

Development Management Report

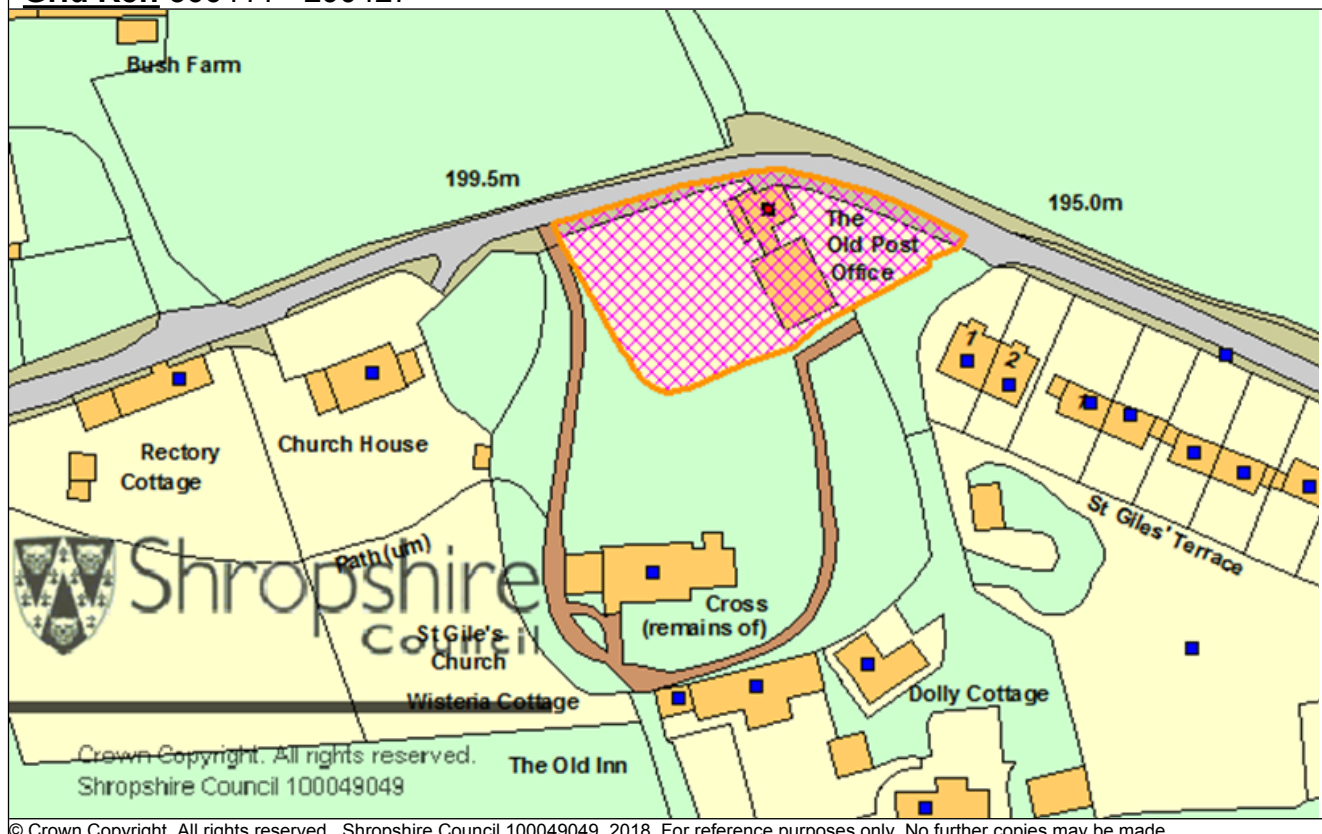
Responsible Officer: Tim Rogers

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Summary of Application

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| Application Number: 18/03091/FUL | Parish: Chetton |
| Proposal: Replacement of existing bungalow with 1 / 1.5 storey four bedroom dwelling and associated landscaping (amended description and plans) | |
| Site Address: The Old Post Office Chetton Bridgnorth Shropshire WV16 6UF | |
| Applicant: Moore | |
| Case Officer: Emma Bailey | email: planningdmse@shropshire.gov.uk |

