

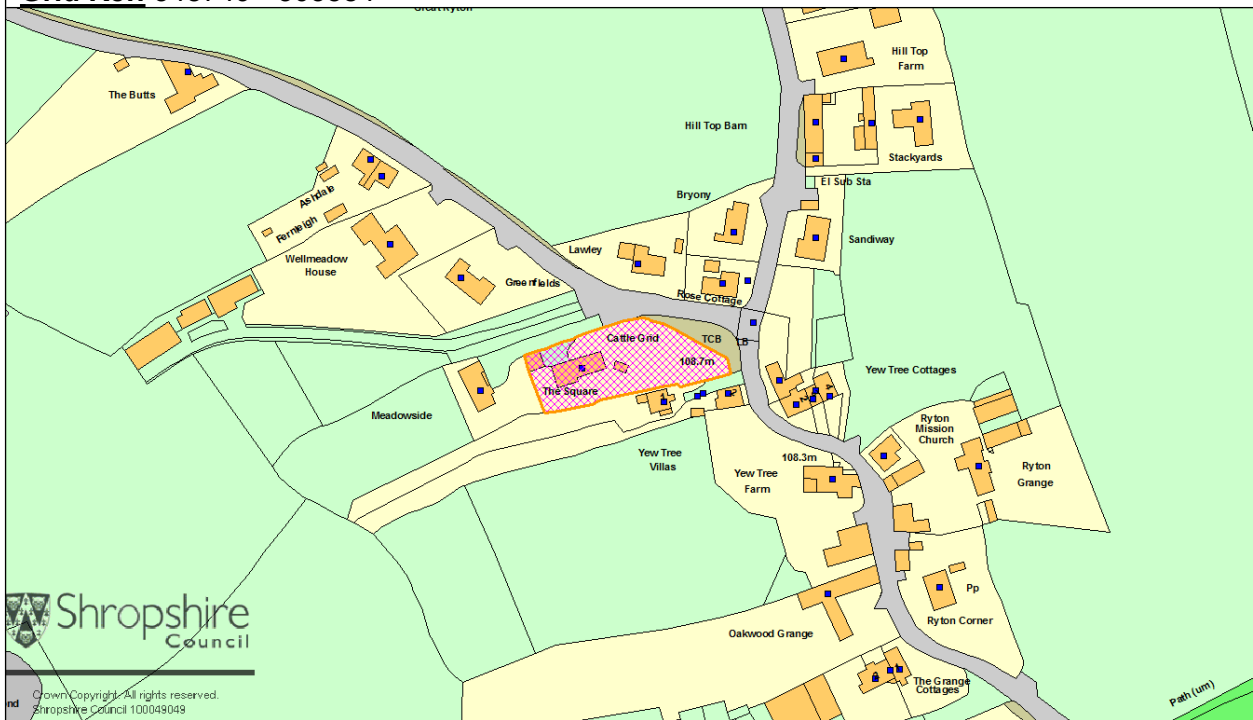
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

| | | |
|--|-----------------------|---|
| <u>Application Number:</u> 18/03486/FUL | <u>Parish:</u> | Condover |
| <u>Proposal:</u> Conversion of existing residential facility to form four apartments; erection of two storey extension following demolition of existing; relocation of timber garage and associated works (re-submission) | | |
| <u>Site Address:</u> The Square Great Ryton Shrewsbury Shropshire SY5 7LN | | |
| <u>Applicant:</u> M Sheppard | | |
| <u>Case Officer:</u> Kelvin Hall | | <u>email:</u> planningdmc@shropshire.gov.uk |

Grid Ref: 348749 - 303584



Recommendation: Grant permission subject to the conditions set out in Appendix 1.

