

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Monday, 22 June 2020

Committee:
Southern Planning Committee

Date: Tuesday, 30 June 2020

Time: 2.00 pm

Venue: THIS IS A VIRTUAL MEETING

Members of the public will be able to listen to this meeting by clicking on this link: [Click this link to view the meeting](#)

Please note that this meeting will be made available through Microsoft Teams Live Events - your device will need to meet the minimum specification as detailed on the Microsoft website at this link: [Device Specification](#)

- You will need to download MS Teams (free) and click on the link to listen to the meeting if you are using a PC
- If using a mobile device, you will need to download the MS Teams app (free) before clicking the link
- Use the link at 2.00 pm on the day of the meeting and click on 'Join as Guest'
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The Council's procedure for holding Virtual Planning Committees can be found by clicking on this link: <https://www.shropshire.gov.uk/planning/applications/planning-committees/>

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Director of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

David Evans (Chairman)
David Turner (Vice-Chair)
Andy Boddington
Simon Harris
Nick Hignett
Richard Huffer
Cecilia Motley
Tony Parsons
Madge Shingleton
Robert Tindall
Tina Woodward

Substitute Members of the Committee

Roger Evans
Nigel Hartin
Christian Lea
Elliott Lynch
Dan Morris
Kevin Pardy
William Parr
Kevin Turley
Claire Wild
Leslie Winwood
Michael Wood

Your Committee Officer is:

Tim Ward Committee Officer
Tel: 01743 257713
Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the minutes of the South Planning Committee meeting held on 2 June 2020

Contact Tim Ward (01743) 257713.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 2.00 pm on Friday 26 June 2020

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 1 Weir Road Hanwood Shrewsbury SY5 8JZ (20/01341/FUL) (Pages 5 - 18)

Demolition of garage outbuilding and erection of a single dwelling with new access and parking area (revised description)

6 28 High Street Cleobury Mortimer DY14 8DQ (20/01496/FUL) (Pages 19 - 28)

Change of use of from retail to residential together with minor internal alterations

7 28 High Street Cleobury Mortimer DY14 8DQ (20/01497/LBC) (Pages 29 - 34)

Change of use of from retail to residential together with minor internal alterations affecting a Grade II Listed Building

8 Pool Orchard Donkey Lane Ashford Carbonell SY8 4DA (20/01782/FUL) (Pages 35 - 42)

Erection of single storey rear extension with lantern roof light, replacement of existing entrance door with window, installation of new entrance door and porch canopy and associated works

9 Schedule of Appeals and Appeal Decisions (Pages 43 - 58)

10 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday 28 July 2020

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Committee and Date

Southern Planning Committee

30 June 2020

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 2 June 2020

2.00 - 3.15 pm

Virtual meeting held via MS Teams Live

Responsible Officer: Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

Councillors David Evans (Chairman), David Turner (Vice-Chair), Andy Boddington, Richard Huffer, Cecilia Motley, Tony Parsons, Madge Shineton, Robert Tindall, Tina Woodward and Michael Wood (Substitute) (substitute for Nick Hignett)

102 Apologies for Absence

Apologies for absence were received from Councillors Simon Harris and Nick Hignett

Councillor Michael Wood substituted for Councillor Hignett

103 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 10 March 2020 be approved as a correct record and signed by the Chairman.

104 Public Question Time

There were no public questions

105 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

Councillor Robert Tindall informed the meeting that his wife had previously worked at The Old Vicarage. He confirmed that he had not discussed the application.

106 Old Vicarage Centre The Bull Ring Stottesdon Kidderminster Shropshire DY14 8UH (19/05255/FUL)

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Madge Shingleton, local Ward Councillor, having submitted a statement, took no part in the debate and did not vote on this item

The Area Planning Manager introduced the application for the change of use from a mixed residential, commercial, training and hostel use to a mixed care home and education use (Use Class C2 / D1) and associated works and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Area Planning Manager drew Members attention to the information contained in the list of late representations, emails circulated directly to Members of the Committee by members of the public, submissions made by 3 local residents to Philip Dunne MP, and an email from the agent for the applicant.

In accordance with virtual meeting speaking protocol the Solicitor read the Public Speaker statements from:

- Dyanne Humphreys, on behalf of local residents in objection to the proposal.
- Anthony Eddis Davies in support of the proposal
- Councillor David Young, on behalf of Stottesdon and Sidbury Parish Council in objection to the proposal.
- Councillor Madge Shingleton, the local ward Councillor, in support of the proposal.
- Nick Pleasant on behalf of the applicant, Compass Group in support of the proposal.

During the ensuing debate Members comments included: -

- Fear of crime and antisocial behaviour were not supported by the relevant authorities.
- Use of the Centre would be overseen by the Council and Ofsted

Having considered the submitted plans and noted the comments made by all of the speakers, Members unanimously expressed their support for the Officer's recommendation

RESOLVED:

That, as per the Officer’s recommendation, planning permission be granted, subject to the conditions as set out in Appendix 1 to the report

107 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 2 June 2020 be noted.

108 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 30 June 2020

Signed (Chairman)

Date:

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<u>Committee and date</u>
Southern Planning Committee
30 June 2020

Development Management Report

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

Summary of Application

Application Number: 20/01341/FUL	Parish:	Great Hanwood
Proposal: Demolition of garage outbuilding and erection of a single dwelling with new access and parking area (revised description)		
Site Address: 1 Weir Road Hanwood Shrewsbury SY5 8JZ		
Applicant: CSE (Shropshire) Ltd		
Case Officer: Alison Tichford	email: planning.southern@shropshire.gov.uk	

Grid Ref: 343971 - 309425

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

REPORT

.0	THE PROPOSAL
1.1	The proposed works comprise the demolition of a single storey flat roofed garage outbuilding and its replacement with a single dwelling with 2 parking spaces .
1.2	Revised plans have been received during the course of the application which have removed proposed dormers to the rear roof of the new dwelling together with further design alterations and which have amended parking provision.
2.0	SITE LOCATION/DESCRIPTION
2.1	The dwelling is proposed to a plot of land adjacent 1 Weir Road in Hanwood, an existing terraced property. There is an existing single storey building on the plot, which is to be demolished to enable the new dwelling.
2.2	The plot is sited on the corner of Weir Road, an unclassified residential no through road and Orchard Lane, a public bridleway with no apparent vehicular rights of way over it, although it currently serves as the access route to appx. 26 individual properties along its length. The proposed site has an existing access from Orchard Lane through double wooden gates facing onto the lane.
2.3	Opposite on the other side of Weir Road there is a busy pull in parking area in front of the local post office/shop in Hanwood, with drivers arriving from both directions off the A488 adjacent. Opposite, on the other side of Orchard Lane, there is a car sales garage with forecourt area, and access onto both Orchard Lane and the A488.
2.4	The proposed new access and parking area off Orchard Lane will require the demolition of an existing wall and shrub boundary and will lie opposite a fenced off hardstanding area belonging to the car sales garage/residential property Orlancia.
2.5	1 Weir Road is positioned at the westerly end of a row of five historic brick cottages shown on 1st Edition OS and subsequent historic mapping as Weir Cottages. This mapping also indicates a linear row of buildings running along Orchard Lane in the position of the flat roof brick garage and beyond, and by the 2nd Edition (1902) OS map this row along Orchard Lane is denoted as comprising a Smithy. The occupants of these cottages have no dedicated parking area and use on street parking outside the cottages if available.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The Parish Council has objected to the application on material planning grounds and the Local Member has requested the application be taken to Committee. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer consider that the material planning considerations in this case require consideration by Planning Committee as set out in Part 8 of the Shropshire Council Constitution.
4.0	COMMUNITY REPRESENTATIONS
4.1	Consultee Response
4.1.1	SC Flood and Water Management have no objection and have provided informative advice.
4.1.2	SC Affordable Homes confirmed that there is no affordable housing obligation associated with the proposal.
4.1.3	SC Conservation made initial comments indicating that Weir Cottages might represent non-designated heritage assets where paragraph 197 and local plan policy MD13 are relevant. They requested further information, including a photographic record, with regard to the existing building to understand its evolution from the former Smithy and other history relevant to the site, although acknowledging that it had likely been modified

