy. It lies on the boundary between Shropshire and Telford and is accessed via a farm track leading between Ellerton House Farm and Ellerton Hall. In the immediate area Ellerton is a small settlement made up of a range of large detached country houses, small cottages and farm building conversions to the east of Hinstock. The application site is within agricultural land and, other than the settlement, is within open fields.
- 2.2 The application site currently consists of an area of grassland, a pool of 0.47 hectares and a small grade II listed building which is octagonal in shape, built of red sandstone and slate. The land slopes down to the pool and also contains a number of trees on the higher ground. The site is not currently enclosed by any means other than field boundaries.
- 2.3 The listed building, now referred to as The Lodge but previously referred to as the Toll House, has an octagonal footprint and is constructed of sandstone block work. It is two storey and has a pitched roof; though this was probably an addition that was added during the late 20th century. The building also has octagonal shaped windows at first floor. The existing building is small with a footprint that measures just 34.5 square metres and is 6.3 metres in height to its ridge. The building contains two small rooms; one on each floor and a staircase. The building contains fire places and internal doors which date from the Mid 19th century and indicate that that the building did have some type of residential use. The building appears to have been occupied by people employed by the various owners of the hall. The

most recent use of the building was as a holiday let up until the late 1980's when it was used as a fishing lodge.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The Parish Council has expressed a view which is contrary to the Case Officer recommendation. In accordance with part 8 of the Council Scheme of Delegation, and the onward delegation, the local member was consulted to determine whether they consider the comments of the Parish Council justified committee determination of the application. No specific opinion was received and therefore the matter was discussed with the Chair and Vice Chair of the Planning Committee who decided that the application should be considered by the planning committee due to the Parish Council comments and also the previous decision being a committee decision.

4.0 COMMUNITY REPRESENTATIONS

Consultee Comments

- 4.1 **Parish Council** – 25.08.17 – The Parish Council objects to this application. The proposals do not justify section 55 status for a new build in open countryside as the design is not of significant architectural merit. The members do not consider that the design meets the “truly outstanding or innovative” requirement of Section 55 of the NPPF and the proposed build would not enhance the immediate surroundings.

23.06.17 – The proposals were studied by the Councillors who noted the application had been made using section 55 (grand design) in order to qualify for exception status. Councillors agreed that the viability of the guest house was not dependent on a new residence. Dimensions of proposed dwelling were checked. Councillors queried whether the proposals justified section 55 status. They did not agree that the design was of significant architectural merit. Councillors do not feel the plans meet the "not truly outstanding or innovative" does not enhance the immediate surroundings - all agreed to object.

- 4.2 **Conservation** – There have been a number of previous applications which have been approved on this site, which have entailed the restoration and extension of the listed building with a large modern dwelling, immediately abutting the historic building and extending into the hillside to the rear. These have been renewed and the latest is still extant. This application has been subject to pre application advice from Conservation and Planning Officers.

In considering the proposal, due regard to the following local policies and guidance has been taken, when applicable: SC Core Strategy policies CS5 (Countryside and Greenbelt), CS6 (Sustainable Design and Development) and CS17 (Environmental Networks), SC SAMDev policies MD2 (Sustainable Design), MD13 (The Historic Environment), and with national policies and guidance: National Planning Policy Framework (NPPF), published March 2012. Section 66(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies.

The proposals for the restoration of the listed building are largely based on the details of the previous consent, and are therefore supported. The small extension now proposed to the rear of the building is considered to be appropriate, reflects the form of the existing building, and minimizes the impact on historic fabric. There are interventions to the historic building proposed internally, including the removal

of a later staircase and partition, and it is recommended that the removal of such features is subject to a condition ensuring their recording. Any approval should also be subject to conditions for all materials, which would need to be agreed prior to commencement.

The proposal to relocate the majority of accommodation from within an attached building as a separate, but linked, dwelling is deemed appropriate as it will enable the retention of the historic building in a relative scale and form which is closest to its original state whilst permitting its restoration. The design rationale for the new building is clear – sustainable building features have been incorporated, its orientation and massing have been planned for it to appear less visible in the views from and towards the listed building, and it has the potential to enhance its setting. It enables the retention and long term future of the listed building, which would be tied to the main site in perpetuity. In summary, it is felt that the scheme now being proposed is appropriate as it has less of an impact upon the fabric of the Listed Building and would complement its unique setting.

It is acknowledged that the proposal does constitute a separate, yet co-owned element to the listed building, but having regard to the previous permissions, it is considered that the proposal is an acceptable form of development which preserves and enhances the character and fabric of the listed building and as such is supported by officers.

The restoration of the listed building should be of paramount importance; any permission should be predicated on the first phase of works being for the restoration of the listed building, which would be carried out with a number of related conditions.

4.3 **Historic England** – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

4.8 **Public Comments**

4.9 Site notices and a press notice were produced to publicise the application and the site notices were erected by the case officer on the 25th May 2017 adjacent to Ellerton Hall on the access track to the site. This track serves as a public right of way and as such the site notices were considered to be appropriate publicity for the proposed development.