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for an extension of and alterations to an existing dwelling, and its conversion to four apartments. The works would involve the erection of a 1.5 storey side extension following demolition of an attached single-storey games room, and the enlargement of the depth of the property. A double car port would be re-sited approximately 10 metres further back. Other alterations would include the provision of an external staircase on both ends of the enlarged building to provide alternative first floor entrance/exit points; the raising of the main ridge line; the provision of dormer windows in the roof; and replacement windows and doors at ground floor level.
- 1.2 The existing dwelling is a five bedroomed property, measuring approximately 25 metres wide x 7.5 metres deep. At ground floor it includes a kitchen, lounge, utility room, two WCs, a shower room, a sauna, lobby, study, office, dining room, and games room. The bedrooms are at first floor level, along with a bathroom, dressing room and en-suite. In addition to the double car port, there is another double garage at the property.
- 1.3 The proposed conversion would provide 2no. three bed apartments and 2no. two bed apartments. The proposal would enlarge the property to approximately 26 metres wide x 8.7 metres deep. The apartments would have the following accommodation:
- Unit 1 (ground floor): two bedrooms, one with en-suite; kitchen/dining room; lounge, shower room, hall;
 - Unit 2 (ground floor): three bedrooms, two with en-suite; kitchen/dining room; lounge; shower room; utility, hall;
 - Unit 3 (first floor): two bedrooms, one with en-suite; kitchen; lounge; study; bathroom;
 - Unit 4 (first floor): three bedrooms, one with en-suite; kitchen; lounge; bathroom.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located within the village of Great Ryton. The house is a relatively large part two-storey / part 1.5 storey dwelling with attached single-storey side extension. It includes a detached double garage and a detached double car port. The dwelling and garage are of brick and tile construction; the car port has timber board walls.
- 2.2 The property extends to 0.15 hectare in area, and the boundary is defined partly by a brick wall and partly by a thick hedgerow. The garden extends around the southern and eastern sides of the property. Vehicle access is gained from an unclassified public highway to the north to the front drive and parking area. Surrounding land is in residential use.

3.0 REASON COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council's views are contrary to the Officer recommendation and the Local Member has requested that the application is determined by Planning Committee. The Planning Manager in consultation with the Committee Chairman has agreed that the Parish Council has raised material planning concerns and that the application

should be determined by Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Condover Parish Council Objects.

At its meeting on 4th September 2018, Condover Parish Council resolved unanimously to object to this planning application on the following grounds:

1. The property boundary as presented on the site plan is incorrect as it encompasses the Millennium Green and footpath, both of which are public land owned by Shropshire Council. The existing property boundary does not extend to the road junction in the centre of Ryton but stops considerably short of this.

2. The property is not connected to the main sewer but is served by a septic tank which drains into the garden of the adjacent property (Meadowside). The application proposes provision of 9 bathrooms/ensuites, 4 kitchens and a utility room serving four households but does not present adequate foul water drainage solutions.

3. It is considered that the proposed parking area provides insufficient parking spaces and turning for 11 cars. An accurate scale drawing demonstrating how this is to be achieved is requested.

4. The scale of the proposed development would represent a significant increase in both the footprint and floor space of the existing dwelling. It would be an overdevelopment of the site and unsuitable within the village.

5. The Parish Council also resolved to request that Shropshire Council Planning Officers undertake a site visit to investigate the above concerns and also that this planning application be considered and determined by the Planning Committee.

6. The Parish Council is cognisant of the strength of concern and objection from Ryton residents who made robust representations to the Parish Council at its meeting on 4th September. A summary of their objections has been recorded in the minutes of the meeting.

4.1.2 SC Highways Any comments that are received will be reported separately.

4.1.3 SC Drainage Recommends informatives.

4.2 Public Comments

4.2.1 The application has been advertised by site notice. In addition ten properties in the area have been directly notified. Fourteen objections have been received, on the following grounds:

- Apartments not suited to this very small village; more suited to a town
- Application is misleading as there will be an increase in footprint
- Proposal does not meet any recognised housing need
- Local narrow roads cannot cope with eleven additional vehicles that would be entering and leaving the property

- Insufficient space at property for eleven additional vehicles with required turning area; no visitor parking spaces; no on-street parking to take additional cars
- May be insufficient turning area to allow vehicles to enter and exit in forward gear
- Safety issues for pedestrians from increased number of cars
- Will be difficult to keep adjacent private driveway clear due to additional vehicles
- Concerns over foul drainage proposals as drainage in the village is to septic tanks as there is no mains drainage
- No details of how drainage infrastructure would be managed
- Soakaway from The Square has caused problems in adjacent field in the past; proposal would result in additional drainage problems
- No mention of where rain water would be drained to
- Would require tree removal to re-site garage
- Proposal is overdevelopment of site
- Property should remain as a family house for which it was built
- Potential 20 occupants much greater than when property was a children's home and the footfall was limited to 3 young people and support staff
- Site is not owned by the applicant; it has been let out for some years
- No space shown for large increase in number of waste or recycling bins; may need to be stored on road which would be unsightly
- Application site includes land which is highway verge and/or village green

5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Design, Scale and Character
- Residential and local amenity considerations
- Highways and access considerations
- Drainage considerations
- Other issues