	<p>already to some extent.</p> <p>They noted that the site is visually prominent within the highway street scene. and indicated that any approved new dwelling here should be of a height and scale so as not to dominate this corner or the modest historic row of cottages adjacent to it.</p> <p>Consultees accepted that the new dwelling would be set back from the existing row and positioned on the footprint of the existing garage/former Smithy, but noted that it appeared to be taller than the adjacent cottages. They recommended that the proposed rooflights to the front roof slope be removed to improve the dwellings appearance in line with the roofscapes of the existing adjacent cottages, and that consideration of additional details which reflect those of the cottages such as a chimney feature and matching window sizes would add some interest to the proposed dwelling.</p> <p>Following the provision of further information with regard to the existing building, consultees agreed that the building had been heavily modified and raised no objection on heritage grounds to its demolition or in principle to the development of a new dwelling subject to considerations of design as raised previously.</p> <p>Following the receipt of revised plans which removed the dormer windows, included a chimney and made alterations to glazing consultees confirmed to officers that they had no objection to the proposed works subject to conditions with regard to materials, joinery, and boundary treatments.</p>
<p>4.1.4</p>	<p>SC Highways made initial comments confirming that there is a busy junction with a garage, car sales forecourt and a local convenience store all in close proximity to the property. They advised that properties along Weir Road generally have no parking provision and parking along the road is at a premium and that Orchard Lane is a private road with a bridleway running along it.</p> <p>Consultees requested further information with regard to existing and proposed parking provision for the new dwelling.</p> <p>Following the provision of this information, highways consultees have confirmed that as: “Orchard Lane serves a number of dwellings and there has been approval of similar development in recent years, it is considered that an objection to the proposed development, on highway safety grounds would not be appropriate. The applicant would need to ensure that any building on the corner of Weir Road and Orchard Lane does not encroach onto the public highway or any open space.” Consultees also provided proposed conditions with regard to completion of parking provision and the supply and implementation of a construction management plan.</p>
<p>4.1.5</p>	<p>SC Rights of Way consultees provided confirmation that the application proposes access over a route that is recorded as a public bridleway and which does not appear to carry general public vehicular rights and strongly advised that the applicant should satisfy themselves that they can demonstrate a sufficient vehicular right of access. They confirmed that the right of way must remain open and available at all times and that the public must be allowed to use the way without hindrance both during development and afterwards.</p>
<p>4.2</p>	<p>Public Response</p>
<p>4.2.1</p>	<p>A site notice has been posted and 10 neighbouring properties have been advised as regards the proposal and 9 comments have been received as a result of this publicity raising concerns as follows:</p> <p style="padding-left: 40px;">Highway safety – the parking allocation should be further down Orchard Lane, preferably within the site boundary, to minimise difficulties on Weir Lane and the Orchard Lane junction where the existing shop and car sales garage create</p>

	<p>significant parking difficulties. Refuse trucks and emergency vehicles have no room for u turns or passing on Orchard Lane</p> <p>The height of the building will be too dominant in the street scene</p> <p>Building line of existing properties should be considered</p> <p>Lack of notification of proposal</p> <p>Difficulties with traffic during construction – how will construction be organised so as not to worsen existing traffic difficulties?</p> <p>Potential damage to unadopted Orchard Lane from construction process and vehicles</p> <p>The three storey design with the higher roof elevation for the proposed dwelling appears out of character alongside the long established adjacent properties in Weir Road</p> <p>Destruction of hedge full of wildlife</p> <p>Velux style windows to front roof not in keeping with adjacent cottages</p> <p>One comment of support has been received indicating approval for the replacement of the existing “eyesore” and reporting that the site has been accessed from Orchard Lane over a 55 year time period, with detail provided.</p>
<p>4.2.2</p>	<p>Great Hanwood PC have commented on the original and revised plans and object to the proposal. They raise concern with regard to:</p> <p>The exacerbation of existing highway safety problems at this 5 way junction of multiple roads and accesses, and with regard to the car sales business opposite, by the increased traffic from the additional dwelling proposed. There will be an increased danger to pedestrians from increased traffic and parking at the junction where there is already a history of accidents at the nearby crossing and where HGV vehicles often have to turn before reaching the low bridge a little further on</p> <p>Lack of recognition in the design information of the fact that Orchard Lane is a Bridleway/Cartway and unadopted.</p> <p>Parking provision for the dwelling where there is already significant on street parking for the adjacent cottage</p> <p>The 3 storey design and velux rooflights to the front elevation which they consider is inappropriate to the historical context of Weir Cottages.</p> <p>The SAMDev target for Hanwood has already been achieved such that there is no need for the dwelling.</p> <p>Lack of consultation with the Parish Council prior to application.</p> <p>No local recollection of Orchard Lane being used to access the garage building contrary to the applicant’s statement.</p> <p>They further comment on the removal of an existing boundary hedge on Orchard Lane, an existing Power Cable on a pole on the boundary and also existing overhead BT Lines</p>

	on a pole.
4.2.3	The Local Member has objected to the proposal, endorsing all the Parish Council’s concerns and adding further information with regard to discussions with highway officers over the last few years for improvements to highway safety in Hanwood. He also notes that the dwelling will appear squeezed into a restricted space which will dominate this historic part of the road and reiterates that SAMDev proposed dwelling numbers have been substantially exceeded.
5.0	THE MAIN ISSUES
5.1	Principle of development Design and Scale Residential Amenity Highways Impact Construction Impact Rights of Way 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 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision taking is therefore the development plan. Proposals that accord with an up-to-date plan should be approved, whilst proposals that conflict with the plan should be refused, unless other material considerations indicate otherwise.
6.1.2	The adopted development plan for Shropshire is the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan. The Council is satisfied that it is able to demonstrate a deliverable 5 year housing land supply to meet the housing need through the sites identified within the SAMDev Plan. Consequently the Council’s policies on the amount and location of residential development should be regarded as up-to-date
6.1.3	Shropshire Council’s SAMDev Plan MD1 and Settlement Policies S1 through S18 clearly indicate those locations considered sustainable and capable of supplying additional housing throughout the plan period. Hanwood and Hanwood bank together form a Community Cluster under SAMDev Policy MD1 and S16.2(x) with a guideline of around 30 dwellings over the plan period to 2026 which has already been substantially exceeded. There have been 46 completions, and there are 39 sites with planning permission. (SC Five year Housing Land Supply Statement, data to 31/03/2019 plus review of permissions since March 2019). New housing is to be achieved by allocated site and the remainder by infill, groups of houses and conversions.
6.1.4	Pre application advice provided in January 2020 indicated that there might be sufficient scope for another single dwelling, in view of the benefit in demolishing the outbuilding on site, while discouraging an application for a further 2 dwellings in the rear garden space.
6.1.5	SAMDev Policy MD3 para 2. states that: The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to: i. The increase in number of dwellings relative to the guideline; and ii. The likelihood of delivery of the outstanding permissions; and iii. The benefits arising from the development; and

	<p>iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and</p> <p>v. The presumption in favour of sustainable development.</p> <p>and these considerations are further discussed below.</p>
6.1.6	The current application proposes one additional dwelling within the development boundary for Hanwood on the site of an existing outbuilding and adjacent other built development in an infill location.
6.1.7	The proposed new dwelling meets national space standards but remains small in size and will likely be priced at the more affordable end of the market with the potential to offer a reasonably priced home.
6.1.8	The proposed works will replace an existing rather unattractive rectangular block building of limited use currently with a well-designed new home which reflects design features and materials of the terraced cottages adjacent, and which will mark a more attractive gateway to both Weir Road and Orchard Lane.
6.1.9	An overhead electricity cable is to be replaced with underground cables in order to facilitate the development and this will contribute to an improvement in the street scene and possibly a more secure supply to local properties.
6.1.10	The boundary treatment to Orchard Lane will be improved in appearance and safety with a new access further away from the junction of Orchard Lane with Weir lane
6.1.11	There will be some limited additional vehicular traffic associated with the proposed small dwelling.
6.1.12	The number of dwellings permitted in Hanwood is in excess of the guideline following local support for two large developments at either end of the village. It seems unlikely that the addition of one further site within the village would make a substantial difference to the cumulative impact of this excess, particularly where the proposed dwelling replaces an existing building.
6.1.13	Hanwood is an extensive village with a good range of services, including a general store, a public house, public transport connections, a church, and a primary school, and the proposed site is in a highly sustainable location in the centre of the village. A single new dwelling in this location will be generally positive/neutral with regard to considerations of economic, social and environmental sustainability.
6.1.14	Matters of design, highways impact, construction management, and amenity etc will be considered further below.
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.
6.2.2	The proposed works include the demolition of the existing single storey flat roofed building on site. Conservation consultees are satisfied following the provision of further information that even if this building may have had some historical interest, perhaps as a smithy as indicated on mapping, it has previously been extensively modified over its history and that its demolition will have no significant heritage impact.
6.2.3	A new 2 storey detached dwelling with attic space will be erected in its place. The dwelling will have a slightly larger footprint than the existing building, and a slightly higher roof than the terraced cottages to the east in order to create a modern standard of space within the dwelling.
6.2.4	Concerns have been raised with regard to the height of the proposed dwelling, the building line, the lack of space available to the dwelling and the proposed dwelling’s

