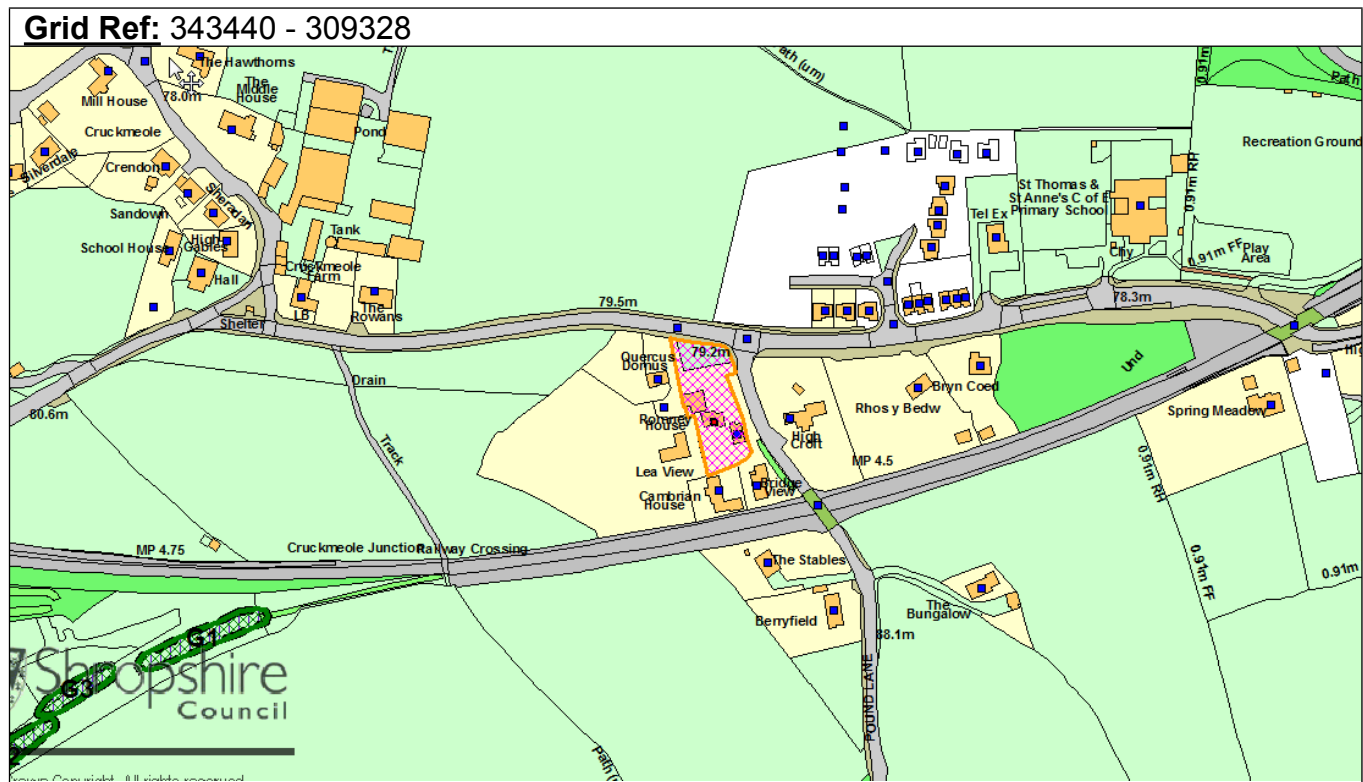


Development Management Report

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

Summary of Application

<u>Application Number:</u> 18/04723/FUL	<u>Parish:</u> Pontesbury
<u>Proposal:</u> Alterations to existing annex to form living accommodation, and erection of a log store to aid existing biomass boiler.	
<u>Site Address:</u> Romney House Pound Lane Hanwood Shrewsbury SY5 8JR	
<u>Applicant:</u> Mr Steve Goodall	
<u>Case Officer:</u> Aileen Parry	<u>email:</u> planningdmc@shropshire.gov.uk