6.0 OFFICER APPRAISAL

6.1 Policy and Principle of Development

- 6.1.1 The proposal seeks to sub-divide an existing large dwelling into four residential units. The village of Great Ryton is not identified as a Community Hub or Cluster and as such the area is defined as countryside for planning policy purposes. Core Strategy policy CS5 restricts inappropriate development in the countryside whilst allowing proposals 'on appropriate sites which maintain and enhance countryside vitality and character ... where they improve the sustainability of rural communities by bringing local economic and community benefits ...'. Policy CS13 seeks to create mixed, balanced and inclusive communities. It states that this includes seeking housing developments which help to balance the size, type and tenure of the local housing stock. The adopted Type and Affordability of Housing SPD notes that sub-divisions can improve sustainability by helping rebalance the housing stock, particularly in the countryside where there can be a shortage of smaller dwellings. The revised National Planning Policy Framework (NPPF) requires that the development of isolated homes in the countryside should be avoided, except if specified circumstances apply. One of these is that the development would involve the subdivision of an existing

residential dwelling (para. 79). Whilst it is not considered that the proposal relates to an 'isolated' dwelling, the national policy support on subdivisions is acknowledged.

6.1.2 In sub-dividing the existing dwelling the proposal would increase the supply of smaller dwellings in the area and improve the mix of housing sizes and types. It is acknowledged that services and facilities in Great Ryton are limited. Nevertheless the proposals would not extend the residential curtilage, result in intrusion into undeveloped countryside, or change the use of the property. It is considered that the proposal is acceptable in principle.

6.2 **Design, Scale and Character**

6.2.1 Core Strategy policy CS6 (Sustainable Design and Development Principles) 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. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value.

6.2.2 The existing house has been subject to previous extensions and these are apparent in the current appearance of the property which has two storey, 1.5 storey and single-storey elements. The proposed extension and alterations would provide a side extension with a ridge height of 7.3 metres compared to the height of the games room (to be removed) of 3.7 metres. The ridge height of the main part of the house would be increased from 8 metres to 8.5 metres, and the depth of the property would be increased from 7.5 metres to 8.7 metres. The height of the 1.5 storey wing would be unchanged. The proposed alterations would result in the two side wings of the house having matching eaves and ridge heights. The pitch of the roof slopes would match that of the main house. Together with the provision of dormer window to both sides of the house the proposals would result in a more balanced appearance than at present. The garden area would be divided up, and it is considered that the amount of amenity space for each unit would be adequate.

6.2.3 Taking the demolition of the single storey games room into account, the proposals would increase the gross floorspace of the house by 95m², from approximately 351m² to 446m². This represents an increase of 27%. The increase in the footprint would be approximately 34%. It is recognised that the proposals would enlarge a property which has already been extended. Nevertheless it is considered that the proposed design is acceptable. The property is set back from the public highway and does not face it directly. The property boundary wall and hedge would restrict direct views of the property. These would reduce the dominance of the property in the street scene. Agreement on the detailed specification of the external materials can be secured through appropriate planning conditions. Subject to this it is considered that the design and scale of the proposal is acceptable in relation to the above policies.

6.3 **Residential and local amenity considerations**

6.3.1 Core Strategy policy CS6 requires that proposals safeguard residential and local amenity. The existing house has five bedrooms and as such could accommodate a large family. It is understood that the property has previously been in use as a registered children's home. An application for a Certificate of Lawfulness for proposed use was issued in 2013 (ref. 13/01112/CPL). This confirmed that a change of use of the property from Class C3 dwellinghouse to a Class C2 residential institution as proposed would not amount to a material change of use and would

therefore be permitted, subject to certain specified limits being adhered to. It is recognised however that the proposal to provide four separate residential units is likely to result in an intensification of the existing residential use of the property. There would be expected to be an increase in vehicle movements in and out of the property, and potentially some additional use of the external areas. Officers invited the applicant to reduce the number of apartments proposed to seek to address local concerns. However he has advised that this would render the scheme unviable. Nevertheless Officers do not consider that the impacts on the amenity of surrounding residents would be significant.

6.3.2 The proposed extension would not extend the footprint of the property significantly closer to the nearest neighbouring dwellings to the south-east. There is substantial mature vegetation around the property boundary which would provide privacy to surrounding residents. The proposed two storey extension, including the entrance door at first floor level, would be visible from one of the dwellings to the south-east of the site. The distance between the two would be approximately 28 metres, and it is considered that this is acceptable.