	relationship with the terrace to the east known as Weir Cottages.
6.2.5	The new dwelling will be set back to the south behind the existing terraced cottages to the east, on the same footprint as the existing building, and ensuring that the highways land to the front remains clear. This set back will reduce any impact of the slightly increased roof height to the dwelling which will be viewed from the north in the context of a large detached house, 1 Wood House, to the rear and will be screened to a considerable extent in approaches from the south by the built structure over Hanwood Garage forecourt area.
6.2.6	Officers and conservation consultees did have some initial concerns with regard to the appearance of the proposed dwelling as originally proposed and requested further consideration of the design.
6.2.7	The applicant has clarified that the proposed dwelling is set back 1.3m from the cottages to the east, but only has an increased roof height of 55cm, while the eaves height and roof pitch match those of the cottages in order to ensure the new dwelling reads consistently with the existing properties.
6.2.8	In response to officers' request for revisions the applicant has removed the rather dominant dormer windows originally proposed to the rear and replaced them with simple velux rooflights, and has also removed the rooflights to the front elevation to promote a better match with the existing terraced cottages. Further revisions provided in order to achieve a greater consistency in design with the existing terrace include a chimney feature, a reduction in the size of the windows, brick headers above the windows, and a matching door design. It will be appropriate to include conditions with any grant of planning permission to ensure control is retained over these features by requiring further detail as to joinery and materials, and removing some permitted development rights.
6.2.9	Conservation consultees have confirmed in discussions with officers that they have no objection to the proposed dwelling following these revisions, commenting on the reduction in bulk and appreciating the positive response from the applicants to suggested improvements.
6.2.10	The property will have gross internal area of appx 108sq.m and satisfies national space standards for a 3 bedroom 6 person property. One of the bedrooms is rather small for a double bedroom but is fine as a single room, and the loft room may prove inconvenient for use as a double bedroom with limited ceiling height, but will still provide useable space. Outdoor amenity space is small, but not unusually so in relation to other nearby properties and there is room for amenity, outdoor clothes drying, bin storage and parking. It is envisaged that the property could be ideally suited for a 4 person family.
6.2.11	While the dwelling is slightly larger and taller than the cottages to the east, it is set back from them such that it will not dominate in views from the north, and picks up design features such that it will have a consistency in appearance. The space provided is appropriate to a smaller more affordable dwelling and can meet national space standards. There are a mix of buildings around the site, but the proposed dwelling responds appropriately to the positive elements of the local character and on balance officers consider that the design and scale of the dwelling is appropriate to the site and local built environment.
6.3	Impact on Residential Amenity
6.3.1	Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
6.3.2	The proposed new dwelling will extend southwards of the rear wall to no. 1 Weir Road, and will have some impact on the outlook from the first and ground floor windows on the west side of no. 1. However, the first storey window is small and obscure glazed serving a bathroom and the ground floor window would be in any case impacted by the existing building, while outlook to and light from the east will not be affected. Similarly the rear amenity area directly adjacent the rear of no. 1 will likely be shadowed in the late afternoon/evening, but there will be plenty of light to the remainder of the garden and from the east again earlier in the day. On balance, the impact on the amenity of occupiers of no. 1 will not be significantly different from the existing situation. No increase in noise

	disturbance is anticipated.
6.3.3	There is an existing close relationship between properties here and having regard to the proposed orientation and distance away from neighbouring properties the proposed windows to the new dwelling will not result in any significant additional detrimental impact from overlooking or loss of privacy.
6.3.4	The proposed dwelling is to be provided with 2 off road parking spaces which is sufficient in this location. Bins storage will also lie within this area.
6.4	Highways Impact
6.4.1	Members of the public, the Parish Council and the Local Member have raised concerns with regard to:highway safety at the junction of roads adjacent to the site as well as parking provision for the new dwelling
6.4.2	This application proposes one additional dwelling on the site of an existing building used previously as an outbuilding/garage. Following concerns raised about parking provision, the applicant has provided revised plans which, indicate 2 off road parking spaces for the new dwelling to the rear of the property and accessed from Orchard Lane. The existing access is indicated to be walled instead, and a condition will be included with any grant of planning permission for further detail on boundary treatments to be submitted. No 1 Weir Road will continue to use “first come first served” parking to the front of the terrace on Weir Road.
6.4.3	Highways consultees have no objection following the receipt of the revised plans making provision for the 2 off road parking spaces. Consultees recommended conditions and it will be appropriate to include these on any grant of planning permission to ensure the provision of parking areas before occupation and the provision and implementation of a construction management plan.
6.4.4	There is existing built structure on the site and the new dwelling only slightly increases the existing footprint. There have been traffic movements to the existing building in the past, and traffic movements to the new dwelling should not be significantly increased or unduly exacerbate the existing situation at this junction
6.4.5	The revised plans received have responded to local concerns about parking and the provision of two off road parking spaces will ensure existing difficulties with parking for residents without dedicated parking areas are not increased.
6.5	Construction Impact
6.5.1	Members of the public also raised concerns with regard to the impact of construction on the use and physical quality of Orchard Lane.
6.5.2	Any construction project will have a temporary impact on the surrounding area and a condition requiring the production and implementation of a construction management plan as requested by highways consultees should ensure the impact of works on this junction of roads and on the traffic flow on the local highways, is kept to a minimum. A condition on construction times would also assist in mitigating the temporary impact on amenity.
6.4.2	There is no evidence or grounds to suggest that Orchard Lane will suffer any significant damage during construction, and there have been other recent construction projects in plots along the lane.
6.5	SC Rights of Way
6.5.1	Concern has been raised that the property is accessed by vehicles from Orchard Lane which is unadopted and serves as a bridleway.
6.5.2	Consultees noted that there are no public vehicular rights over Orchard Lane and strongly advised the applicant to ascertain their rights to use Orchard Lane. They also confirmed that the public right of way must remain open and available at all times and informative advice as to this requirement can be provided with any grant of planning permission.
6.5.3	There has been considerable development on Orchard Lane, with 26 properties along its length. The existing building appears to have been accessed from Orchard Lane for over 50 years, although it is noted that this is in dispute.

6.5.4	It will be for the applicant to assure himself with regard to their rights of access which is a matter of civil law and is not determinative of a planning application.
6.5.5	In order to avoid any undue impact on the bridleway or surrounding dwellings it will be appropriate to condition the provision and implementation of a construction management plan as described above, as well as the provision of off road parking as indicated on the approved plans prior to occupation.
6.6	Other Matters
6.6.1	An early concern was raised with regard to publicity for the proposed works. Neighbours were notified later than normal as a result of the Covid 19 situation, and a site notice was replaced following the apparent removal of the first notice, such that there has been an extended period of consultation on this application, as evidenced by the public response.
6.6.2	A concern was raised that the applicant did not seek pre-application discussions with the Parish Council but there is no requirement for developers to do so, and the applicant has indicated his willingness to discuss plans during the current application.
6.6.3	The Parish Council commented on existing power and telephone lines on site. The applicant has confirmed that he has arranged for the overhead power cable to be replaced with an underground cable at his own expense, and the telephone cable should not be impacted.
6.6.4	A concern was raised with regard to removal of hedgerow, but in fact the application site is bounded by a wall with ivy atop which is in need of repair, and no hedgerow will be affected by the works.
7.0	CONCLUSION
7.1	<p>It is considered that this proposal is compliant with the Council’s adopted policies (CS4, CS6, CS17 MD1, MD2 MD3, MD13 and S16) as the site is in a sustainable location within the development boundary of one of Shropshire's Community Clusters. While targets for housing have been achieved in Hanwood, the benefits of this additional single new open market dwelling outweigh any impact, the dwelling is laid out and designed to an appropriately high quality, and works can be undertaken without detrimental impact on the character or context of the area, the amenities of neighbouring residents, or on highway safety.</p> <p>Recommend permission is granted, subject to conditions.</p>
8.0	RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <p>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.</p> <p>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.</p>

	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
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
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:
 CS4 - Community Hubs and Community Clusters
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD13 - Historic Environment
 Settlement: S16 - Shrewsbury

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=Q7X3JATDLRN00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access Statement
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
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. No construction (and/or demolition) works or associated deliveries shall take place outside the hours of 07.30am to 6.00pm Mondays to Fridays; 08.00am to 1.00pm Saturdays, nor at any time on Sundays, Bank and Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 wheel washing facilities
 measures to control the emission of dust and dirt during construction
 a scheme for recycling/disposing of waste resulting from demolition and construction works
 a Traffic Management Plan
 operating times for construction works
 Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

5. 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.

6. Prior to the relevant part of the works commencing details of the materials and form of the heads and sills to new openings in the external wall(s) of the building(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the good appearance of the development within its historic context

7. 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, 1:20 sections and 1:20 elevations of each joinery item which shall then 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 ensure the good appearance of the new dwelling within its historic context.

8. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

9. Notwithstanding the approved plans full details of proposed boundary treatments shall be submitted to and approved in writing by the local planning authority prior to the relevant part of the works commencing and before the first occupation of the dwelling. Boundary treatments shall be carried out in full compliance with the approved details and maintained throughout the lifetime of the development.

Reason: To ensure the provision of boundary treatments appropriate to this location and the local non designated heritage assets and to contribute to the local visual amenity.

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

10. Notwithstanding the approved plans or 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), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- o Extensions;
- o Additions or alterations to the roof, including dormer windows and rooflights other than the three rooflights indicated on approved plan PL-005 B;
- o Erection of porches;
- o Insertion of any new or enlarged window or door openings;
- o Chimneys and Flues;
- o Free standing buildings within the curtilage;

Reason: To maintain the scale, appearance and character of the development and to protect the residential amenity of neighbouring properties

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 attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

3. The development hereby approved may result in vehicles being driven across or along a Public Right of Way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads. Where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact the Outdoor Recreation Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

4. The proposed works seem likely to fall within the scope of the Party Wall Act 1996. Further information is available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf

5. 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 undertake 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.

6. 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.

7. The application proposes access over a route that is recorded as a public bridleway and does not appear to carry public vehicular rights. The applicant is very strongly advised to satisfy themselves that they can demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of planning permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles. It is a road traffic offence to drive a motor vehicle on a bridleway without lawful authority and a property that is not able to demonstrate a lawful right of access with vehicles may be unsaleable.

8. The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.

Building materials, debris, etc must not be stored or deposited on the right of way.

There must be no reduction of the width of the right of way.

The alignment of the right of way must not be altered.

The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

9. 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.

10. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

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Committee and date

Southern Planning Committee

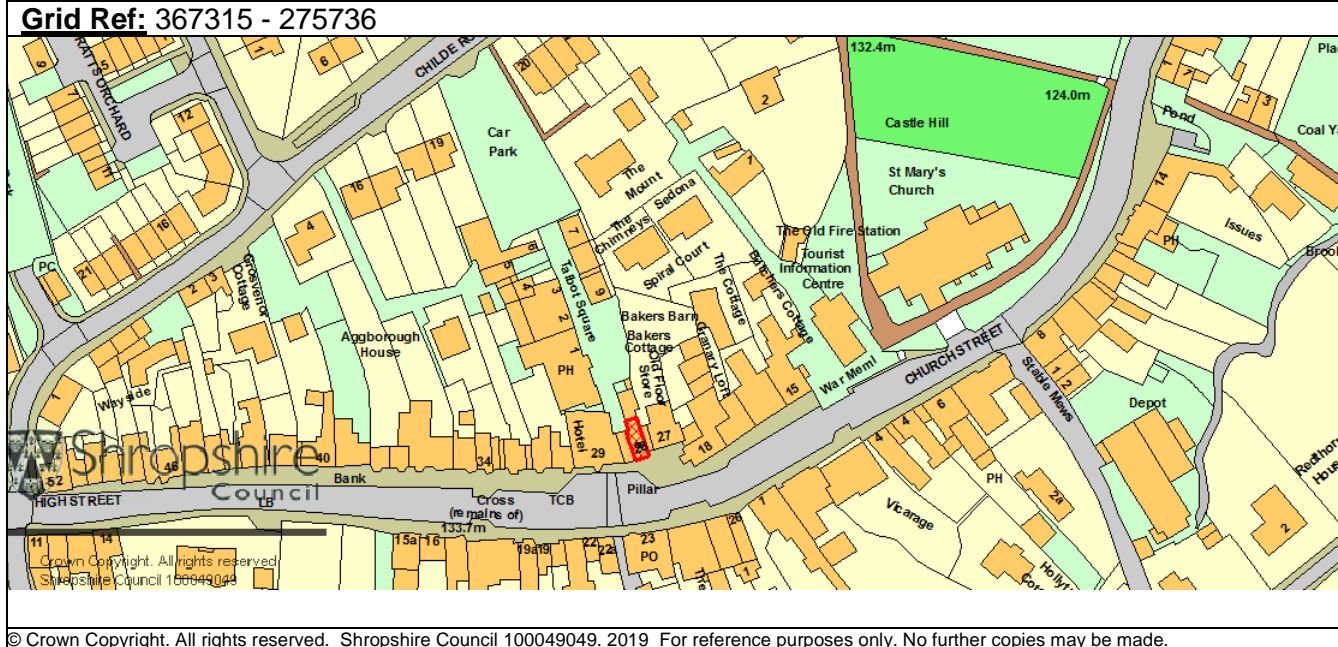
30 June 2020

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> 20/01496/FUL	<u>Parish:</u>	Cleobury Mortimer Town Council
<u>Proposal:</u> Change of use of from retail to residential together with minor internal alterations		
<u>Site Address:</u> 28 High Street Cleobury Mortimer DY14 8DQ		
<u>Applicant:</u> Mr G Butler		
<u>Case Officer:</u> Heather Owen	<u>email:</u> planning.southern@shropshire.gov.uk	



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 for the change of use of the ground floor from retail to a one bed residential apartment.
- 1.2 No external alterations are proposed. Internal alterations are proposed to enable the formation of a bathroom and bedroom.
- 1.3 An application seeking listed building consent for the physical works to the building has also been submitted and is also on the agenda for consideration by Planning Committee Members – 20/01497/LBC.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 28 High Street is a grade II listed building of two storeys currently comprising of a vacant retail space at ground floor with residential accommodation above. The building is of red brick construction with a traditional shop front with central entrance door.
- 2.2 The building sits centrally within the town of Cleobury Mortimer on the north side of the High Street which runs through the centre of the town. The property adjoins an existing residential unit on the east side. On the west side at first floor the property adjoins the Talbot Hotel Public House, at ground floor the public house is separated from the application site by a pedestrian access which leads to a public car park at the rear. To the rear of the site lies a converted outbuilding which forms a one bedroom residential unit.
- 2.3 The site is within the conservation area for Cleobury Mortimer.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application requires determination by planning committee as the application is made by and relates to the property of an elected member of Shropshire Council.

4.0 Community Representations

- 4.1 Consultee Comments
 - 4.1.1 Cleobury Mortimer Town Council: No objection.
 - 4.1.2 SUDS: No comment from the drainage and flood risk perspective, regarding this proposal as there are no proposed changes to the footprint of the building.
 - 4.1.3 SC Highways: No objection.
 - 4.1.4 SC Historic Environment (Archaeology): No comments to make on this application with respect to archaeological matters.
 - 4.1.5 SC Historic Environment (Conservation): No objection – The internal alterations

would be predominantly reversible. The change of use would preserve the fabric and character of the listed building and character of the conservation area.

4.1.6 SC Affordable Housing: No objection. There are no affordable housing obligations associated with this proposal.

4.1.7 SC Regulatory Services: No comment.

4.2 Public Comments

4.2.1 This application has been advertised for 21 days via site and press notice and directly in writing to 11 properties.

No response has been received.

5.0 THE MAIN ISSUES

Principle of development
Scale and design of structure
Character and appearance of Conservation Area
Highway Safety – Parking

Note: The impact on the special architectural interest and historic character of the listed building is considered within the officer report associated with listed building application 20/01497/LBC.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 A key objective of both national and local planning policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. Specifically, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within Market Towns, other 'Key Centres' and certain named villages ('Community Hubs and Clusters') as identified in the Council's SAMDev Plan.

6.1.2 The application site is within Cleobury Mortimer which is identified in policy CS3 as one of Shropshire's sustainable settlements suitable for development. SAMDev Plan settlement policy S6 sets out the expected housing development for Cleobury Mortimer. The policy requires new housing development to be delivered through the allocated sites alongside additional infill and windfall development within the towns development boundary as delineated on the SAMDev S6 Insert Map 1. The application site falls well within the development boundary, however it also highlights that the application site is with the identified town centre.

6.1.3 It is acknowledged that the change of use in this case would result in the loss of a retail unit. The important contribution of facilities and services to social and economic vitality is recognised at a local level in Policy CS1: *Strategic Approach* where it is acknowledged that intangible assets such as social fabric do contribute

to the sustainability of a community. Additionally Policy CS8: *Facilities, Services and Infrastructure Provision*, recognises that facilities, services and infrastructure have a direct effect on the quality of life of Shropshire's residents and includes shops.

6.1.4 SAMDev policy MD10a identifies Cleobury Mortimer's town centre as a category 'A' centre where there is a presumption in favour of proposals for 'main town centre uses' within the defined town centre. 'Main town centre uses' are defined within Annex 2 of the National Planning Policy Framework and includes leisure, offices, entertainment facilities such as cinemas and restaurants, and cultural and tourism development, as well as retail. Residential uses do not fall within the definition of a main town centre use, however policy MD10a goes on to states that for category 'A' centres proposals for non-town centre uses within the town centre are accepted where they would not undermine the vitality and viability of the town centre.

6.1.5 The ground floor unit has an internal floorspace of around 44sqm, which is divided into the retail unit, a storage area and W.C. for staff. For a retail unit this space is considered to be relatively small scale. Further internal layout of the listed structure and the lack of space around the building makes the unit fairly restrictive for any potential major alterations to increase the size of the unit. These factors limit retail options as well as other alternative town centre uses. The applicant's agent advises that the property has been marketed with local estates agents and via the national sales websites since November 2019 when the last tenant vacated. No offers or interest have been registered.

6.1.6 The Council also acknowledges that there is an acute need for small accommodation, particularly for young people. In addition the scheme would secure the immediate conservation of a listed building. When all these factors are weighed into the planning balance it is considered in this instance these benefits would outweigh the loss of this retail unit and the vitality and viability of the town centre would not be significantly undermined to justify refusal of the application.

6.2 **Scale and design of structure, visual impact, character and appearance of the conservation area**

6.2.1 In terms of scale the proposed residential unit would provide a one bedroomed property of approximately 44sqm in size which is of sufficient size recommended under the Department for Communities and Local Government document 'Technical Housing Standards – nationally described space standard', March 2015.

6.2.2 The scheme seeks no external alterations, retaining the shop windows and entrance as such the change of use would have little impact on the external appearance of the existing property. In this instance it is concluded that the impact on the character and appearance of this part of the Conservation Area would be minor and accords with policy CS17 and MD13 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which seeks to preserve or enhance the character and appearance of a Conservation Area.

6.3 **Highway Safety - Parking**

6.3.1 The scheme does not provide for parking and there is no land with the property

which is accessible to a vehicle for parking to be provided. Shropshire Council has no set local parking standards for residential and non-residential development. At paragraph 3.15 of the SAMDev Plan, which is part of the explanation to policy MD2 (Sustainable Design), it states that developments must be designed so as to not result in an unacceptable adverse impact on local infrastructure, and gives as an example that adequate on-site parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and thereby negatively impact on the local road network. In determining whether a developments level of parking is suitable the Local Planning Authority takes into account factors set out in the NPPF, including consideration of the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport.

