

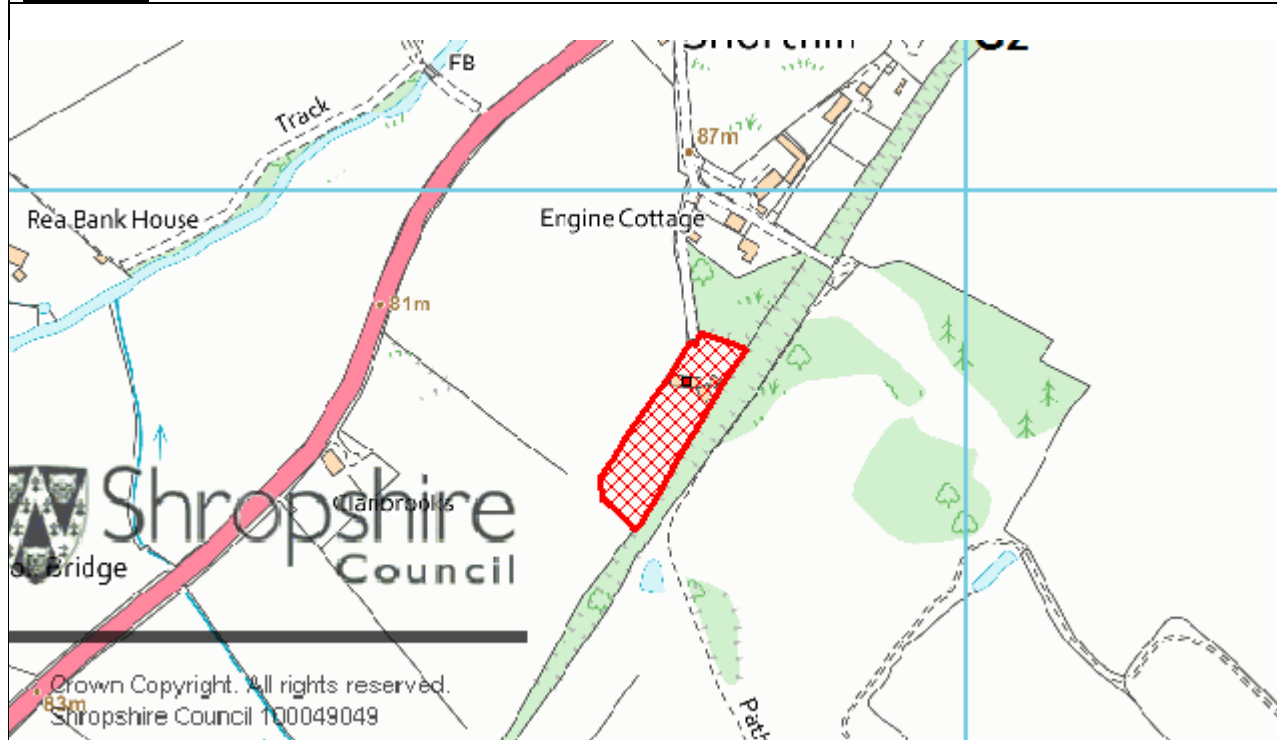
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/02191/FUL	Parish:	Pontesbury
Proposal: Erection of link extension between dwelling and annex and alterations to approved scheme for conversion of annex building (part retrospective)		
Site Address: The Rowans Old Shorthill Hanwood Shrewsbury Shropshire		
Applicant: Mr & Mrs N Newman		
Case Officer: Alison Tichford	email :	alison.tichford@shropshire.gov.uk

Grid Ref: 342815 - 308874



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the erection of a link extension between an existing dwelling and an annex building as well as alterations to the approved scheme for conversion of an existing outbuilding to a residential annex to include the addition of low railings to the first floor covered walkway and large glazed doors to the ground floor.

1.2 Permission was previously recently granted for the conversion of an existing outbuilding of heritage interest to a residential annex under planning permission 20/02939/FUL

2.0 SITE LOCATION/DESCRIPTION

2.1 The building currently being converted to an annex is sited immediately south east of the existing dwelling, The Rowans, which is set in a large secluded plot at Shorthill, set well back from the A488 between Hanwood and Pontesbury.

