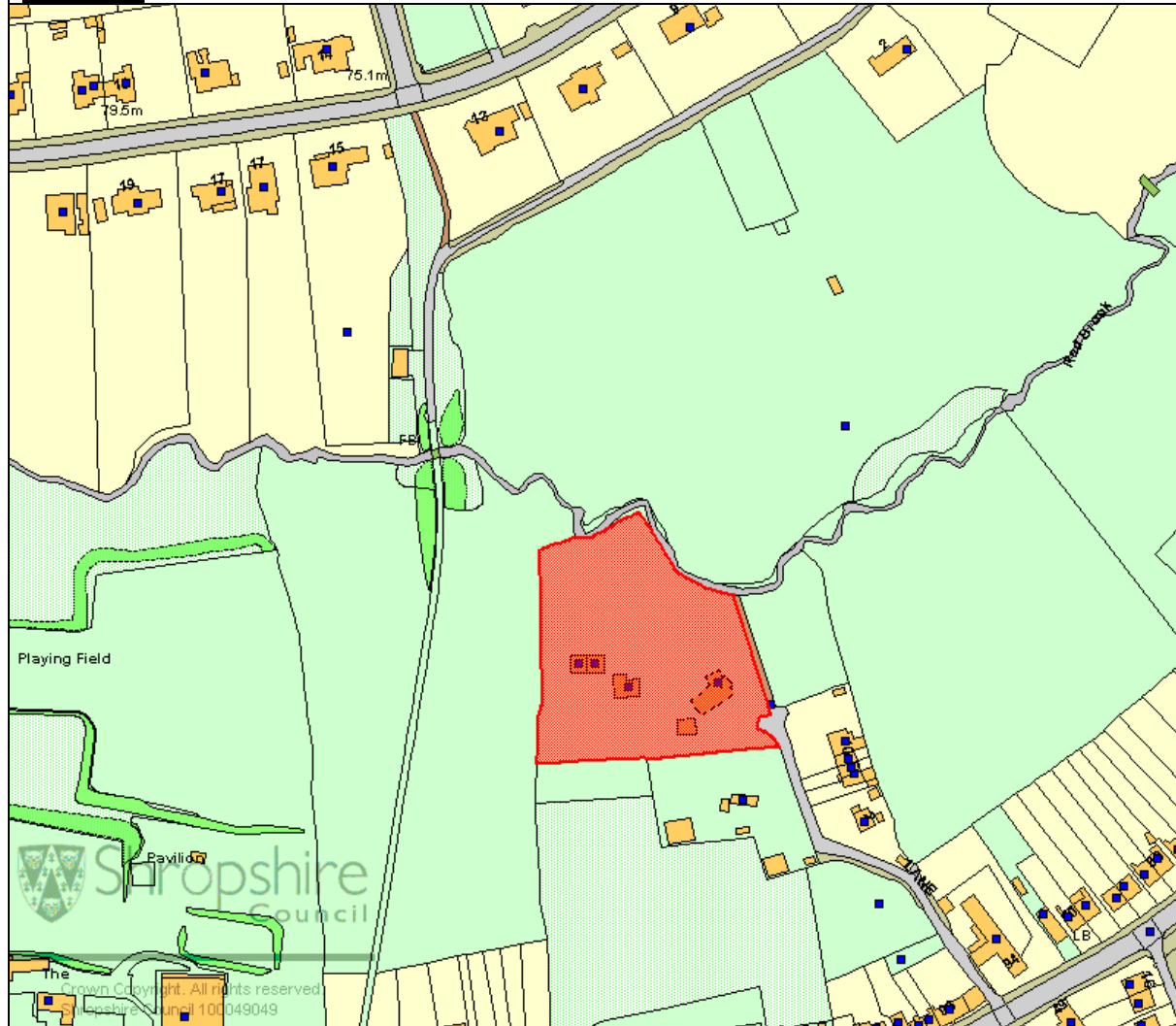


## Development Management Report

Responsible Officer: Stuart Thomas  
 email: [stuart.thomas@shropshire.gov.uk](mailto:stuart.thomas@shropshire.gov.uk) Tel: 01743 252665 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 13/00223/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Change of use of 2 holiday let properties to 2 dwellings		
<b>Site Address:</b> 1 Red Barn Lane Shrewsbury SY3 7HR		
<b>Applicant:</b> Mrs And Mrs J Good		
<b>Case Officer:</b> Nanette Brown		<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>
<b>Grid Ref:</b> 348681 - 311536		



