



Committee and Date  
North Planning Committee  
17<sup>th</sup> September 2019

Item  
**8**  
Public

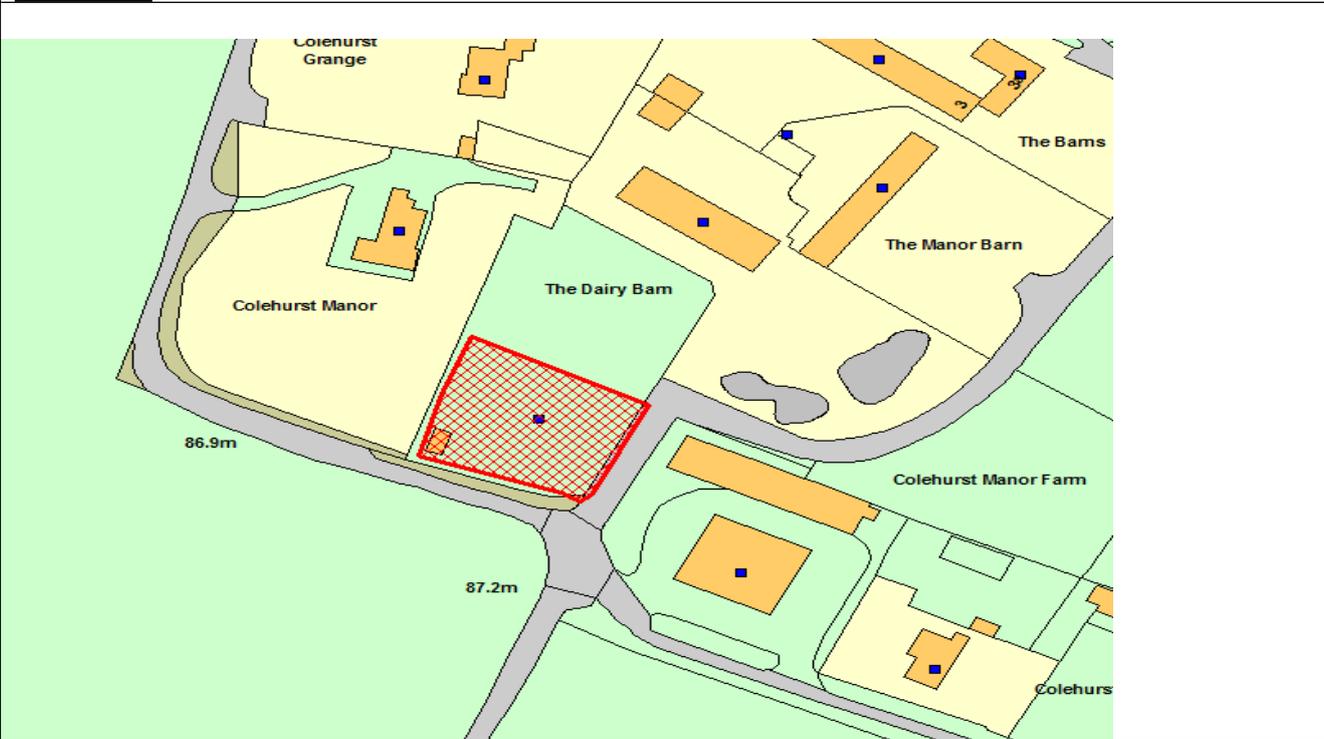
### Development Management Report

Responsible Officer: Tim Rogers  
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#### Summary of Application

<b>Application Number:</b> 16/04620/VAR	<b>Parish:</b>	Sutton Upon Tern
<b>Proposal:</b> Variation of condition 2 attached to planning permission 12/02874/FUL to allow the erection of one detached dwelling, detached double garage and creation of new access		
<b>Site Address:</b> Colehurst Manor Colehurst Market Drayton Shropshire TF9 2JB		
<b>Applicant:</b> Mr Justin Patnicroft		
<b>Case Officer:</b> Sue Collins	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 366085 - 331261



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**Recommendation:- Approval subject to the conditions as set out in Appendix 1.**