6.3.2 The site is within a town centre location and due to the historic origins of the town there is an existing mix of commercial and residential units along this main road which have no availability to private off street parking. The majority of existing properties therefore rely on available on street parking and the existing town car parks. There is therefore pressure on this part of the town's infrastructure with both residents, visitors and workers in the town centre all vying for parking spaces. A balanced assessment has to be made as to whether the addition of one, one bedroom flat would realistically result in detrimental harm to existing infrastructure and highway safety. As with many of the town houses existing, the site is within walking distance of the main public car parks and the majority of services and facilities available in Cleobury Mortimer, which includes primary and high school, a Drs, shops, restaurants and public houses. There is also public transport routes in the town to provide access both around the town and further afield. The site is in a sustainable location and on balance whilst it is acknowledged that the proposal would add to competition for public parking spaces given the close proximity of the site to town centre services, on street parking and public car parks and that the aim of the NPPF and development plan to promote sustainable development it is considered that the lack of off road parking for such a small scale development would not result in a significantly adverse impact on existing infrastructure and highway safety to justify refusal of the planning application on those grounds.

7.0 CONCLUSION

7.1 The loss of an existing retail unit is regrettable however in this case it is acknowledged that the small scale of the retail unit and the listed nature of the structure limits commercial opportunities. Securing a viable use for the ground floor unit would assist with securing the immediate future of the listed building for its preservation. Further the unit would contribute towards the supply of smaller units of residential accommodation within the town. It is considered that these benefits outweigh the small impact the loss of the retail premises may have on the viability and vitality of Cleobury Mortimer's Town Centre. Furthermore the change of use would not detract from the character and appearance of the Conservation Area or result in severe harm to highway safety. The proposed change of use is considered to comply with the main objectives of relevant development plan policy and it is recommended that planning permission be 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, 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

Core Strategy:
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS15 - Town and Rural Centres
CS17 - Environmental Networks
CS18 - Sustainable Water Management

Site Allocations and Management of Development (SAMDev) Plan:
MD2 - Sustainable Design
MD10A - Managing Town Centre Development
Settlement: S6 - Cleobury Mortimer

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=Q8J8VSTDLZP00>

List of Background Papers Design and Access Statement
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Gwilym Butler & Cllr Madge Shineton
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.

Informatives

1. Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

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 a 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/roads-and-highways/road-network-management/application-forms-and-charges/>

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. This planning permission notice 20/01496/FUL must be read in conjunction with the listed building consent notice 20/01497/LBC where additional conditions are attached.
3. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
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.

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Committee and date

Southern Planning Committee

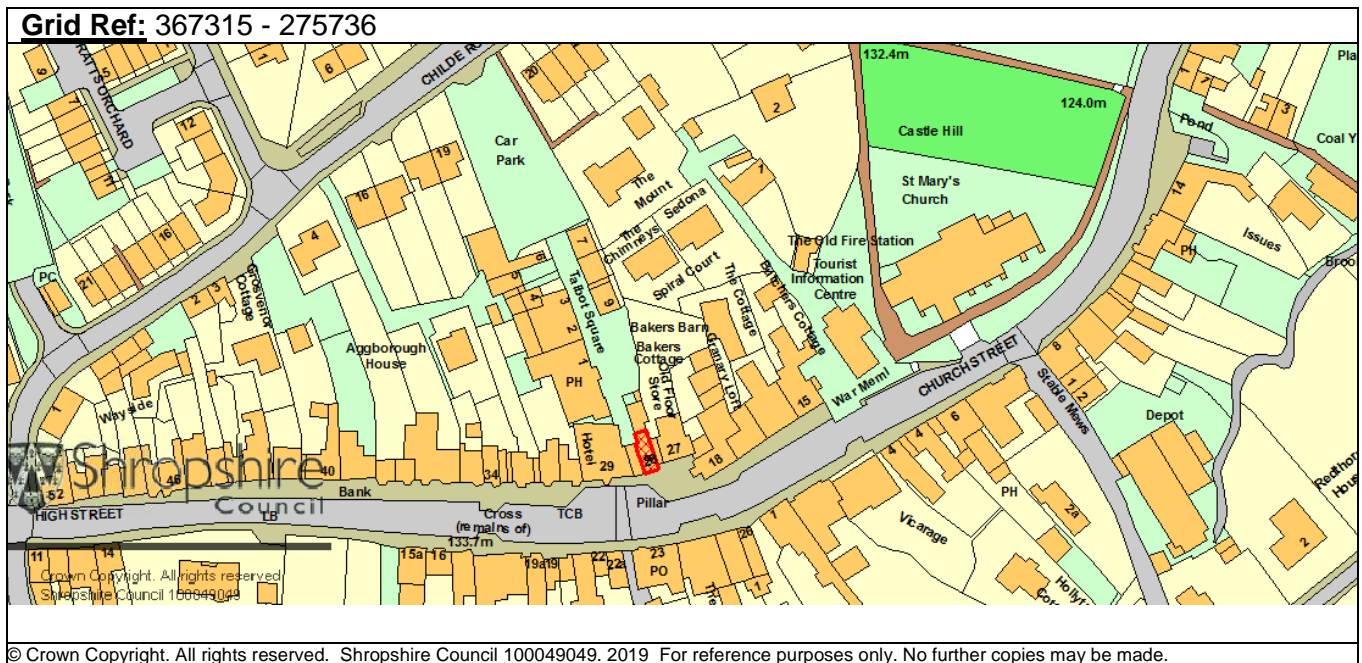
30 June 2020

Development Management Report

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

Summary of Application

Application Number: 20/01497/LBC	Parish:	Cleobury Mortimer Town Council
Proposal: Change of use of from retail to residential together with minor internal alterations affecting a Grade II Listed Building		
Site Address: 28 High Street Cleobury Mortimer DY14 8DQ		
Applicant: Mr G Butler		
Case Officer: Heather Owen	email: planning.southern@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks listed building consent for the physical works required to enable the change of use of the ground floor from retail to a one bed residential apartment and is the counterpart of planning application 20/01496/FUL.
- 1.2 No external alterations are proposed. Internal alterations are proposed to enable the formation of a bathroom and bedroom and consist of the following:
- Removal of two sections of stud wall.
 - Installation of new stud walls to infill the gaps around the existing load bearing walls to form new shower room.
 - Installation of new stud wall and door to form bedroom.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 28 High Street is a grade II listed building of two storeys currently comprising of a vacant retail space at ground floor with residential accommodation above. The building is of red brick construction with a traditional shop front with central entrance door.
- 2.2 The building sits centrally within the town of Cleobury Mortimer on the north side of the High Street which runs through the centre of the town. The property adjoins an existing residential unit on the east side. On the west side at first floor the property adjoins the Talbot Hotel Public House, at ground floor the public house is separated from the application site by a pedestrian access which leads to a public car park at the rear. To the rear of the site lies a converted outbuilding which forms a one bedroom residential unit.
- 2.3 The site is within the conservation area for Cleobury Mortimer.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application requires determination by planning committee as the application is made by and relates to the property of an elected member of Shropshire Council.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Cleobury Mortimer Town Council: No objection.

4.1.2 SC Historic Environment (Conservation): No objection – The internal alterations would be predominantly reversible. The change of use would preserve the fabric and character of the listed building and character of the conservation area.

4.2 Public Comments

4.2.1 This application has been advertised for 21 days via site and press notice and directly in writing to 11 neighbouring properties. No response received.

5.0 THE MAIN ISSUES

Impact on special architectural character and historic interest of listed building.

NOTE: The impact on broader planning matters are considered within the officers report associated with planning application 20/01476/FUL.

6.0 OFFICER APPRAISAL

6.1 Special architectural character and historic interest of listed building

6.1.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that LPA's should, in considering whether to grant listed building consent have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.1.2 This is supported at part 16 of the National Planning Policy Framework (NPPF) and at local level through policies CS17 and MD13 which emphasises new development should conserve designated heritage assets in particular.

6.1.3 In this case no external alterations are proposed. The internal alterations are considered to be relatively minor and does not require the removal of any historic fabric.

6.1.4 The Conservation Officer notes that the proposed changes are predominately reversible and is content that the scheme would not harm the principal special architectural character or historic interest of the listed building.

7.0 CONCLUSION

7.1 The scheme would secure the listed buildings viable long-term use, and the proposals to enable the change of use would not result in the loss of significant historic fabric and the special architectural character and historic interest of the listed building would be preserved. The application therefore accords with the main objectives of the relevant development plan policies and it is recommended that listed building consent 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, 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

Core Strategy Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

Site Allocation and Management of Development (SAMDev) Plan

MD2 - Sustainable Design

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=Q8J8VVTDLZQ00>

List of Background Papers Design and Access Statement
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Gwilym Butler & Cllr Madge Shineton
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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

2. All works shall be carried out in complete accordance with the terms of the application and approved plans.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

3. All new partitions and other elements of construction shall be scribed around historic and architectural features including cornices, picture rails, chair rails, skirting's, panelling, door and window linings and shall not cut through such features.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

4. If hitherto unknown architectural evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure architectural features are recorded during development.

Informatives

1. This listed building consent notice 20/01497/LBC must be read in conjunction with the planning permission notice 20/01476/FUL where additional conditions are attached.
2. 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.