Recommendation: - Approve subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is seeking full planning permission for alterations to an existing annex to form living accommodation which will be utilised as a holiday let; and the erection of a log store for the storage of material for an existing biomass boiler.
- 1.2 During the assessment of the proposal at the request of officers the applicant has confirmed:
- ☐ The use of the annex as a holiday let on the first floor of the existing garage;
 - ☐ That the biomass boiler serves five dwellings/buildings;
 - ☐ Submitted revised drawings for the log store which reduces its width by a third to 10 metres from its originally proposed 15 metres and its external material from agricultural profiled metal panelling to timber cladding (plan reference NAC/0011/POUND/004 received 17.12.18);
 - ☐ Provided a revised site plan showing site layout and proposed screening (plan reference NAC/0011/POUND/002 A received 18.12.18).
- 1.3 The Parish Council has been re-consulted on the revised log store proposal.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Romney House is situated close to the corner of Pound Lane and the main Shrewsbury to Pontesbury road (A488). The site lies outside of Hanwood and is located within the Pontesbury Parish and Longden Ward.
- 2.2 Five other dwellings (including an annex to Romney House) reside within this pocket of development between the A488 and up along Pound Lane to the railway bridge. Access to all is via the main access to Romney House. New housing is also sited across the A488, an extension to Hanwood SAMDev reference S16.2(x).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Pontesbury Parish Council have submitted a view contrary to Officers recommendation for approval based on material planning reasons where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and vice chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

Regulatory Services

Initial concerns raised by the Councils Regulatory Services regarding noise, mitigation and attenuation measures, and whether the plant room contains other noise producing equipment has been addressed by the applicant submitting as requested the details of the boiler mass model which have been assessed by Regulatory Services. No further comment/concerns raised.

Trees

No objection to the proposed development.

Highways

No objection subject to the development being constructed in accordance with the approved details. Informatives recommended.

Affordable Housing

There is no affordable housing obligation associated with this proposal.

4.2 -Pontesbury Parish Council

22.01.19

Pontesbury Parish Council object to the proposed development. We note the reduction in size but still feel that the scale and design of the building as proposed is inappropriate for a residential setting and that the existing and newly proposed screening is inadequate.

20.11.18

Pontesbury Parish Council objects to this application as the size of the proposed log store is out of character and too large for the setting. The Parish Council may look sympathetically on an application for a substantially smaller development or if the elements of the application were separated out. The Parish Council have no issues with the proposed changes to the annexe.

4.3 - Public Comments

Five neighbours have been notified and a site notice placed by officers on 02.11.18. No public comments have been received at the time of writing this report.

5.0 THE MAIN ISSUES

Principle of Development
Design, Scale and Character
Impact on Residential Amenity
Noise of biomass boiler on holiday let
Highways

6.0 OFFICER APPRAISAL

Annex / Holiday Let

6.1 Principle of development

6.1.1 Policy CS5 'Countryside and Green Belt' concerns development in the countryside. It advises that proposals on appropriate sites which maintain and enhance countryside vitality and character, which bring local economic and community benefits particularly where they relate to the conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside. Proposals for conversions will be considered for small scale economic development / employment generating use, including live-work proposals and tourism uses.

6.1.2 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.

6.1.3 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6, providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.

6.1.4 Policy CS16 (Tourism, Culture and Leisure) requires that development delivers high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities, with the emphasis placed on supporting new and extended tourism development, and cultural and leisure facilities, that are appropriate to their location, and enhance and protect the existing offer within Shropshire.

6.1.5 The first part of the proposal is for alterations to an existing annex to form living accommodation which will be utilised as a holiday let.

6.1.6 Officers consider the site to be situated in a sustainable location within walking

distance of local services and facilities and is not considered to result in isolated or sporadic development. The principle of development for the annex / holiday let is also supported by the Parish Council.

- 6.1.7 Officers consider that the proposal will maintain and enhance the vitality and character of the area by providing accommodation for visitors to the area utilising facilities such as the nearby Rights of Way and Golf Club, the village of Hanwood and its facilities,. It is considered it will improve the sustainability of the community by bringing local economic benefits to the area.
- 6.1.8 Officers consider that the proposed annex / holiday let above the existing garage of Romney House accords with policy and is therefore acceptable in principle.
- 6.2 Design, Scale and Character
- 6.2.1 No external changes are proposed for the change of use for the above garage storage area into an annex holiday accommodation.
- 6.3 Impact on Residential Amenity
- 6.3.1 Officers consider that the proposed change of use to the storage area above the existing garage will not result in any detrimental overlooking or loss of privacy on the locality and area.
- 6.3.2 In addition and to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation a condition will be imposed stating the criteria under which the accommodation shall be used and that the owners maintain an up-to-date register of the names of all owners/occupiers of the unit of holiday accommodation and that this information will be made available at all reasonable times to the local planning authority.

Biomass Log Store

- 6.4 Principle of development
- 6.4.1 Within the development plan policy, there is a general presumption in favour of extensions to dwellings provided that the scale, siting and design do not overwhelm or dominate the appearance of the original dwelling or that the extension does not have any detrimental impact on residential amenities.
- 6.4.2 In addition to CS6, CS17 'Environmental Networks' also applies. This states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.
- 6.4.3 SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or

recreates natural assets.