2.2 There is open farmland to the south and west of the site and woodland and a golf course to the east. The nearest neighbouring residential property is a detached dwelling within the cluster at Old Shorthill appx.80m to the north-east beyond a belt of trees, with a further detached dwelling appx 200m to the south west.

2.3 There is an old railway cutting for the former Minsterley branch of the Shrewsbury & Welshpool Railway line immediately to the east and a public bridleway runs further east again.

2.4 The two storey brick annex building is positioned in an area of historic rural coal workings with the Shorthill Colliery positioned just north of the site. It has a footprint of appx 55 sq.m and an internal floor area of appx 75sq.m. The building has a flat roof and is generally in good condition.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the 'Scheme of Delegation' this application requires determination by Planning Committee as the application is made on behalf of an officer of the Council, (appointed since the original permission was granted in December 2020.)

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Response

4.1.1 Pontesbury Parish Council has made comments in support of the planning

application on the basis that the detail and materials are in keeping with an industrial building.

4.1.2 SC Conservation consultees made reference to their previous comments where they indicated that the annex building would be considered to represent a non-designated heritage asset and confirmed they have no objection to the introduction of the proposed link feature where the simple design is considered appropriate to the context of the site. They did request that windows and door frames should be slender as recommended with regard to the main industrial annex building.

4.1.3 SC Ecology consultees have provided informative advice.

4.1.4 SC Flood and Water Management consultees have no objection to the proposed works and have provided informative advice.

4.2 Public Response

4.2.1 A site notice has been posted as required and no comments have been received as a result of this publicity.

5.0 THE MAIN ISSUES

**5.1 Principle of development
Design and Scale
Visual Impact and Landscaping
Residential Amenity**

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

6.1.2 The proposed development affects a non designated heritage asset and therefore has to be considered against Shropshire Council's policies CS17 and SAMDev MD13 and with national policies and guidance including the NPPF and Historic England Guidance including The Setting of Heritage Assets GPA3.

6.1.3 The application site is within open countryside in policy terms therefore Shropshire Core Strategy Policy CS5: Countryside and Greenbelt and CS17: Environmental Networks along with MD7A: Managing Development in the Countryside and MD12: Natural Environment of the Shropshire Sites Allocation and Management of Development (SAMDev) policy must be considered and have regard to the protection and enhancing of the natural and historic environment and landscape.

6.1.4 SAMDev Policy MD13 suggests that support should be given to proposals which appropriately conserve or enhance the significance of a heritage asset especially where these improve the condition of those assets which are recognised as being

at risk or in poor condition.

6.1.5 The creation of a link between the existing dwelling and the annex building will create a greater dependence between the two and the proposed link is of small footprint and appropriate in design. Should the annexe no longer be required it can, as a result of the proposed link, more easily become an integral part of the principal dwelling.

6.1.6 While there is a current permission for the conversion to an annex and works are well underway, as this application seeks permission for alterations to the conversion it will be appropriate to include conditions on any grant of planning permission in order to tie the ancillary accommodation to the existing dwelling and preventing any use as an independent dwelling unit, which would require further consideration in this open countryside location, and in view of the building's proximity to the existing dwelling.

6.2 Design, Scale and Character

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard local amenity and ensure sustainable design and construction principles are incorporated within the new development. 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. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and should not adversely affect the values and function of these assets.

6.2.2 The design for the link extension is of a relatively simple form with a flat roof, vertically-oriented windows and dark corrugated metal clad finish and conservation consultees have no objection subject to conditions with regard to joinery and samples of materials.

6.2.3 The proposed alterations to the conversion are minor and maintain the heritage interest of the building and are acceptable to consultees subject to materials and joinery conditions.

6.2.4 The scale of this development is therefore considered to be minimal and the design appropriate to the character of the existing buildings and in accordance with Shropshire Core Strategy Policies CS6 and CS17 and SAMDev MD2 and MD13.

6.3 Visual Impact and Landscaping

6.3.1 The dwelling is set with a reasonably sized plot and as the outbuilding already exists within the development site and the proposed link extension and external

alterations are minor, the proposal would not significantly increase the prominence of the buildings or represent an overdevelopment of the site.