**Recommendation: Grant Permission subject to the conditions set out in Appendix 1 and a S106 agreement to secure an affordable housing contribution.**

### **Recommended Reason for Approval**

The change of use of the site to two residential dwellings within the Shrewsbury Urban Area is considered to be acceptable in principle. It is also considered that the visual impact of the proposed change of use on the surrounding Conservation Area and green corridor to the Rad Brook will be acceptable and would preserve the current appearance and character of the area. Any increase in vehicle movements to and from the site will be accommodated without detriment to highway safety. The proposed development is therefore acceptable in accordance with policies CS2, CS6, CS11 and CS17 of the Shropshire Core Strategy as well as the National Planning Policy Framework.

In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The proposal is for a change of use from two holiday cottages to residential dwellings. Each dwelling would provide semi-detached two-bed accommodation utilising the adjacent existing car parking spaces that are located at the end of the shared access driveway. This driveway also serves another dwelling that was granted planning permission for a change of use from holiday let to residential dwelling in 2012 (Ref 12/03455/FUL).
- 1.2 The application is being brought back to Members following an earlier committee resolution to defer determination to allow time to seek further information from the Highways Officer; to seek further clarification from the applicant of the reason for pursuing the application; to request that Shrewsbury Town Council attend the future committee meeting in order to assist Members in their understanding of their objections raised; and for officers to investigate the appropriate level of occupancy at which holiday lets are marketed.

The applicant has now provided the following additional information:

*We think that change of use from 2 holiday cottages to 2 dwellings would make very little difference in traffic levels on Red barn lane and that the very low volumes makes it difficult to accurately quantify the levels of traffic movements from the different usages.*

#### **Statistics**

*Our occupation levels have been higher than was expected by the highways department and to demonstrate this we have provided the Planning officers with extracts of the diary pages for the subject cottages. These records are commercially sensitive and we would prefer that they are only used by Officers to verify our assertions. We would rather that they were not released into general circulation or otherwise displayed.*

*We have currently collated the last 3 years of data and can do more if required. Occupation rates for the subject cottages is just over 80% so equivalent of 45 weeks per year. When you allow for holidays etc this is not far from normal dwelling use.*

*Due to changes in administration only the later diary pages contain telephone numbers. We do have a variety of contact details - addresses, emails etc for all guests. Its a fairly big job to do this for all of the records but if you wanted to choose a reasonable sample we would be happy to go through it.*

### **Access**

*We would agree that the access is not ideal but it is an existing access that has been used for many years without incident and we would like to make the following observations:*

*1, It is not uncommon for holidaying guests to meet here and have more than one car, or for guests to have family here and have local visitors coming and going.*

*2, Once converted to dwellings - it is likely that people who choose to live this close to town, would be attracted by not having to use their car as much if at all. They could be let to somebody who works in the town and walks in or an older person who doesnt drive much.*

*3, We use the lane as much as anyone and have never had to reverse onto the road. Some of this is down to the very low traffic levels but also because we know the lane, we look for emerging cars before we enter it and know where we can pass. This an advantage that familiarity brings to the residents*

### **D&A**

*I would agree that our design and access statement is not that clear, so to clarify our plans:-*

*Although our business has been successful up until recently, we are very concerned about the future. We think that it will be seriously affected by the surplus of cheap rooms created by the new Premier Inn.*

*The immediate purpose of this application is to allow us flexibility to take longer term bookings ( study of the diaries will illustrate the call for this) and let as permanent dwellings should the need arise. We would like the option to be able to separate and sell in the future as it is currently unsaleable. However we intend to continue to operate the holiday cottage business for the time being.*

Shrewsbury Town Council has been invited to attend this Meeting of the Central Planning Committee. Any further information received from the Highways Officer and any additional information gained by Planning Officers will be reported in the committee update sheets.

