



Committee and date

South Planning Committee

14 July 2015

## Development Management Report

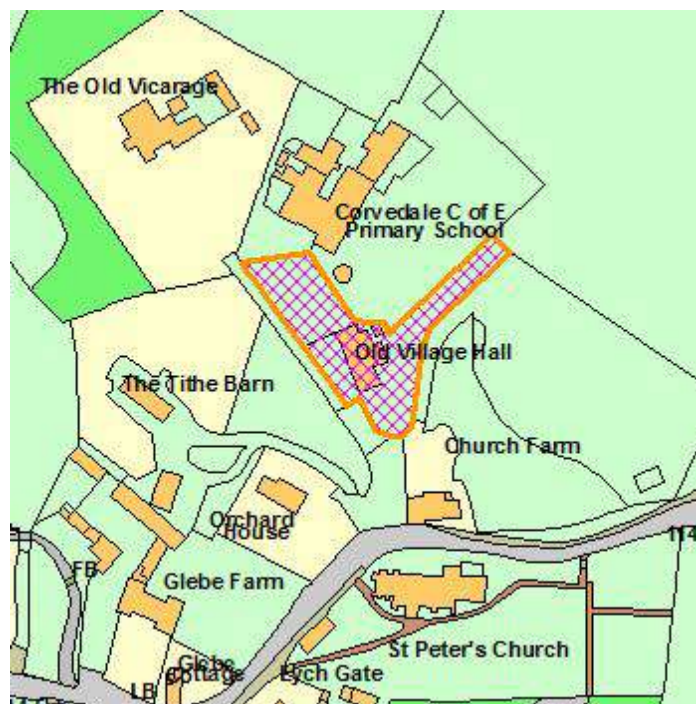
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 15/02047/FUL	<b>Parish:</b>	Diddlebury
<b>Proposal:</b> Erection of extension and alterations to village hall; demolition of previous extensions		
<b>Site Address:</b> Diddlebury Village Hall Diddlebury Craven Arms Shropshire SY7 9DJ		
<b>Applicant:</b> Mr Tony Bennett		
<b>Case Officer:</b> Trystan Williams	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 350820 – 285449



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

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks full planning permission to remodel and enlarge an existing community hall. The scheme includes:

- Raising the eaves to accommodate a new, slightly shallower-pitched aluminium standing seam roof
- Demolishing a previous flat-roofed extension, lean-to and shed to the north side, and erecting in their place a larger extension with catslide roof and central projecting gable
- Re-facing the existing structure with insulated timber cladding
- Installing new, deeper windows with powder-coated steel frames

### 2.0 SITE LOCATION/DESCRIPTION

2.1 Diddlebury Village Hall is set back off the Peaton road within the village conservation area, between Church Farm and Corvedale C of E Primary School. It is a mid-20<sup>th</sup> Century structure with single-skin red brick walls and external piers supporting a lightweight copper roof. Windows have been replaced in UPVC and the largely timber-clad extensions added to the east. The building is surrounded by hardstandings and skirted by public footpaths on either side. Beyond a high hedge to the west are further residential properties whilst to the east are open fields.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted 'Scheme of Delegation' the application must be determined by the planning committee since it is made by a Council officer acting as agent for the applicant.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee comments

4.1.1 Shropshire Council Historic Environment (Conservation) – no objection:  
The upgrading and enhancement of the existing building is supported, and would have a minimal impact on the conservation area. The design and materials are sympathetic to the context, although a condition is recommended to ensure that materials accord with those specified on the application form.

4.1.2 Shropshire Council Historic Environment (Archaeology) – no objection:  
No comments in respect of archaeological matters.

4.1.3 Shropshire Council Flood and Water Management – comment:  
The incorporation of sustainable drainage systems (SuDS) is encouraged.

4.1.4 Shropshire Council Rights of Way – no objection:  
The proposals would not appear to affect the public footpaths running through the site.

4.1.5 Diddlebury Parish Council – support:  
The application is supported strongly and unanimously. It should be processed urgently in order that Lottery funding can be secured.

## 4.2 **Public comments**

4.2.1 None

## 5.0 **THE MAIN ISSUES**

- Principle of development
- Scale, design and impact on historic environment
- Impact on landscape
- Impact on residential amenity
- Other matters

## 6.0 **OFFICER APPRAISAL**

### 6.1 **Principle of development**

6.1.1 The use of the site is well established, and the proposals would improve the quality and flexibility of the existing community facilities. In principle, therefore, the application accords with Part 8 of the National Planning Policy Framework (NPPF), and with those Core Strategy policies concerned with protecting and enhancing rural services.