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Committee and date

Southern Planning Committee

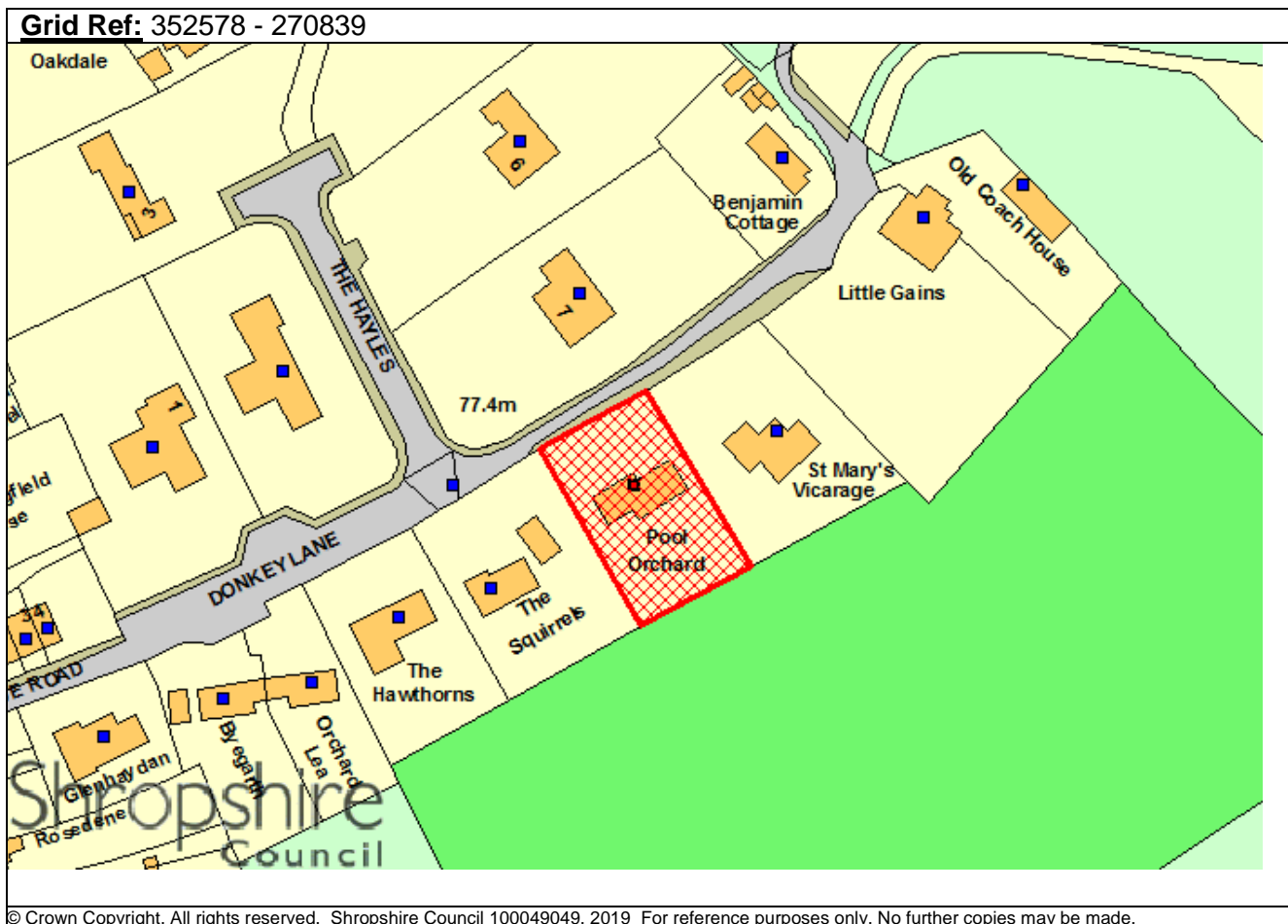
30 June 2020

Development Management Report

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

Summary of Application

Application Number: 20/01782/FUL	Parish:	Ashford Carbonell
Proposal: Erection of single storey rear extension with lantern roof light, replacement of existing entrance door with window, installation of new entrance door and porch canopy and associated works		
Site Address: Pool Orchard Donkey Lane Ashford Carbonell SY8 4DA		
Applicant: Mr Mark Povey		
Case Officer: Elizabeth Griffiths	email: planning.southern@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

1.1 The application seeks full planning permission for:

- The erection of a single storey rear extension with lantern roof light
- The erection of a new canopy porch
- Replacement of existing entrance door with window and installation of a new entrance door – this would be permitted development and will not be discussed further.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located within the Ashford Carbonell Conservation area, sitting on the southern side of Donkey Lane a no through road in the heart of the village, the detached dwelling is of brick construction with an area of cream render to the front elevation with a tiled pitched roof. The application site is bounded to the roadside with a low level wall with fence above and mature trees/hedges to the rear.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Ashford Carbonell Parish Council – No comments received at the time of writing this report

4.1.2 Shropshire Council Historic Environment – Comments

Given the minor nature of the works to this modern dwelling, and the use of timber for the front door and canopy porch no objections are raised in conservation terms where taking account of the character and appearance of the conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and applicable local and national policies.

4.1.3 Shropshire Council Archaeology – No comments

4.2 Public Comments

- 4.2.1 The application has been advertised by notices at the site and in the press. Three surrounding residential properties have been individually notified and no representations have been received in response to this publicity.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual impact and 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'. Paragraph 11 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.

- 6.1.2 Alterations and development to properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extension and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area and should also safeguard residential and local amenity. Policy MD2: Sustainable design of the adopted Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 12 of the National Planning Policy Framework also requires development to display favourable design attributes which contribute positively to making better for people, and which reinforces local distinctiveness

- 6.1.3 As the application site is within a designated Conservation Area the proposal also needs to meet policy CS17 'Environmental Networks' and MD13: Historic Environment of SAMDev which requires that all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological or heritage values of these assets, their immediate surroundings. Legally, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.2 Siting, scale and design of structure

- 6.2.1 The proposed rear extension is indicated to measure 4m deep x 4.35m wide with

cedar timber vertical cladding for the walls and a height of 3.2m with a lantern roof. Doors would be added to the rear and southwest (side) elevations only to allow the extension to look over the rear garden.

6.2.2 The porch would be open sided and of timber construction, projecting 1.2m from the front elevation. The roof would be pitched and of tiles to match the existing dwelling.

6.2.3 It is considered that that proposal is sympathetic to the size, mass, character and appearance of the original dwelling house and would be in accordance with Shropshire Core Strategy Policy CS6 and SAMDev MD2. All the proposed materials will be reinforced by condition to ensure that the materials used will complement those of the existing dwelling.

6.3 **Visual impact and residential amenity**

6.3.1 Although the porch would be visible from the street scene it is considered to be small scale and so would not dominate against the aesthetics of the existing dwelling. The rear extension would be hidden from the street scene it is considered that it would not be of detrimental visual impact due to it being single storey and subservient in nature. In addition the existing boundary materials will ensure minimal impact on the neighbouring dwelling and it is not considered that the levels of activity associated with a minor increase in living accommodation will give rise to levels of disturbance sufficient to cause undue harm to neighbouring residents.

6.3.2 As such it is considered that the proposed extensions would not detract from the visual amenity of the site or surrounding area and would accord with policy CS6 and CS17 of the Shropshire Core Strategy, MD2 and MD13 of SAMDev and Section 12 of the National Planning Policy Framework, in that the proposals will not be detrimental to the appearance of the dwelling or its setting within the Conservation Area and will not unacceptably impact on the amenity rightfully expected to be enjoyed by occupiers of neighbouring properties.

7.0 **CONCLUSION**

The proposal is judged to be in scale and character with the original dwelling and would have no significant adverse impact on the visual or residential amenities of the surrounding area. 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

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

Core Strategy and Saved Policies:
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD13 - Historic Environment
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

12/02694/TCA To crown reduce by approx half one Ornamental Cherry and reduce by half to previous pruning one Damson tree within Ashford Carbonell Conservation Area NOOBJC 25th July 2012

19/04030/FUL Removal of existing garage doors and rotten timber; replace with aggregate blocks; installation of windows GRANT 18th December 2019

SS/1989/140/P/ Erection of an extension to form 'Granny Flat'. PERCON 10th April 1989

SS/1975/293/O/ Erection of two dwellinghouses and formation of vehicular access. PERCON 2nd September 1975

SS/1976/412/R/ Erection of dwellinghouse and formation of vehicular and pedestrian access. PERCON 16th December 1977

SS/1976/412/O/ Erection of two dwellinghouses and formation of vehicular access. (Amendment to 75/293). PERCON 24th September 1976

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=Q9VE4RTDMEU00>

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 Gwilym Butler
Local Member Cllr Vivienne Parry
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 surfaces shall be in accordance with the specification set out in the application documents.

Reason: To ensure that the works harmonise with the existing development.