- 1.3 Physical alterations to the site would consist of the erection of either post & rail fencing or a mixed hedge is to mark out and define the rear garden/amenity areas for each dwelling on site. The applicants have previously confirmed that their occupancy rates for the holiday lets currently exceed 80% and that the reason for

submitting this application purely relates to a marketing issue, having failed to sell the property to date.

- 1.4 The submitted application includes the applicants agreement and a completed proforma in order for a Section 106 Legal Agreement to be drawn up to secure a commuted sum for off site affordable housing should planning permission be granted.

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 No.1 Red Barn Lane is located to the south of Longden Road and falls within the Belle Vue Conservation Area. It is accessed directly from the end of Red Barn Lane which slopes steeply downhill into the adjacent valley and is surrounded by open space and mature trees, backing onto the Rad Brook at the base of the valley. The valley was formerly categorized as green space under the former Shrewsbury & Atcham Borough Local Plan.

2.2 The application site forms part of the property belonging to 1 Red Barn Lane. Apart from the main detached house to No.1, there is also a detached former residential annex that has recently gained planning permission to be used as a holiday let (Ref: 12/04261/VAR) and a separate detached former holiday let that gained planning permission for change of use to a dwelling (Ref: 12/03455/FUL). The semi-detached buildings that are subject of this application were granted planning permission in 2000 (Ref: 99/1179/166/98 - Replacement of barn to create 2 no. holiday lets).

2.3 There have also been a number of applications in the past for a dwelling on this plot which were all been refused, including several appeals which were dismissed. Applications were also submitted in 2007 and 2008 for the two holiday let's to be converted to a single dwelling and these were both refused, with an appeal of the 2008 application being dismissed. These applications were largely refused due to the site being in an area previously classified as Green Space by Policy LCN4: Green Spaces in the Shrewsbury & Atcham Local Plan. This policy was superseded by Core Strategy Policy CS17: Environmental Networks on the 1st April 2011.

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

3.1 The application has been requested to be referred, by the Local Member, to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the committee chairman to be based on material planning reasons.

## **4.0 Community Representations**

### **- Consultee Comments**

SC Conservation (Historic Environment) – No Objections

The subject property is within the southerly part of the Kingsland Special Character Area, forming part of the 1981 extension of the Shrewsbury Conservation Area approved in order to take in the large area of open space from Kingsland Road, along the line of Longden Road and Old Roman Road, and then along Roman Road, linking back with the original 1970 Conservation Area boundary south of Kennedy Road. The property is a relatively large parcel of land at the end of Red Barn Lane in an isolated position surrounded by open space, and which backs onto the Rad Brook. None of the buildings on the property are statutorily listed, and all date from the 20th Century.

No further comments to make on this application with respect to built heritage matters.

#### SC Highways DC - No Objection

The two holiday lets are accessed through a property at the end of a private lane leading from Longden Road. Although this lane is not under the control of the Highway Authority, it is single track with little opportunity for opposing vehicles to pass. Were two vehicles to meet near the junction with Longden Road it would be likely that the one entering would have to reverse back onto the highway to allow the other to exit. Such a manoeuvre by the entering vehicle would be detrimental to highway safety.

Permissions were granted in 2002 for the construction of the holiday lets, but the vehicle movements generated by such a development are significantly different to those for dwellings. It is unlikely that holiday lets will be fully occupied for 52 weeks a year and calculations for the income they generated are usually based on 36 weeks. Generally people using them tend to leave for a day out in the morning and return in the evening, resulting in only two vehicle movements. For a dwelling that is continuously occupied, the average number of vehicle movements is generally considered to be six per day.

