



Committee and date

South Planning Committee

9 May 2018

Development Management Report

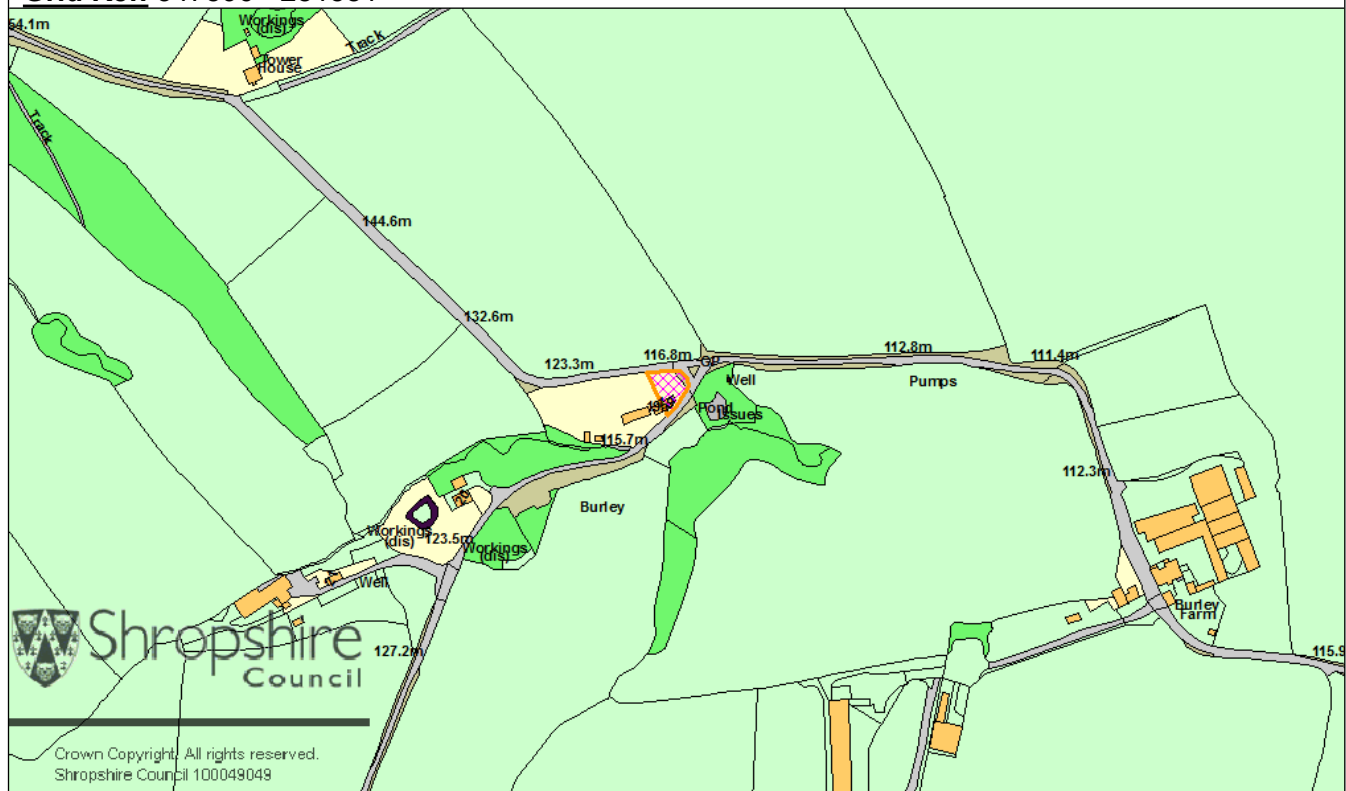
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 18/01366/FUL	Parish: Culmington
Proposal: Erection of a detached double garage with office above.	
Site Address: 19 Burley Craven Arms Shropshire SY7 9LW	
Applicant: Miss Elizabeth Davies	
Case Officer: Emma Bailey	email: planningdmse@shropshire.gov.uk

Grid Ref: 347596 - 281581



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Contact: Tim Rogers (01743) 258773

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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning consent for the construction of a detached double garage with office space above. The dual pitched roof building would have weather boarding to the walls under a plain tile roof. An external stair case would give access to a home office contained within the roof space. The footprint of the building would measure some 6.1 metres by 6.3 metres.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site lies within the open countryside, approximately 3 miles east of the settlement of Craven Arms. It is accessed via a mostly single width lane off of the B4368. The application site is located on a rural junction. It is bounded mostly by hedgerow, which abuts the roadside to the north, east and south. Its access leads directly onto this junction through timber gates to the east. The topography of the land generally sweeps downward from the north to the south, before steadily rising upward. Development here is loosely knit and sporadic. The prevailing wider land use is agricultural, with some nearby clusters of trees.

2.2 The site is not subject to any land designations, nor is the associated dwellinghouse listed. However it is considered to have some historic merit as a non-designated heritage asset.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The applicant works within the planning department of Shropshire Council. This triggers an automatic referral of the application to planning committee.

4.0 Community Representations

- Consultee Comments

4.1 Culmington Parish Council – No Objection:

Culmington Parish Council resolved to support the above application at the Parish Council meeting held last night, Tuesday 3rd April 2018.