5.0 **THE MAIN ISSUES**

- Principle of development, relevant policies and history of site
- Siting, scale and design of alterations and extension to listed building

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development, relevant policies and history of site**

6.1.1 Planning permission has previously been granted four times for extending the existing building to create a single dwelling. The first approval was designed as a number of octagonal sections around the existing building. The later approvals were for a large two storey section linked by a single storey connecting extension to the existing building. The most recent consent is from 2015 and as such is still an

extant consent which could be developed. The previous consents are a material planning consideration in the determination of the current planning application.

- 6.1.2 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.3 The development plan is the Shropshire Core Strategy and the Shropshire Site Allocations and Management of Development Plan (SAMDev). Specific policies relevant to this application are CS5, CS6 & CS17 of the Shropshire Core Strategy and MD2, MD7a and MD13.
- 6.1.4 CS5 deals with development in the countryside and, in compliance with the NPPF, seeks to strictly control development to ensure that development maintains and enhances countryside vitality and character. The policy lists developments which may be acceptable in the countryside, including conversion of existing heritage assets. CS5 does not support new open market houses in the countryside and this view has been supported by a number of recent appeal decisions. CS6 is a general policy requiring all development to be, amongst other things, sustainable and of high quality.
- 6.1.5 CS17 requires development to protect and enhance the environmental and heritage assets of the County by ensuring that development is of a high quality and does not adversely affect the historic environment or ecological values and functions.
- 6.1.6 MD2 expands on CS6 in seeking to ensure development is sustainably designed by ensuring that development responds to local design aspirations, local distinctiveness and character and also expands on CS17 in requiring development to protect, conserve and enhance historic context and incorporate natural assets. Policy MD7a reiterates CS5 in strictly controlling housing outside of the identified settlements except where needs are proven for affordable housing or conversion of heritage assets. MD13 provides greater detail for consideration of the historic environment and detailed policy on consideration of development which is likely to have an impact on a heritage asset.
- 6.1.7 With specific regard to the works to the listed building, separate to the consideration of the new dwelling proposals, the restoration of the listed building, the Lodge, is not reliant on the finances gained from constructing the new house and as such is not strictly compliant with para 55 of the NPPF. However, local policies support the conversion of listed buildings and there is no policy preventing extension and alteration of the building. The key consideration is whether the alterations and extensions are appropriate for the building and the impact the works have on the special character. Within the revised D&A the agent has

acknowledged this and suggested that the new dwelling is facilitating the works to the listed building.

- 6.1.8 The current view of the applicant and officers concerned, including the Council Conservation Officer, is that the previous proposals were all additions to the listed building which, although were acceptable, would also have significantly altered the character of the listed building. This application is for a smaller addition to the listed building to enable its use as an annexe. The previous consent, which remains a valid consent and could be constructed, is also a material consideration which needs to be given weight in the determination of the current application.

6.2 Siting, scale and design of alterations and extension to listed building

- 6.2.1 As noted above the existing building on site is a grade II listed building which is octagonal in shape, built of red sandstone and slate. It is named in the list entry as “The Round House” and described as a two storey lodge, early C19, octagonal in plan, sandstone with slate roof resting on posts at each corner has been listed since February 1987. The listing description suggests that the first floor may be a later addition due to the more regular masonry and dressings and the roof is also a later alteration or addition. The building is recorded as the former south-east entrance lodge to Ellerton Hall (not listed).
- 6.2.2 The work proposed to the listed building include the restoration of the sandstone walls to eaves height, the addition of a structural ring to support the walls, the construction of a faceted roof rising to a point, finished in slate. The addition, which will provide kitchen and bathroom, is to be of a similar plan form and roof shape but of a lower scale and also rendered so as to read as a subservient addition. A small glazed link will attach the extension to the original building.
- 6.2.3 Taking into account the previous approvals on the site which all proposed significantly larger additions to the listed building the current proposal is considered to be a substantial improvement on the previous schemes with regard to the direct impact on the listed building. The impact of the proposed detached dwelling is considered above. Overall the additions and alterations to the grade II building are considered to be acceptable, sympathetic and will not, on their own, result in loss of significance of the listed building.
- 6.2.4 The alterations now proposed are considered to minimise the impact on the historic fabric through utilising existing openings, the internal alterations are acceptable in principle though a condition is recommended so that features are recorded and damaged fabric is replaced with appropriate alternatives that are as close to the original as possible.
- 6.2.5 The extended lodge is provided with self contained facilities. This is not normally accepted for annexe accommodation, however the site constraints mean that the annexe will be separate from the main dwelling and could not function with shared facilities. The new dwelling is proposed on the area of land which is most open so as to reduce the need to remove existing landscaping, it is also on a part of the site where the existing ground slope can be utilised. However, the services for the annexe will be combined with the services for the main house and the landscaping and access will link the two parts of the development. A condition is proposed to ensure that the annexe is only occupied as an annexe and not at anytime sold or

sublet.

6.2.6 The applicants have also advised that their intention is to undertake the works to the lodge first and occupy the lodge during the construction of the new dwelling. This can also be controlled by condition and will ensure that the works proposed to the listed building are carried out.