Grid Ref: 366411 - 290427



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning consent for the construction of a dwelling to replace the existing dwelling known as The Old Post Office, Chetton.
- 1.2 This development was first considered by the Planning Committee (South) on the 12 February 2019 where it was resolved that the application be deferred to enable the applicant to give further consideration to the design, materials and fenestration of the proposal.
- 1.3 Amended plans have since been formally submitted for consideration and on receipt of these, a full re-consultation of all neighbours and consultees has taken place.
- 1.4 Principally, the design of the dwelling has been amended to provide a more traditional visual appearance. The proposed palette of external materials has been reduced with facing brickwork to the external walls, a slate roof, and casement-style timber windows with stone cills. A brick chimney has replaced the previously proposed flue. The development remains the same in terms of its scale and siting.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within an area defined by planning policy to be open countryside. It is situated within the settlement of Chetton approximately four miles south-west of the market town of Bridgnorth. Chetton does not have its own development boundary.
- 2.2 The Old Post Office is a detached bungalow accessed down Chetton Lane, which serves Chetton from the B4364 road linking Bridgnorth and Ludlow. This lane is mostly single width, is not lit, and does not have a pavement. The site lies within the main core of Chetton, with the adjacent roadside sweeping around it. St Giles Church, a Grade II* listed building, and its respective churchyard abut the site to the south.
- 2.3 The existing bungalow is clustered to the east of the application site and is set behind a dense hedgerow. It is set upon a plinth to accommodate the change in land levels, which rise upward away from the roadside.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application was first considered at Planning Committee (South) 12 February 2019 where it was resolved that the development be Deferred to

enable the applicant to give further consideration to the design, materials and fenestration. Having now received amended plans, and undertaken a full re-consultation of consultees, the amended scheme is now ready to be presented to the Planning Committee for further consideration.

4.0 **COMMUNITY REPRESENTATIONS**

Please note that all comments are available to view in full on the Shropshire Council website.

Consultee Comments

The following consultee comments were received in relation to the most recent set of amended plans -

- 4.1 Chetton Parish Council
No response received at the time of writing this Report.
- 4.2 Historic England
No comments to make
- 4.3 Shropshire Council (Affordable Housing)
Replacement dwellings are exempt from the need to contribute to affordable housing. Attention is drawn to paragraph 2.23 of the SPD Type and Affordability of Housing that stipulates that replacement dwellings should be "sympathetic to the size, mass, character and appearance of the original building. A replacement dwelling should ordinarily be sited in the same position as the original dwelling".
- 4.4 Shropshire Council (Ecology)
No additional comments to make.
- 4.5 Shropshire Council (Rights of Way)
No comments to make.
- 4.6 Shropshire Council (Highways)
Recommend informatives if minded to approve.
- 4.7 Shropshire Council (Archaeology)
No additional comments to make.
- 4.8 Shropshire Council (Drainage)
Recommend informatives if minded to approve.
- 4.9 Shropshire Council (Conservation)
No objection.
- 4.10 Shropshire Council (Trees)
Recommend conditions relating to tree safeguarding and tree planting if

mindful to approve, including a Tree Protection Plan and Arboricultural Method Statement.

4.11 **Public Comments**

A site notice was displayed on the boundary of the application site 05 April 2019 following receipt of the most recent set of amended plans. No letters of representation have been received at the time of writing this Report.

5.0 **THE MAIN ISSUES**

- ☐ Siting, scale and visual impact of the replacement dwelling
- ☐ Residential amenity considerations
- ☐ Historic environment considerations

6.0 **OFFICER APPRAISAL**

6.1 **Siting, scale and visual impact of the replacement dwelling**

6.1.1 Following the resolution to Defer this application at the South Planning Committee 12 February 2019, the agent has worked positively and proactively with the local planning authority to achieve what Officers consider to be a high quality traditional design that would complement both the historic setting of the site and the wider built form of Chetton. Details of external materials would be conditioned on any approval notice.

6.1.2 A revised Design and Access Statement submitted in support of the most recent set of amended plans further confirms that –

- ☐ The proposed position of the replacement dwelling remains unchanged from that previously presented at planning committee
- ☐ The proposed footprint of the replacement dwelling is unchanged from that previously presented at planning committee
- ☐ The proposed height/scale of the replacement dwelling is unchanged from that previously presented at planning committee

6.1.3 The development is therefore considered to be acceptable in this regard.

6.2 **Residential amenity considerations**

6.2.1 No letters of representation have been received at the time of writing this Report in relation to the most recent set of amended drawings. However, and in any event, it is noted that the most recent amendments to the design of this development would not significantly affect any neighbouring occupier over and above that of the previous scheme previously presented to the South Planning Committee.