4.2 Shropshire Council (Ecology) – No Objection:
Recommend conditions and informatives if minded to approve.

4.3 Shropshire Council (SUDs) – No Objection:
Recommend informatives if minded to approve.

4.4 Shropshire Council (Highways) – No Objection:
Recommend informatives if minded to approve.

4.5 Shropshire Council (Archaeology) – No Objection:
Recommend condition if minded to approve.

Comment that the proposed development site lies adjacent to Burley deserted settlement of medieval date, with evidence of house platforms, substantial hollow ways, property and field boundaries, and medieval ridge and furrow (HER PRN 00963). The proposed development site is therefore deemed to have some archaeological potential. In view of the above, and in accordance with the National Planning Policy Framework (NPPF) and Policy MD13 of the Local Plan, it is recommended that an archaeological inspection of the ground works be made a condition of any planning permission for the proposed development.

4.6 Shropshire Council (Trees) - No objection.

4.7 Shropshire Council (Conservation) - No objection in principle, but would prefer to see the removal of the proposed central rooflight.

Public Comments

4.8 No letters of representation have been received at the time of writing this Report.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Residential amenity
Ecology
Other matters

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 Paragraph 14 of the National Planning Policy Framework builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

6.1.3 The National Planning Policy Framework (NPPF) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.

6.1.4 The principle of the construction of an outbuilding within the curtilage of a domestic dwelling house is acceptable in principle, subject to further material planning considerations.

6.2 Siting, scale and design of structure

- 6.2.1 SAMDev Policy MD2 'Sustainable Design' and Core Strategy Policy CS6 'Sustainable Design and Development Principles' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible to its environment and respecting and enhancing local distinctiveness.
- 6.2.2 Proposals are required to preserve and enhance the amenity value of the wider area to which they relate including the safeguarding of residential and local amenity. This is largely echoed within Policy CS5 'Countryside and Green Belt' of the Core Strategy and MD12 'Natural Environment' of the SAMDev Plan which seeks to protect, maintain and where appropriate enhance the local environment, and Policy CS17 'Environmental Networks' of the Core Strategy.
- 6.2.3 The outbuilding is of a design and scale that is appropriate for its use, remains subservient to the main dwellinghouse, and would not constitute overdevelopment of the wider plot. At present the application site is used as residential garden, elevated from the existing driveway and secured by retaining walls. Confirmation has been received from the applicant that the building would remain at the same level as the existing driveway and retaining walls would be used around the periphery of the development to maintain the elevated levels of the remainder of the garden area.
- 6.2.4 Comments have been received from Shropshire Council's Conservation team identifying the property as a non-designated heritage asset. A request was made for clarification on material choice and that there would be a preference for the central roof light of the development to be removed. Clarification on material choice has been received, however the applicant has pointed out that the insertion of roof lights is permitted development and so this third roof light could be inserted without planning permission in any event.
- 6.2.5 The proposal is therefore acceptable in this regard.

6.3 Residential amenity

- 6.3.1 19 Burley is a semi-detached property, with 19a to the west. These are the only two dwellings in the immediate locality. The development would be sited to the north-eastern corner of the plot, furthest from the neighbouring dwelling. Whilst it is likely that the neighbouring dwelling would have oblique views of the development, it is not considered that the proposal would have a harmful effect by reason of loss of privacy or overbearance
- 6.3.2 The proposal is therefore acceptable in this regard.

6.4 Ecology

- 6.4.1 Core Strategy policies CS6 and CS17 seek to ensure developments do not have an adverse impact upon protected species, and accord with the obligations under national legislation. SAMDev Plan policy MD12 sets out how the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved. A Great Crested Newt Habitat Suitability Index Assessment was carried out on this site. The Council's Ecology Team is content that ecological

interests can be safeguarded satisfactorily by conditions requiring work to be carried out in accordance with the recommendations of that assessment and to control any external lighting associated with the building.

6.4 Other matters

6.4.1 The outbuilding is considered to be acceptable in its form for its proposed use in connection with the main dwellinghouse. Any planning approval would include a condition tying the building to the main dwellinghouse in perpetuity to ensure that it would remain as ancillary in its use.

6.4.2 Should for any reason the use of this building change which would separate it from the dwelling, a separate planning application would need to be submitted to the Council for full consideration. All planning applications submitted to the Council are considered on their own individual merits and would be subject to comments through all relevant consultees and adjoining neighbours.

7.0 CONCLUSION

7.1 Based on the information submitted against the above considerations, the proposal is considered to be acceptable and accords with the principal determining criteria of the relevant development plan policies.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMEv Plan:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
MD2 Sustainable Design
MD12 Natural Environment
MD13 Historic Environment

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)
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Ecology Report

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Cecilia Motley

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. The external facing materials shall be as specified on the application drawings, with the roof tiles matching those of the existing dwelling in profile, colour and texture.

Reason: In the interests of the visual amenities of the area.

4. The garage and home office hereby approved shall be used solely for purposes in connection with 19 Burley, Craven Arms. It shall not be sold or leased separately from that property.

Reason: To define the permission for the avoidance of doubt and to safeguard the planning policies for the area.

5. No development approved by this permission shall commence until the applicant has notified Shropshire Councils Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: The site is known to hold archaeological interest.

6. Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the amphibian RAMMS, as set out in section 6.3 of the Great Crested Newt Habitat Suitability Index Assessment (Teme Ecology, 17/03/18).

Reason: To demonstrate compliance with the amphibian RAMMS.

7. Prior to the erection of any external lighting associated with the building hereby approved, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

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 187.

2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

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

3. 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 and/or scrub removal 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 for active bird nests should be carried out. If vegetation 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. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to the building and begin nesting, work must cease until the young birds have fledged.

Contact: Tim Rogers (01743) 258773

4. 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-for-developers.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.

5. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

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.

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

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