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

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy:
CS06 Sustainable Design and Development Principles
CS17 Environmental Networks

SPD Type and Affordability of Housing

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD02 Sustainable Design
MD13 Historic Environment

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<u>Committee and date</u>
Southern Planning Committee
30 June 2020

SCHEDULE OF APPEALS AS AT COMMITTEE 30 June 2020

LPA reference	18/03093/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr and Mrs Dalley
Proposal	Conversion of two agricultural buildings into four holiday letting units, change of use of further agricultural building into stables, formation of manege, alterations to existing vehicular access and formation of parking areas
Location	Meadowtown Farm Meadowtown Shrewsbury Shropshire SY5 0DZ
Date of appeal	25.02.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	11.06.2020
Costs awarded	
Appeal decision	Allowed

LPA reference	19/04464/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr N Spragg
Proposal	Outline application for the erection of 3no. bungalows to include access and layout (resubmission)
Location	Proposed Residential Development Land South Of The Eagle And Serpent Kinlet Shropshire
Date of appeal	09.06.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/00826/FUL
Appeal against	Non-Determination
Committee or Del. Decision	n/a
Appellant	Linney House Developments
Proposal	Erection of 8no dwellings with car shelters; reprofiling of ground; restoration of stone boundary wall and creation of 2no vehicular access points
Location	Proposed Residential Development Land Adjacent Linney House Linney Ludlow Shropshire
Date of appeal	15.06.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/04606/FUL
Appeal against	Non-Determination
Committee or Del. Decision	n/a
Appellant	Mrs MJ Kemp
Proposal	Erection of 2no self-build dwellings, garages and associated infrastructure
Location	Proposed Residential Development Land West Of Bigwood Farmhouse Snowdon Road Beckbury Shifnal Shropshire
Date of appeal	15.06.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/04986/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr David Ruggles
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the demolition of 2No. agricultural buildings and erection of 3No. single storey detached dwellings; formation of access and parking, change of use agricultural access to domestic vehicular access and change of use of agricultural land to domestic curtilage (part-retrospective)
Location	Proposed Residential Development Hunger Hill Farm Sheriffhales Shifnal Shropshire TF11 8SA
Date of appeal	15.06.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/04951/PMBPA
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Brindley
Proposal	Application for Prior Approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to two residential units
Location	Barn At Roundabout Farm Roughton Bridgnorth Shropshire
Date of appeal	15.06.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/05523/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr N Anthony
Proposal	Erection of part single storey part two storey rear extension
Location	11A Queens Road Bridgnorth WV15 5DG
Date of appeal	15.06.2020
Appeal method	Householder Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/04261/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr A Lawton
Proposal	Erection of dwelling (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved)
Location	Land To The East Of Pennerley House, Pennerley, Shrewsbury Shropshire SY5 0NE
Date of appeal	17.06.20
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/03538/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr G Smith
Proposal	Outline application (access, scale for consideration) for the erection of 3 detached houses and garages; creation of new vehicular access and installation of private treatment plant
Location	Proposed Dwelling North West Of Lower House Corfton Shropshire
Date of appeal	17.06.20
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/05264/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr M Fenton
Proposal	Erection of detached self-contained annexe ancillary to the existing dwelling
Location	Lingholm Woodhall Drive Hanwood Shrewsbury SY5 8JU
Date of appeal	17.06.20
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/02729/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Elford Homes Limited
Proposal	Formation of vehicular access to development land to include the demolition of 8 and 10 Admirals Way
Location	8 And 10 Admirals Way Shifnal Shropshire TF11 8TS
Date of appeal	23.04.20
Appeal method	Written Representations
Date site visit	
Date of appeal decision	17.06.20
Costs awarded	
Appeal decision	Dismissed

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Appeal Decision

Site visit made on 20 May 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/L3245/W/20/3246306

Meadowtown Farm, Meadowtown, Minsterley, Shrewsbury, Shropshire SY5 0DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Dalley against the decision of Shropshire Council.
 - The application Ref 18/03093/FUL, dated 3 July 2018, was refused by notice dated 28 August 2019.
 - The development proposed is conversion of current farm buildings into 4no. holiday lets comprising of: Conversion of the dairy to 2no. 2 bed holiday flat and 1no. 3 bed holiday flat. The conversion of a grain barn (plus demolition of adjoining buildings) to create a 3no. bed holiday let. The formation of a 40m x 20m manège with associated parking and stables to be located within the existing barn. The dairy is to include formation of a car park and amenity space to the rear. Existing access road to be altered.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of current farm buildings into 4no. holiday lets comprising of: Conversion of the dairy to 2no. 2 bed holiday flat and 1no. 3 bed holiday flat. The conversion of a grain barn (plus demolition of adjoining buildings) to create a 3no. bed holiday let. The formation of a 40m x 20m manège with associated parking and stables to be located within the existing barn. The dairy is to include formation of a car park and amenity space to the rear. Existing access road to be altered, at Meadowtown Farm, Meadowtown, Minsterley, Shrewsbury, Shropshire SY5 0DZ in accordance with application reference 18/03093/FUL, dated 3 July 2018, and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - i) whether the appeal site is suitable for holiday accommodation having regard to the locational requirements of the development plan; and
 - ii) the effect of the proposal on highway safety.

Reasons

Holiday accommodation

3. Meadowtown is somewhat remote, and the Council acknowledge that it has a limited range of services and facilities. Despite this, it is identified within the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) as a defined settlement, referred to as a Community Cluster. Consequently, for

the purposes of the CS, the appeal site is not located within the open countryside. Instead, it is located in a settlement where sustainable development will be supported and where the CS also confirms that development by infilling and conversions may be acceptable.

4. Policy CS16 of the CS relates to tourism, culture and leisure. Amongst other things, the policy places emphasis upon providing high quality visitor accommodation in accessible locations served by a range of services and facilities. The explanation for the policy identifies the value of tourism to the local economy. The policy also states that in rural areas, proposals must be within settlements and where possible, existing buildings should be re-used.
5. The proposal would be within a defined settlement. It would also see the conversion of existing buildings to provide holiday accommodation. In this regard, the proposal would be entirely compliant with Policy CS16. Although services and facilities are somewhat limited, as identified above, Meadowtown is a settlement that can cater for additional development. It therefore follows that, for the purposes of the CS, Meadowtown, and accordingly, the appeal site, is sustainably located. As a consequence, based on the evidence before me, I have no reason to consider that the proposal would fail to comply with the general development strategy for the district.
6. Due to this conformity, no business plan or market research is necessary to justify the proposal. For the same reason, the experience of the appellant in running such accommodation does not need to be considered, neither does the viability of the proposal. The key assessment is whether the proposal is compliant with the development plan, and for the reasons identified above, I am satisfied that this is the case.
7. Accordingly, I conclude that the appeal site would be suitable for holiday accommodation. It would therefore accord with Policy CS16 of the CS and Policy MD11 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015). Taken together, these establish the requirements for tourism, culture and leisure proposals within the district.

Highway safety

8. The immediate road network is formed of narrow roads with limited passing places. In this regard, I note that the proposal was originally objected to by the Highways Development team. Moreover, despite additional information being provided, a robust objection was maintained. Subsequently, a detailed Transport Statement was provided. This identifies the specific routes to the site as well as the prevalence of passing spaces along the roads. It also suggests that the previous use of the site, as a dairy farm, would have generated more traffic than the proposed use.
9. The surrounding road network is typical of a rural location. Roads are narrow and winding, and there are many instances of sloping topography. In addition, due to the location of the site, should guests of the accommodation travel to services and facilities, such journeys would most likely be made by car. Despite this, based on the evidence before me, the farm would have generated a similar number, if not more, traffic movements than that proposed. In addition, whilst my attention has been drawn to the perceived short-comings of the road network, the Council have not substantiated their concerns with specific evidence to articulate its safety concerns.

10. Consequently, although the proposal would generate movements to and from the site, including those for arrivals and departures, as well as throughout the stays, I have nothing compelling to confirm that this would be detrimental for road users. Accordingly, I conclude that the proposal would not harm highway safety. It would therefore comply with Policy CS6 of the CS which requires development to be located in accessible locations.

Other Matters and Conditions

11. The appeal site is near to the Grade II listed Meadowtown Hall. However, based on the evidence before me, I am satisfied that the proposal would not affect the setting of this building. Accordingly, the proposal would comply with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. The site is also located within the Shropshire Hills Area of Outstanding Natural Beauty. Paragraph 172 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving the landscape and scenic beauty of such areas. Subject to a necessary condition in relation to landscaping, I am satisfied that the proposal would accord with these requirements.
13. I note the representations in relation to the use of the manege and stables. However, based on the evidence before me, these are to be used by guests of the accommodation. Moreover, this matter can be adequately controlled by way of a suitably worded planning condition, necessary to limit movements to and from the site.
14. The proposal would generate artificial light from the holiday accommodation. However, I have no compelling evidence before me that this would give rise to light pollution. As a consequence, I give this matter very limited weight in my assessment of the proposal. I also have no compelling evidence in relation to noise, littering or water supply. Accordingly, I also give very little weight to these matters.
15. In addition, although the proposal would alter an existing opening, this would be located at ground floor level and consequently, I am satisfied that this would not harm existing privacy levels. My attention has been drawn to a proposal for a horse-walking facility. However, I do not have the full details of this proposal before me, and consequently, I have given the case very little weight in my assessment. Finally, the courts have held that planning is concerned with land use in the public interest. Therefore, the protection of purely private interests, such as the value of neighbouring property is not a material consideration in my assessment of the appeal.
16. Due to my findings set out above, conditions are necessary in the interests of precision to establish the time limit for commencing development as well as to specify the approved drawing numbers.
17. Due to the archaeological value of the site, condition 4 is necessary to ensure evidence is recorded where necessary. Furthermore, conditions 5, 6, 7 and 8 are necessary due to the ecological sensitivities of the site and conditions 9 and 10 are necessary to ensure suitable design details are proposed.
18. Conditions 11 and 12 are necessary in the interests of highway safety. Due to the nature of the surrounding road network, I am satisfied that suitable

justification exists to partially remove permitted development rights. Condition 13 is necessary in the interests of precision and condition 14 is necessary to ensure suitable design details. Condition 15 is necessary to ensure a suitable lighting scheme, sensitive to the surroundings. Finally, conditions 16, 17 and 18 are necessary to control how the development is implemented and managed.