6.2.2 The development is therefore considered to be acceptable in this regard.

6.3 **Historic Environment considerations**

- 6.3.1 Referring to the most recent set of drawings submitted to the Council for consideration, no objection has been raised by Shropshire Council's Conservation Officer. Further, in their letter dated 02 April 2019 Historic England responded in their capacity as consultee, stating -

Thank you for your letter of 28 March 2019 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

- 6.3.2 The development is therefore acceptable in this regard.

7.0 **CONCLUSION**

- 7.1 The amended plans received following the resolution to Defer this application at the February 2019 South Planning Committee are acceptable. The proposal as amended is considered to reflect the comments made by members and achieve an appropriate, high quality design, thus according with the principal determining criteria of the relevant development plan policies.

- 7.2 Approval is therefore recommended subject to conditions.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the

planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside
 MD12 - Natural Environment
 MD13 - Historic Environment
 National Planning Policy Framework

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

12/00934/FUL Erection of extension to dwelling GRANT 27th April 2012
 17/06156/FUL Replacement of existing bungalow with 1.5 / 2 storey three-bedroom dwelling with integrated garage and associated landscaping WDN 7th March 2018

11. Additional Information

View details online:

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

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| List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access and Heritage Statement Bat Roost Assessment |
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| Cabinet Member (Portfolio Holder) Cllr R. Macey |
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| Local Member Cllr Robert Tindall |
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| Appendices APPENDIX 1 – Conditions APPENDIX 2 – Report considered at the 12 th February 2019 South Planning Committee meeting |
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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 work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank or public holidays.

Reason: To protect the health and wellbeing of residents in the area.

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. Before development commences details of the proposed finished ground floor levels of the dwelling relative to those of the existing dwelling and existing site levels, referenced to an ordnance datum, 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 that the relationship of the built dwelling with the listed St Giles Church is in accordance with the street scene drawings, for the avoidance of doubt and to safeguard the setting of the listed church.

6. Prior to commencement of development a scheme shall be submitted to the written satisfaction of the local planning authority to safeguard trees, woody shrubs and hedges to be retained on and adjacent the site. The scheme shall include an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), prepared in accordance with and meeting the minimum tree protection requirements recommended in, British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations, or its current version. All pre-commencement tree protection measures detailed in the approved AMS and TPP shall be fully implemented to the written satisfaction of the local planning authority, before any development-related equipment, materials or machinery are brought onto the site.

The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

7. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall include:

- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the completed dwelling. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or is otherwise lost, seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

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

8. No above ground works shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

9. Prior to being incorporated into the building, details of the roof construction including details of eaves, undercloaks ridges, valleys and verges 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.

10. Prior to first occupation / use of the building[s], the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority and subsequently installed. A minimum of 2 external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken to the replacement dwelling hereby approved without express planning permission first being obtained from the Local Planning Authority:-

- Any extension or alteration to the dwellinghouse, including the insertion of any additional windows or dormer windows
- Any addition or alteration to its roof
- The erection of a porch
- The formation of additional hard surfacing
- The erection of any fences, gates or walls
- The construction of any free standing building within the curtilage of the dwelling

Reason: To enable the Local Planning Authority to monitor the amount of development occurring on site and to safeguard the character and visual amenities of the area.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required by 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

Shropshire Council Core Strategy:
CS01 - Strategic Approach
CS05 - Countryside and Green Belt
CS06 - Sustainable Design and Development Principles
CS11 - Type and Affordability of Housing
CS17 - Environmental Networks

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan:
MD01 - Scale and Distribution of Development
MD02 - Sustainable Design
MD03 - Delivery of Housing Development
MD07A - Managing Housing Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment

Type and Affordability of Housing Supplementary Planning Document (SPD)

3. ECOLOGY INFORMATIVES

Nesting bird informative

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

Bats informative

All bat species found in the UK are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

4. DRAINAGE INFORMATIVES

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

5. HIGHWAYS INFORMATIVES

Mud on highway

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

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or

effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- 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.

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