6.4 **Highways and access considerations**

6.4.1 The application form states that there would be eleven parking spaces at the property. Local objections have raised concerns that the available area is insufficient to provide this level of parking space. The submitted plans do not show how eleven vehicles would be able to park and manoeuvre in the available space. Nevertheless Officers consider that, irrespective of whether it would be possible to provide adequate space for eleven cars, the parking area which is available is satisfactory to cater for the proposed four residential units. Each unit could be allocated a covered parking space, and there would be additional space end on to these that could be allocated to each apartment. This would provide no less than two spaces per unit. The existing site access to the public highway is considered to be satisfactory.

6.5 **Drainage considerations**

6.5.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. A number of objections have been received raising concerns that there is insufficient information regarding foul water arrangements and that the proposal would be causing drainage problems. The applicant has advised that at present the property is connected to a septic tank system. It is proposed that this would be upgraded to a mini-sewage treatment plant (eg. Klargestor or similar). This would discharge to the existing soakaway. The Council's Drainage Officer has not raised any concerns over the proposals in respect of foul or surface water issues. Nevertheless in order to ensure that foul drainage provisions are suitable a condition can be imposed to require that the apartments are not occupied until a satisfactory system has been installed. This would ensure improved treatment of foul water.

6.6 **Other considerations**

6.6.1 Concerns have been raised that the application includes land which comprises highway verge or part of a village green. The site boundary as originally submitted included land not in the control of the applicant. Revised plans have now been submitted and these satisfactorily address this issue.

7.0 **CONCLUSION**

7.1 The proposal to sub-divide the existing dwelling into four apartments would improve

the mix of rural housing stock and provide additional homes in Great Ryton. The proposed extensions and alterations would not extend the existing residential curtilage and can be provided without adversely affecting residential amenity or having an unacceptable impact on the character of the local area. The proposal would result in an intensification of the residential use of the property but it is not considered that this would be unacceptable. Satisfactory car parking space can be provided for the number of units proposed, and improvements to the existing system of foul sewage can be secured. Subject to the conditions set out in Appendix 1 it is considered that the proposed development is in line with Development Plan policy and as such it is recommended that planning permission is granted.

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:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
CS18 - Sustainable Water Management
MD2 - Sustainable Design
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

13/01112/CPL The use of a residential dwelling as registered children's home, in which:

- (1) No more than three children are receiving care at any one time;
- (2) The children are aged from 10 to 17 years old;
- (3) There are no more than (a) three staff and 1 manager on duty between 08:30 and 22:30 unless exceptionally a further member of staff is required to meet individual needs and (b) normally no more than one waking staff at night to provide support to the children with a further member of staff sleeping in;
- (4) No parental visits to the children normally take place;
- (5) No room is used as an office and no business meetings of any kind take place;
- (6) No activity in relation to staff vehicle movements takes place before 08:30 or after 22:30.

LA 10th October 2013

17/01419/FUL Conversion of existing residential facility to form 4No apartments, erection of two storey extension following demolition of existing, relocation of timber garage and associated works) WDN 2nd June 2017

18/03486/FUL Conversion of existing residential facility to form four apartments; erection of two storey extension following demolition of existing; relocation of timber garage and associated works (re-submission) PDE

SA/89/0211 Conversion of existing double garage into two bedrooms and erection of new double garage. PERCON 17th May 1989

SA/03/0959/F Replacement of flat roof with pitched roof, erection of porch extension and rear conservatory (amended description). PERCON 9th September 2003

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) |
|--|

| |
|--|
| Cabinet Member (Portfolio Holder) Cllr R. Macey |
|--|

| |
|---------------------------------|
| Local Member Cllr Dan Morris |
|---------------------------------|

| |
|---------------------------------------|
| 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 REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

3. 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.

4. The apartments hereby permitted shall not be occupied until a satisfactory scheme of foul and surface water drainage has been provided in accordance with details that have received the prior approval in writing of the local planning authority.

Reason: To ensure satisfactory drainage of the site and to avoid flooding and pollution.

5. The apartments hereby permitted shall not be occupied until the proposed parking spaces on the front yard have been marked out with paint or suitable alternative. The markings shall be permanently retained thereafter.

Reason: To provide a satisfactory layout of parking spaces in order to maintain adequate parking spaces to serve the development.

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

6. 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 class A, B, C or D 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.

Informatives

1. In arriving at this decision Shropshire 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 38.

2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

-