6.4.4 Policy CS18 requires all developments to integrate sustainable water management measures to reduce flood risk.

6.4.5 In addition MD2 also builds upon CS18 requiring that Sustainable Drainage techniques, in accordance with Policy CS18, are incorporated as an integral part of design and apply the requirements of the SuDS handbook as set out in the Local Flood Risk Management Strategy.

6.4.6 An informative will be placed on any planning permission advising the applicant should consider employing measures to ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

6.5 Design, Scale and Amenity

6.5.1 The second part of the proposal is for the erection of a log store for the storage of material for an existing biomass boiler.

6.5.2 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.5.3 On the concerns raised by officers and the initial objection raised by the Parish Council, the size of the log store has been reduced in size from a width of 15 metres to 10 metres and its external material changed from agricultural profiled metal panelling to timber cladding with roller shutter doors x2 (plan reference NAC/0011/POUND/004 received 17.12.18). The size of the log store is therefore proposed as approximately 10 metres wide, 8 metres deep with a ridge height of 5.8 metres.

6.5.4 The Parish Council have stated within their re-consultation comments that they note the reduction in size but still feel that the scale and design of the building as proposed is inappropriate for a residential setting and that the existing and newly proposed screening is inadequate.

6.5.5 Officers note the Parish Council's concerns and although the log store has not been reduced further, the reduction by a third in width and the change of materials from metal to wood is considered will allow for a more sympathetic appearance and reduces the possible impact the structure will have on the site and area.

6.5.6 The applicant has also stated that the biomass boiler serves five buildings and not just Romney House and the existing annex. It serves Romney House, Disability Annex 1, Proposed annex 2 /double garage/ workshop, Quercus domus and Lea View.

- 6.5.7 The applicant has also confirmed that the delivered log stacks require to be seasoned in a dry store and rotated within the store. In addition for security purposes the log store will also house the applicants forklift.
- 6.5.8 The size of the log store will not only enable the seasoning and rotation of the wood stacks but also reduce the number of deliveries that would be required if the log store were smaller. Therefore not only saving on cost for the applicant but also reducing possible impacts upon the road network from the reduced number of delivery journeys as well as carbon emissions from road traffic.
- 6.5.9 Officers agree with the Parish regarding their concerns with the lack of screening proposed and therefore it is proposed that a landscape condition be imposed on any planning permission that may be granted in order that officers can ensure that sufficient and adequate screening of the log store can be established and maintained.
- 6.5.10 Officers also propose that a condition is imposed for the log stores wood cladding to be allowed to weather naturally aiding the structure to blend into both its developed and natural surrounds.
- 6.5.11 The proposal has also been assessed by the Councils Trees Officer who states there is not anything particularly significant on the site and raises no concerns with regards the proposed log store.
- 6.5.12 Conditions therefore as proposed will be placed on any planning permission that may be granted regarding weathering of the stores wood exterior, limiting the log stores use so that it is not used for anything other than the storing of biomass material and machinery to move the material from the store to the existing boiler room to avoid any future undesirable fragmentation of the curtilage. And requiring improved landscaping.
- 6.5.13 Officers consider that on balance the log store with both the reduction in size and change of external materials and that it will be used for storing and seasoning wood for the existing biomass boiler that serves five buildings is acceptable.
- 6.6 Noise of biomass boiler on holiday let
- 6.6.1 Initial concerns raised by the Councils Regulatory Services regarding noise, mitigation and attenuation measures, and whether the plant room contains other noise producing equipment has been addressed by the applicant submitting as requested the details of the boiler mass model and supporting documentation.
- 6.6.2 This has been assessed by Regulatory Services who have stated that as the plant will be in a separate room inaccessible from the proposed dwelling that they raise no further comment.
- 6.7 Highways

- 6.7.1 The proposal has been assessed by the Councils highways who have stated that the proposed development seeks to alter an existing annex to form living accommodation and to erect a log store/barn at Romney House, Pound Lane, Hanwood. It is noted that previous planning application 16/03631/FUL for a separate 2-bed annex for elderly relatives, was granted on 16th November 2016. The current proposal is for single bedroom accommodation above the existing garage.
- 6.7.2 The application is for further ancillary accommodation to the main residence, providing one additional bedroom. The proposal also includes a detached barn/log store. The supporting information has stated that there will be no change in vehicular movements. It is considered that as submitted with the accommodation being ancillary to the main dwelling, a highway objection to the proposal would be difficult to sustain.
- 6.7.3 Informatives are recommended for inclusion on any planning permission that may be granted.