19. Where conditions require work to be carried out before development commences, the appellant has provided their agreement in writing.

Conclusion

20. For the reasons identified above, the appeal is allowed and planning permission is granted.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in strict accordance with the following drawings: 8198-01E; 8198-02H; 8198-03B; 8198-04A; 8198-05; 8198-010; and 8198-011C.
3. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include:
 - Positions of all existing trees and hedgerows on the site and along its boundaries
 - Identification and measures for the protection of existing trees and hedgerows which are to be retained
 - Details/schedules of proposed planting
 - Full details of the alignment, height and construction of any walls, fences, retaining structures or other boundary treatments/means of enclosure
 - Details/samples of hard surfacing materials
 - Timetables for implementation

The landscaping works shall be completed in accordance with the approved details. Thereafter all fences, walls, hardstandings and other hard landscaping features shall be retained in accordance with the approved details, whilst any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. The applicant/owner/developer shall notify Shropshire Council's Historic Environment Team in writing not less than three weeks prior to the commencement of ground works associated with the development hereby permitted. A representative of that team shall thereafter be afforded reasonable access onto the site during the course of the development in order to monitor the ground works and record any archaeological evidence as appropriate.
5. No works associated with the conversion of the building labelled 'Grain Barn' on the approved block plan, including demolition or clearance of the adjoining structures, shall commence until there has been submitted to and acknowledged/approved in writing by the local planning authority:
 - a) a European Protected Species (EPS) Mitigation Licence from Natural England, in respect of bats; or
 - b) a statement from an appropriately qualified and experienced ecologist explaining why such a licence is not required, and setting out any additional mitigation measures as appropriate.

Thereafter all works on site shall be carried out in strict accordance with the stipulations of the EPS Mitigation Licence or method statement.
6. No works associated with the conversion of the building labelled 'Grain Barn' on the approved block plan, including demolition or clearance of the adjoining structures, shall commence until there have been submitted to and approved in writing by the local planning authority precise details of bat boxes/tubes to be provided at the site. These shall be broadly as recommended in Section 3.7 of

the submitted 'Preliminary Ecological Appraisal Report' by Pearce Environment Ltd., referenced 040118MM, dated June 2018 and received by the local planning authority on 10th August 2018. They shall thereafter be retained for the lifetime of the development.

7. Prior to the first use or occupation of any part of the development, artificial nesting opportunities for wild birds shall be provided at the site in accordance with details which shall first be submitted to and approved in writing by the local planning authority. This provision shall include a minimum of four artificial 'nests' (either integrated into the building's fabric or external boxes) suitable for starlings (i.e. 42mm hole, starling-specific design), sparrows (32mm hole, terrace design), swifts (swift 'bricks' or boxes) and/or other small birds (32mm hole, standard design). These shall be retained thereafter for the lifetime of the development.
8. The development (including demolition and site clearance works) shall, subject to the provisions and requirements of Conditions 5 and 6 above, be carried out and completed in strict accordance with the bat, great crested newt and badger mitigation/enhancement measures recommended in Section 3.7 and Appendix 4 of the submitted 'Preliminary Ecological Appraisal Report' by Pearce Environment Ltd., referenced 040118MM, dated June 2018 and received by the local planning authority on 10th August 2018.
9. Except for demolition works, no above-ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.
10. Prior to the installation of any external windows or doors, precise details of their materials, form and style, including details of glazing bars, mullions, sill mouldings and surface treatments/decorative finishes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved details and retained thereafter.
11. Prior to the first use of any part of the development, the northern access to the site shall be upgraded and parking/turning areas provided in accordance with the approved plans and the details agreed under Condition 3 above. These areas shall thereafter be retained for their intended purposes and, in the case of the access visibility splays, maintained clear of any obstruction above 900mm in height.
12. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no new entrance gates or other means of enclosing the vehicular accesses to the site shall be erected or installed within five metres of the edge of the adjacent highway carriageway without the prior written consent of the local planning authority. Any gates shall be hung so as to open inwards, away from the highway.
13. No parts of the existing buildings shown to be retained on the submitted plans and drawings shall be demolished or rebuilt.
14. All external sections of flue included in the development shall be treated with a matt black finish, which shall be retained for the lifetime of the development.

- 15.No new or additional external lighting shall be installed or provided on the site other than in strict accordance with a detailed scheme which shall first be submitted to and approved in writing by the local planning authority. This shall be designed so as to take into account the guidance contained in the Bat Conservation Trust document 'Bats and Lighting in the UK'.
- 16.The buildings labelled 'Grain Barn' and 'Milking Barn' on the approved block plan shall only be occupied by holidaymakers whose main residence is elsewhere. The owner/operator of the holiday accommodation enterprise shall maintain an up-to-date register of occupiers and their main home addresses, and shall make this information available to the local planning authority at any reasonable time.
- 17.The existing dwelling on the site, labelled 'Farm House' on the approved block plan, shall provide the requisite supervision and management of the holiday accommodation enterprise hereby permitted. As such it shall not be sold separately or otherwise severed from the holiday accommodation without the prior written consent of the Local Planning Authority.
- 18.The stables and manège included in the development hereby permitted shall only be used by occupiers of the existing dwelling on the site or by holidaymakers resident at the site, and no horses except those owned by the occupiers of the aforementioned dwelling shall be stabled or kept at the site.

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Appeal Decision

Site visit made on 10 June 2020

by **Mark Dakeyne BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 17 June 2020

Appeal Ref: APP/L3245/W/20/3246810

8 and 10 Admirals Way, Shifnal, Shropshire TF11 8TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Elford Homes Ltd against the decision of Shropshire Council.
 - The application Ref 19/02729/FUL, dated 17 June 2019, was refused by notice dated 15 October 2019.
 - The development proposed is formation of vehicular access to development land to include the demolition of 8 and 10 Admirals Way.
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Decision

1. The appeal is dismissed.

Procedural matters

2. There are inconsistencies between the application form, decision notice and appeal form in terms of the site address and description of development. I have used the site address and description of development from the decision notice and appeal form as they more accurately reflect the scheme before me. The residential development of up to 100 dwellings, referred to on the application form, does not form part of the current proposal.

Reasons

3. The main issue is the effect of the loss of two dwellings on the existing housing stock.
4. The demolition of the pair of semi-detached dwellings would facilitate the formation of a vehicular access to a large roughly rectangular field located between the Admirals Farm housing estate and the M54 motorway. The field is outside the development boundary of Shifnal, identified as safeguarded land between the built-up area and the Green Belt.
5. The National Planning Policy Framework indicates that safeguarded land is not allocated and planning permission for permanent development of safeguarded land should only be granted following an update of the local plan which proposes development of the land. Policy S15 of the Council's SAMDEV Plan¹ reflects national policy in indicating that safeguarded land adjacent to Shifnal is required for future development needs beyond the current plan period.
6. Although the safeguarded land may be allocated for development when the local plan is updated, there is no certainty that the allocation will take place.

¹ Shropshire Council Site Allocations and Management of Development Plan adopted December 2015

Moreover, the timing of any update that might release the land is also uncertain. A number of factors would be taken into account, including development needs at the time of the update, both for the Council area as a whole and for Shifnal in particular.

7. The existing dwellings on the appeal site are relatively modern. There is nothing to indicate that they are in any way substandard. Moreover, at the time of my site visit, they appeared to be occupied. A consequence of allowing the appeal would be that the dwellings could be demolished, and the houses would no longer be able to contribute to the housing stock and provide two perfectly good homes.
8. In conclusion, currently the effect of the loss of two dwellings on the existing housing stock would be unacceptable.
9. The removal of the dwellings would also punch a gap in the street scene which would appear out of character on an estate where there is generally frontage development. There would be conflict with Policy CS6 of the Core Strategy² and Policy MD2 of the SAMDEV as the proposal would not respond to the form and layout of existing development.
10. I accept that the removal of the dwellings and replacement with a vehicular access may be acceptable in the future, should the land to the rear come forward for development. However, in the shorter term and without the benefits of new housing development to weigh against the loss, the demolition of the dwellings is not justified.
11. The Council has referred to a number of Core Strategy and SAMDEV policies connected to local plan strategy, housing development and the release of land. This suite of policies, together with Policy MD6 of the SAMDEV which relates to Green Belt, are not directly relevant to the specific proposal before me.
12. The appellants indicate that the proposal has been submitted to ensure that an access is available to the safeguarded land, due to uncertainty about an alternative access via land owned by Highways England. However, to my mind, access to the land and the development itself should be considered together as one proposal, should the safeguarded land be earmarked for development.
13. Similarly, the appellants have produced transport and noise reports that assess the impacts of (1) a 100 dwelling residential development on the local highway network, (2) the vehicle movements to such a development on the living conditions of residents either side of the access, and (3) the noise climate on the safeguarded land. This information was submitted in response to the second reason for refusal and the comments of the Council's Environmental Health Officer. However, it is not necessary for me to consider the implications of a 100 dwelling scheme in this decision.
14. For the above reasons, the appeal should be dismissed.

Mark Dakeyne

INSPECTOR

² Shropshire Local Development Framework: Adopted Core Strategy March 2011