6.3.2 The development will have no impact upon the attractiveness of the rural setting and no greater impact on the visual amenity of the area than the existing use.

6.4 Impact on Residential Amenity

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

6.4.2 As per the existing planning permission it will be appropriate to condition against any use of the flat roof area (other than for maintenance) without further consideration with regard to the amenity of neighbouring properties and the impact of such use on the landscape and visual amenity.

6.4.3 Proposed glazing to the converted building largely replicates the existing with a proposed increase here at ground floor level to the south west elevation. This glazing is situated behind a covered arched area and is appx 200m distant from amenity areas to Clanbrooks to the southwest, with trees to the boundary of the application site partially screening views in any case. Views to the south west will also be available, as currently, from the covered walkway at first floor level. While the building is in a somewhat elevated position, the distance involved between the properties will ensure there is no significantly increased impact on the amenity as currently enjoyed by residents of Clanbrooks.

7.0 CONCLUSION

7.1 The proposed link extension and alterations to a previously approved conversion scheme are small in scale and the design is appropriate to the character of the existing buildings and will maintain the heritage interest on site. The proposed link extension will enable a greater dependence between the principal building and annexe and should the annexe no longer be required it will more easily become an integral part of the principal dwelling.

The proposed alterations will not result in any undue visual impact or cause any detrimental impact on neighbouring properties.

The proposed development is therefore considered to accord with the requirements of the NPPF and the adopted Core Strategy Policies CS5, 6 and CS17 and SAMDev Policies MD02, 12 and 13.

Recommend permission is granted, subject to conditions as described within the report above.

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 of 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 – 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

Shropshire Core Strategy and SAMDev Plan Policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
MD2 Sustainable Design
MD7a Managing Housing Development in the Countryside
MD12 Natural Environment
MD13 Historic Environment

RELEVANT PLANNING HISTORY:

20/02683/FUL Erection of a single storey extension and first floor balcony GRANT 26th August 2020

20/02939/FUL Conversion of detached store building into one residential annex GRANT 8th December 2020

21/00734/DIS Discharge of conditions 3 (materials and 4 (external windows/joinery) on planning permission 20/02939/FUL WDN 29th March 2021

21/02191/FUL Erection of link extension between dwelling and annex and alterations to approved scheme for conversion of annex building (part retrospective) PCO

SA/86/1084 Alterations and additions to existing dormer bungalow to provide new porch and utility room with a new first floor extension to provide additional bedrooms and living area. (Amendment to previous approval S86/445/35/82 dated 22 July 1986). PERCON 15th January 1987

SA/82/0105 Alterations and additions of a 2 storey pitched roof side extension to provide new kitchen, dining room, utility, bedrooms with sitting room, bathroom and bedroom/store above. PERCON 6th April 1982

SA/86/0445 Alterations and additions to existing dormer bungalow to provide new porch and utility room with a new first floor extension to provide additional bedrooms and living room. PERCON 22nd July 1986

SA/99/0021 Erection of a single storey extension to provide a porch (retrospective), installation of two dormer windows and erection of a detached double garage. PERCON 11th March 1999

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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)
Councillor Ed Potter

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.

3. Prior to the relevant part of the works commencing samples and/or details of any roofing materials and the materials to be used in the reconstruction and repair 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. Prior to the commencement of the relevant work 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 and each joinery item shall 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 building.

5. A minimum of [1] external woodcrete bat box[es] or integrated bat brick[s], suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 180 of the NPPF.

6. A minimum of [1] artificial nest[s], of external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups) shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF.

7. The roof area of the annexe hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

Reason: To safeguard the character and amenities of the locality.

8. The annex building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling on site known as The Rowans and shall not be sold, let or otherwise disposed of or allowed to be occupied as a separate or independent unit of residential occupation.

Reason: To maintain the historic character of the buildings and to retain control over development in the countryside in accordance with Policy CS5 and SAMDev MD7a.

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. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which

fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

3. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs. If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm. Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife. The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife. Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present. If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

4. Should any additional lighting be required, this should be sensitive to bats and follow the Bat Conservation Trusts guidance.

The latest Bat Conservation Trust guidance on bats and lighting is currently available at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

5. 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: <https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, 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.

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