### 6.2 **Scale, design and impact on historic environment**

6.2.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places on local planning authorities a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. This is reflected by NPPF Part 12 and Core Strategy Policies CS6 and CS17.

6.2.2 In this case the existing hall is dilapidated and of little architectural merit. The proposals follow a quasi-agricultural theme more befitting of the rural context, and although the building's floor space and volume would be increased slightly the use of contrasting materials would differentiate between the original structure and the extension and break up the overall bulk and massing. Presumably the intention is to allow the extensive timber cladding to weather to a natural silver-grey, whilst for the extension a suitable facing brick can be secured by condition (the application form does not in fact provide specific product details). The powder-coated windows and largely glazed eastern gable, meanwhile, would introduce a contemporary twist and are considered acceptable.

6.2.3 Although the building can be seen from the road its position is such that the development would not appear unduly prominent within the street scene. It would be clearly visible at close range from the adjacent footpaths, but on account of the sympathetic design would not detract from the conservation area.

6.2.4 As noted above neither the Conservation nor Archaeology branches of the Council's Historic Environment Team has any objection.

### 6.3 **Impact on landscape**

6.3.1 The modest enlargement and remodelling of this existing building within a village setting would not detract from the generally open character or scenic quality of the wider landscape.

#### 6.4 **Impact on residential amenity**

6.4.1 Given the hall's distance from the neighbouring dwellings and the presence of established vegetation and/or other buildings in-between, the development would cause no demonstrable harm to residents in terms of privacy, natural lighting or outlook.

#### 6.5 **Other matters**

6.5.1 The Drainage Engineer's comments can be relayed to the applicant by way of an informative, as can the importance of the adjacent footpaths remaining unobstructed. Regarding ecology, meanwhile, there is no reasonable likelihood of bats or other protected species being affected given the relative modernity of the existing building and the nature of the immediate surroundings.

### 7.0 **CONCLUSION**

7.1 The proposal would support the continued and enhanced provision of rural facilities, the design is satisfactory, and there would be no significant impacts on the historic environment, landscape character, residential amenity, drainage, rights of way or ecology. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

### 8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

#### 8.1 **Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

### 8.3 **Equalities**

8.3.1 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 if the decision and/or imposition of conditions are 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.

## 10.0 **BACKGROUND**

### **Relevant Planning Policies:**

National Planning Policy Framework:

Part 7: Requiring good design

Part 8: Promoting healthy communities

Part 11: Conserving and enhancing the natural environment

Part 12: Conserving and enhancing the historic environment

Shropshire Local Development Framework:

Core Strategy Policies:

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS8: Facilities, Services and Infrastructure Provision

CS15: Town and Rural Centres

CS17: Environmental Networks

CS18: Sustainable Water Management

### **Relevant Planning History:**

SS/1981/321/P/ – Erection of store shed (permitted June 1981)

09/02812/COU – Change of use of land to provide car parking and turning area for community purposes (permitted November 2009)

**List of Background Papers:**

Application documents available on Council website

**Cabinet Member (Portfolio Holder):**

Cllr M. Price

**Local Member:**

Cllr Cecilia Motley

**Appendices:**

Appendix 1 – Conditions and Informatives

## **APPENDIX 1 – CONDITIONS AND INFORMATIVES**

### **STANDARD CONDITIONS**

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 in strict accordance with the approved plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### **CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES**

3. No development shall commence until samples/precise details of all external materials and finishes have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with approved details and thereafter maintained in the absence of any further specific permission in writing from the local planning authority.

Reason: To safeguard the character and appearance of the Diddlebury Conservation Area, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed in order to ensure a sustainable development.

### **INFORMATIVES**

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 21 of the Town and Country Planning (Development Management Procedure) Order 2010 a fee (currently £97) is payable to the Local Planning Authority for each request to discharge pre-start conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority.

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

2. This planning permission does not authorise the obstruction, realignment, reduction in width, resurfacing or other alteration of any public right of way, temporarily or otherwise. Before carrying out any such operation you should consult Shropshire Council's Outdoor Recreation Team and obtain any closure order or further consents which may be required.

3. In order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the incorporation of sustainable drainage systems (SuDS) such as soakaways designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.
4. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.