6.2.7 Overall the works proposed to the listed building are considered to comply with the principles set out in the NPPF and policies CS17 of the Core Strategy and MD2 and MD13 of the SAMDev. Furthermore, the development as proposed is considered to ensure the preservation of the listed building without detriment to its setting and features of architectural and historic interest in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.0 CONCLUSION

7.1 The proposed works to the listed building are considered to be acceptable and appropriate for the building and will not cause significant harm to the special importance of the building. The proposed development is considered to comply with the principles of policies CS6 and CS17 of the Shropshire Core Strategy, policies MD2, MD7a and MD13 of the Shropshire Site Allocations and Management of Development and the National Planning Policy Framework. The scheme is also considered to ensure the preservation of the listed building without detriment to its setting and features of architectural and historic interest in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

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, i.e. written representations, hearing or inquiry.

The decision may be 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 made a) promptly and b) in any event not later than six weeks after the grounds to make the claim 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 gives 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 1990.

9.0 **Financial Implications**

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar 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

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD13 - Historic Environment

Relevant planning history:

15/00422/FUL Erection of a two storey extension to Toll House including internal and external alterations and installation of a treatment plant GRANT 13th July 2015

15/00423/LBC Internal and external alterations in connection with erection of a two storey extension to Toll House GRANT 14th July 2015

12/01138/AMP Variation of Condition No.2 attached to planning permission To work in accordance with revised layout and elevational treatment for the extension and alterations. REFUSE 21st March 2012

12/01382/VAR Variation of Condition No. 2 (approved plans) attached to planning permission 12/01138/AMP Variation of Condition No.2 attached to planning permission To work in accordance with revised layout and elevational treatment for the extension and alterations. REFUSE 21st March 2012

12/01382/VAR Variation of Condition No. 2 (approved plans) attached to planning permission 11/03541/FUL dated 18/11/11 to work in accordance with revised drawing submitted with this application GRANT 20th August 2012

11/03541/FUL Renewal of extant Planning Permission 08/01380/FUL for proposed two storey extensions and alterations GRANT 18th November 2011

11/05348/FUL Erection of a two storey extension to Toll House including internal and external alterations and installation of a treatment plant GRANT 12th March 2012

11/05350/LBC Works to facilitate the erection of a two storey extension including internal and external alterations and installation of a treatment plant affecting a Grade II Listed Building GRANT 12th March 2012

11/03541/FUL dated 18/11/11 to work in accordance with revised drawing submitted with this application GRANT 20th August 2012

10/04830/FUL Erection of a two storey extension to existing Toll House to provide 5 bedrooms, living accommodation, integral double garage, workshop, balcony and external staircase REFUSE 13th October 2011

10/04943/LBC Internal and external alterations in connection with erection of a two storey dwellinghouse to incorporate existing Toll House to provide 5 bedrooms, living accommodation, integral double garage, workshop, balcony and external staircase affecting a Grade II Listed Building REFUSE 13th October 2011

NS/08/01380/FUL Proposed two storey extensions and alterations to create family size dwelling CONAPP 19th September 2008

NS/08/01382/LBC Proposed works to a listed building to facilitate the erection of two storey extensions and alterations to create family size dwelling CONAPP 1st October 2008

NS/03/00737/LBC To restore the original building and add extension to create family size dwelling CONAPP 10th October 2003

NS/03/00738/FUL Extension and alteration to create family size dwelling CONAPP 10th October 2003

NS/90/00868/FUL Proposed extension to existing dwelling (involving partial demolition) GRANT

NS/90/00869/FUL Erection of an extension and alteration to existing dwelling GRANT 19th September 1990

11. ADDITIONAL INFORMATION

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) Cllr R. Macey
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Local Member Cllr Rob Gittins

Appendices APPENDIX 1 - Conditions

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

2. The development shall be carried out strictly in accordance with the approved plans and drawings

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

3. Work shall be carried out strictly in accordance with the Preliminary Bat Roost Assessment and Activity Survey conducted by Mark Latham (May 2015) attached as an appendix to this planning permission.

Reason: To ensure the protection of Bats, a European Protected Species

4. Work shall be carried out strictly in accordance with the Update walkover survey conducted by Mark Latham (9th April 2017) attached as an appendix to this planning permission.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development, demolition or site clearance procedures shall commence, in association with the existing Toll House building, until a European Protected Species (EPS) Mitigation Licence with respect to Bats has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of Bats, a European Protected Species

6. No work to the listed building, approved by this permission, shall commence until a photographic level 3 survey, as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice', of the interior/ exterior of the listed building has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the building prior to development.

7. Before relevant works commence on the listed building samples of stone for use in repairs and new work shall be made available to and approved in writing by the Local Planning Authority before any works commence.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

8. Details of the roof construction for both the listed building and new dwelling including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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

9. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

10. Prior to the commencement of the relevant work on either the listed building or the new dwelling details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

11. The landscaping of the site shall be in accordance with the principles set out in the revised Design and Access Statement. Formal landscaping and planting shall only be provided within the driveway loop as shown on the approved block plan. All other landscaping shall be informal, native species, and retained as such.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 classes A, B, C, D, E, F, G or H or schedule 2 part 2 class A and C shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.