7.0 CONCLUSION

Officers consider that the proposed change of use to the storage area above the existing garage will not result in any detrimental overlooking or loss of privacy on the locality and area and that the proposal will help to maintain and enhance the vitality and character of the area by providing additional accommodation for visitors to the area.

With regards the proposed log store, officers consider that on balance the log store with both the reduction in size and change of external materials and that it will be used for storing and seasoning wood for the existing biomass boiler that serves five buildings is acceptable.

Officers therefore recommend that the proposal for alterations to an existing annex currently used as a storage area above the existing garage to form living accommodation, which will be utilised as a holiday let; and the erection of a log store for the storage of material for an existing biomass boiler be granted full planning permission.

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.

② 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

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD12 - Natural Environment

Relevant Planning History:

12/02619/REM Reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning application 11/04825/OUT for the erection of two detached dwellings following demolition of existing buildings GRANT 23rd August 2012
PREAPP/12/00448 Erection of a dwelling NPW 22nd April 2013
12/04369/DIS Discharge of Condition 2 (External Materials) attached to planning reference 12/02619/REM - Reserved matters (appearance, landscaping, layout, scale) pursuant to outline planning application 11/04825/OUT for the erection of two detached dwellings following demolition of existing buildings DISAPP 12th November 2012
13/01656/FUL Erection of a 2-bed affordable dwelling and detached double garage GRANT 18th June 2014
14/04658/DIS Discharge of Conditions 3 (External Materials), 4 (Boundary Treatments), 5 (Foul & Surface Water) and 6a (Land Contamination) on Planning Permission 13/01656/FUL for the erection of a 2-bed affordable dwelling and detached double garage DISAPP 25th November 2014
14/04846/OUT Outline planning application for a single open market dwelling (All matters reserved) GRANT 15th July 2015
16/00801/REM Approval of Reserved Matters pursuant to 14/04846/OUT for the erection of a dwelling GRANT 1st July 2016
16/03631/FUL Erection of annex accommodation GRANT 16th November 2016
17/00065/DIS Discharge of condition 3 (Details of External Materials) attached to planning permission 16/03631/FUL Erection of annex accommodation DISAPP 17th March 2017
SA/92/0399 Stationing of mobile home in garden for a temporary period of 18 months during modernisation/extension work to existing dwelling. WDN 8th May 1992
SA/93/0974 Erection of an extension to provide dining room, utility and playroom on ground floor and 2 additional bedrooms and en-suite above. PERCON 2nd November 1993
SA/04/0615/F Erection of a detached pitched roof double garage with store together with attic space above (amended description) PERCON 25th June 2004

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 Roger Evans

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. No above ground works shall be commenced until full details of a landscaping plan showing boundary treatments have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales.

The submitted scheme shall include:

- means of enclosure
- hard surfacing materials
- minor artefacts and structures e.g. furniture, refuse or other storage units, signs, lighting
- planting plans
- boundary treatment of native species hedging between site and main road
- schedules of plants
- implementation timetables

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

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

4. The external materials and their colour of the log store shall be as shown on the deposited plan reference number NAC/0011/POUND/004 received 17.12.18.
Reason: To ensure that the proposed development shall harmonise with surrounding development.
5. Notwithstanding Condition 4 external materials the cladding of the log store in order to blend in with the surroundings shall be left to weather naturally.

Reason: To ensure that the proposed development shall harmonise with its surrounding development.

6. The log store hereby approved shall not be used for anything other than the storing of biomass material and machinery to move the material from the store to the existing boiler room.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage.

7. The unit of holiday accommodation hereby permitted shall not be occupied or used other than in accordance with the criteria set out below:

- (i) the building shall be used for holiday accommodation associated with and ancillary to Romney House only;
- (ii) the unit of holiday accommodation shall not be occupied as a person's sole, or main place of residence;
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the unit of holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

The register required in (iii) above shall normally be collected by the site owner or his/her nominated person.

Reasons: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

Informatives

1. Works on, within or abutting the public highway
This planning permission does not authorise the applicant to:
-construct any means of access over the publicly maintained highway (footway or verge)
or
-carry out any works within the publicly maintained highway, or
-authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
-undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

2. No drainage to discharge to highway
Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
3. The applicant should consider employing measures such as the following:

Water Butts
Rainwater harvesting system
Permeable surfacing on any new driveway, parking area/ paved area
Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.
4. 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.
5. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.

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