Based on the limited width of Red Barn Lane at the junction with Longden Road, where two opposing vehicles could not pass, I would recommend that this application is refused in the interests of highway safety.

Updated comments - I have again considered this application in light of the amendment to the DAS submitted by the agent and still remain concerned about traffic conditions at the junction of Red Barn Lane with the public highway. It would appear that this amendment changes the stance from the holiday accommodation being underutilised, to that it is very well used and hence the vehicle movements would not be materially different if the properties became dwellings. On this basis it would be difficult to sustain a highways objection to the application, although I still consider that the situation regarding access off the highway is not ideal. It is with reluctance that I withdraw my highways objection to this application.

#### SC Trees – No Objection

#### SC Affordable Houses – No objection

Consulted: 22nd January 2013 Reply Received : 28th January 2013

The affordable housing contribution noted on the accompanying proforma accords with the requirements of the SPD Type and Affordability of Housing and therefore acceptable.

SC Drainage – No objection

Suggested Informative:

As part of the SuDS, the applicant should consider employing measures such as the following: Water Butts; Rainwater harvesting system; Permeable paving on any new driveway/paved area; Attenuation; Greywater recycling system. To ensure that, for the disposal of surface water drainage, the change of use is undertaken in a sustainable manner.

SC Ecologist – No Comments

I have no ecological comments to make on this application.

### **- Public Comments**

Councillor Anne Chebsey - Objection

It is only a few days since the last application for this site was considered. There is now yet another application to change earlier planning decisions. This area close to the Radbrook valley has always been regarded as being a sensitive green space where development should be closely monitored. The application for the holiday lets to be permanent dwellings means that the valley is slowly but steadily being developed for permanent homes. Planning is there to ensure that green spaces are protected and not over-developed or encroached upon. Another reason why the application should be refused is the unsuitable access down the narrow lane which was never meant to serve this increasing number of properties. In this instance I hope the committee will closely look at this application and realise how detrimental any further change would be to the natural environment of the valley.

Shrewsbury Town Council - Objection

The Town Council wishes to object to this application on the following grounds: The site has become over developed and already gone beyond what was originally intended for the site, that being a location for holiday lets which do not attract the usual clutter of domestic dwellings. There has been a lot of damage to the green space on site and members do not wish to see any more removal of green areas; the development could potentially set an unwelcome precedent for the area which enjoys unrestricted views of the Rad Valley. Members also raise concerns about the poor access which is not designed to fulfil the needs of multiple dwellings.

2 letters of objection have been received, summarised as follows:

Given that this is at least the second application of this nature, it would appear that the intention from the beginning was to develop a permanent residential dwelling but, as was stated in the application in 2008 to convert the holiday cottages to permanent dwellings, permission for a development of this nature, i.e. permanent, would not have been originally granted within this valuable conservation area and this should remain the case. Should permission be granted it will only be a matter of time before each of the individual units are disposed of and any control that the landlord may have over use of the properties will be worthless.

There is approximately 140 metres of single track lane with no passing places. The undoubted increase in traffic use would make access for existing residents intolerable. Vehicles which meet close to the junction with Longden Road either have to reverse the 100+ meters to the bottom of the lane or reverse out on to the main road on a blind bend, around which the traffic approaches regularly in excess of the speed limit.

We hope the council are serious about their support for the protection of valuable and unique green space within the town and that they will appreciate the impact that further change and development will have on this location. Request that comment is requested from Highways as comment was made in respect of application 12/03455/FUL when concerns were expressed over the increased traffic flow on the lane.

Concern is also expressed as to the future of the site should this fragmentation within the curtilage continue. Is it possible that future applications will be made to allow for the disposal of these individual units as dwellings, unencumbered by their attachment to the whole site?

Should this application be granted a significant alteration will take place within the curtilage of No1 Red Barn Lane creating a portfolio of holiday cottages, long-term rental and owner occupation and creating an increase flow of vehicles and pedestrians along Red Barn Lane. Existing users of the lane are concerned that these proposed changes will have a negative effect on the nature of this environment creating a secluded enclave of mixed use residential units with enhanced traffic associated causing access issues and affecting their enjoyment of their environment.

Over development within the curtilage of No1 Red Barn Lane will have a negative effect on any future development along this private drive including the re-occupation of 4-6 Red Barn Lane, construction of detached dwellings both on the former DAB Fencing Site and on the site of a former building to the rear of 92 Longden Road.

## **5.0 THE MAIN ISSUES**

Principle of development  
Highway Safety  
Visual impact on the surrounding landscape  
Residential Amenity

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 The application site is located within the Shrewsbury Urban Area and Policy CS2 of the Adopted Core Strategy identifies that Shrewsbury will provide the primary focus for development providing housing in the county. The policy also seeks to consider proposals having regard to the promotion and conservation of the towns natural and historic features including green corridors and spaces.

- 6.1.2 Core Strategy Policy CS6 requires all development to protect, restore, conserve and enhance the natural, built and historic environment and be appropriate in scale, density, pattern and design taking into account the local context and character. Those features which contribute to the local character having regard to national and local design guidance should be protected where appropriate. Proposals should safeguard residential and local amenity.
- 6.1.3 Policy CS17: Environmental Networks, replaced the former SABC Local Plan Policy LCN4, which designated the application site as Green Space. CS17 states that development should not have a significant adverse impact on environmental assets. Given that the site is no longer designated as a Green Space, the principle of residential development of this site is accepted by Core Strategy Policy CS2 subject to assessment of the policy CS17.
- 6.1.4 Core Strategy Policy CS11 seeks to ensure that all new open market housing developments make appropriate contributions to the provision of local needs affordable housing. As such the application has been submitted with an Affordable Housing Pro-Forma confirming that the applicant is willing to enter into a Section Legal Agreement to provide a specified commuted sum. Given that the change of use will not see an increase in floor space, the development will not be liable for the Community Infrastructure Levy.
- 6.1.5 The National Planning Policy Framework introduced in March 2012 states that housing applications should be considered within the context of the presumption in favour of sustainable development and planning authorities should normally approve applications for changes of use to residential use.
- 6.2 **Highway Safety**
- 6.2.1 The two holiday lets are accessed through a property at the end of a private lane leading from Longden Road. The lane is not under the control of the Highway Authority and is a single track with little opportunity for opposing vehicles to pass. Were two vehicles to meet near the junction with Longden Road it would be likely that the one entering would have to reverse back onto the highway to allow the other to exit.
- 6.2.2 Initial objections were raised by Highways Officers regarding the prospect of the increased level of vehicle movements. It is generally considered unlikely that holiday lets would be fully occupied for 52 weeks a year and that a holiday let property will generate less vehicle movements than a dwelling that is continuously occupied. Initial details submitted in the applicant's design and access statement have been amended and the applicants now confirm that the holiday lets have an 80% occupancy rate. The highways officer has concluded that the potential increase in likely vehicle movements to and from the site would intensify the use of Red Barn Lane and may lead to increased levels of difficulties for all living there but considers that a highways objection to the proposal would be difficult to sustain.



### **6.3 Visual impact on the surrounding landscape**

6.3.1 Previous applications have been refused for residential development within this site, including an earlier 2008 application for conversion of the holiday lets building to a dwelling which was dismissed at appeal. The reasons for refusal of these previous applications related to the former designation of the surrounding area as a green space under LNC4 of the SABC Borough Local Plan and that the proposals would lead to an inappropriate level of domestic clutter, something which was considered that would not happen with the use as a holiday let. The appeal inspector dismissed the appeal and commented that the introduction of domestic paraphernalia and fencing delineation between boundaries would have a detrimental impact on the open character and integrity of the green space, thereby not according with policy LCN4.

6.3.2 Whilst some weight needs to be given to the above considerations and conclusions on earlier applications, this application clearly has to be considered against current policies which include the replacement of LCN4 and the loss of the formal area designation as a green space. The presumption in favour of residential development as set out in the National Planning Policy Framework and the contents of policy CS2 in this location were also not considered when the earlier decisions were taken. Both the Council and the Inspector referred to domestic paraphernalia and fencing delineation being potentially detrimental to the character of the area but, whilst items not requiring permission are inevitable, much of this can be controlled by the removal of permitted development rights and in this case it is considered appropriate to do this to ensure control over the design of boundary treatments, the level of associated ancillary buildings and any extensions to the properties. The current sizes of accommodation are considered to be such that they would be more suitable for a single person, couple or small family and would therefore provide towards the mix and type of dwellings within this area in accordance with national and local policy.

6.3.3 The buildings are also already in existence and therefore the visual impact of the change of use can be considered to be minimal, with the building design in keeping with that of modest semi detached modern bungalows that are not considered detrimental to the character of the area in this regard. The garden space that forms the designated garden area for these properties as well as the remaining surrounding land owned by the applicants is already landscaped with an obvious residential garden appearance. The site is well screened by trees and it is considered that the overall impact on the character of the area will be minimal. No objections from the Conservation Department have been made in respect of the proposal. On balance it is therefore considered that the proposal accords with policies CS6 and CS17 of the Shropshire Core Strategy and its impact on the character of the area will be minimal, subject to the suitable controls of removing permitted development rights.

### **6.4 Residential Amenity**

The use of the proposed development for residential dwellings is not considered to have any further adverse impact on the privacy of the surrounding properties than as their existing use for a holiday lets. Furthermore the single storey nature of the properties reduces its impact in this regard. As such it is considered that the proposal accords with policy CS6.

## **7.0 CONCLUSION**

The change of use of the site to two residential dwellings within the Shrewsbury Urban Area is considered to be acceptable in principle. It is also considered that the visual impact of the proposed change of use on the surrounding Conservation Area and green corridor to the Rad Brook will be acceptable and would preserve the current appearance and character of the area. Any increase in vehicle movements to and from the site will be accommodated without detriment to highway safety. The proposed development is therefore acceptable in accordance with policies CS2, CS6, CS11 and CS17 of the Shropshire Core Strategy as well as the National Planning Policy Framework.

In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

## **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 three months 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 1970.

### 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**

Central Government Guidance:  
National Planning Policy Framework

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:  
CS2: Shrewsbury – Development Strategy  
CS6: Sustainable Design and Development Principles  
CS11: Type and Affordability of Housing  
CS17: Environmental Networks

### **RELEVANT PLANNING HISTORY:**

11/00482/FUL Erection of a single storey extension to existing garage to provide one bedroom annex GRANT 8th April 2011  
11/01898/FUL Erection of a single storey extension to existing garage to provide 1 bedroomed annex accommodation (amendment to previous approval reference 11/00482/FUL) GRANT 28th June 2011  
12/03455/FUL Change of use from holiday cottage to dwelling GRANT 7th December 2012

12/04261/VAR Variation of Condition no. 5 attached to planning permission  
11/01898/FUL to allow the ancillary annex accommodation to be used as holiday let  
accommodation GRANT 10th January 2013  
SA/99/1179 Replacement of existing barn to create 2 no. one bedroomed holiday  
cottages. REFUSE 6th January 2000

Appeal

00/00424/REF Replacement of existing barn to create 2 no. one bedroomed holiday  
cottages. ALLOW 28th July 2000

**11. Additional Information**

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) Cllr M. Price

Local Member  
Cllr Anne Chebsey

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 91(1) of the Town and Country Planning 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.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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
- free standing building within the curtilage of the dwelling
- hard surfacing
- container for the storage of oil
- fences, gates or walls
- 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.

### Informatives

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.