Recommended Reason for Approval

**REPORT****1.0 THE PROPOSAL**

- 1.1 This application is for a variation of the approved plans for the residential development on land adjacent to Colehurst Manor.
- 1.2 Planning permission reference 12/02874/FUL was for a detached dwelling to be constructed which was of a very modern design and set into the ground to reduce its visual impact. This was granted on the 13<sup>th</sup> December 2013. The planning permission was implemented by the 5<sup>th</sup> December 2016 as confirmed by an email from the Agent and Building Control records.
- 1.3 Since the submission of the application a number of different propositions have been put forward. It is on the basis of the plans received on the 1<sup>st</sup> August 2019 that this report has been written.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is a parcel of land located to the east of Colehurst Manor and is within close proximity of barns which have been converted into residential properties. The barns and Old Colehurst Manor are Listed buildings and as such any development of this site will need to take into consideration the setting of the development in relation to these structures.
- 2.2 The land is located in an area of open countryside and is currently laid to grass. To the side of the plot there is the access drive to the barn conversions and to additional agricultural buildings. The land rises towards the north west with the boundaries mainly being defined by hedgerow. The site is also very close to a sharp bend in the highway and it has a high prominence within the landscape.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The scheme complies with the delegation to Officers as set out in Part 8 of the Shropshire Council Constitution.

**4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online****4.1 Consultee Comments****4.1.1 Parish Council:**Response Received 23<sup>rd</sup> July 2019

The Parish Council upholds its objection to this application in that it is not the eco house which it supported as an exception to policy, members felt very strongly that this should be treated as a new application and not as a variation. The Parish Council feels that there are material planning considerations in terms of the Historic Environment and the heritage assets within this part of North Shropshire which are set out in MD13 and would urge Shropshire Council to refuse this application as not to deter from that Historic Environment and undermines it for future generations.

Members also requested that a request be made that the application be heard by committee and Cllr Michael Dams the Vice Chairman of the Parish Council has agreed to attend any meetings to speak against the application as it stands

Response Received 16<sup>th</sup> July 2019

The Parish Council sustains its original objections to the above application as previously stated.

Response Received 26<sup>th</sup> April 2018

The Parish Council has always supported the exception to policy for an 'eco house' at this location; although the amendments in design try to be more in keeping with other barn conversions the fundamental objections still remains in that the variation is not in keeping with the original reason for the exception to policy and should therefore be treated as a new application.

Response Received 17.11.16

Sutton upon Tern Parish Council met yesterday to consider 16/04620/VAR variation of condition 2 attached to planning permission 12/02874/VAR to allow the erection of one detached dwelling, detached double garage and creation of new access; in doing so the Parish Council makes the following observations with the assumption that this application has superseded 16/04620/FUL previously circulated.

The observations are as follows:

- \* that any external works are in keeping with the 'open plan' nature of the site and it's setting, for example only post and rail fencing.
- \* that all building materials used are in keeping and sympathetic to the historic setting of the surrounding hamlet of Colehurst.

#### 4.1.2 **Affordable Housing:**

As the variation does not impact on the number of dwellings our previous comments stand. Any conditions attached to the original application needs to be provided for in any new decision and a variation to the original S106 will be required.

#### 4.1.3 **Conservation:** No objection

The subject property is currently in use as a paddock on which there is an earlier planning permission for the provision of an innovative, sensitively designed eco-dwelling.

This application is purely to vary an extant consent and relates to the appearance of the dwelling which was previously given consent on this site.

It is considered that whilst the shape of the dwelling has not been amended to reflect the previous dwelling approved or officer comments made, the scale and massing has, following discussions.

In considering this application special regard to the desirability of preserving the designated heritage assets and their settings in line with Section 66 of the above Act has been made.

**Historic England:** No comment

**Highways:** No objection subject to the development being constructed in accordance with the approved details and the following conditions and informative notes.

Observations/Comments:

The application is seeking approval for the change of design and layout of the approved dwelling under reference 12/02874/FUL.

Further to the Highway Advice Note dated 16.11.2016 the revised Block Plan (Drawing No. PL-001 Rev B) has indicated the latest revised dwelling footprint within the site.

The principle of the development continues to raise no highway objection but the latest Block Plan lacks clarity in terms of the proposed parking and turning arrangements within the site. A minimum of 2 parking spaces should be provided.

It is considered that, subject to the recommended conditions being included on any approval, there are no sustainable Highway grounds upon which to base an objection:

**SUDS:** No Objection subject to the inclusion of the recommended conditions on any planning permission that may be granted.

## 4.2 **Public Comments**

4.2.1 Letters of representation have been received from 17 different people. A number of personal comments have been made and these have not been included as they are not material planning considerations and cannot be used to determine the application. In addition comments have been made in relation to works on the adjacent barn conversion scheme and its maintenance. This is not relevant in determining this application as that was works in association with a different scheme and different circumstances.

The comments in support of the proposal are as follows:

- Planning permission has been previously granted on this site for a dwelling and this is a variation on that approval.
- It will allow for multi-generational living
- A more traditional style in keeping with the area
- No impact on Farmstead atmosphere
- It's a family home not a for profit developer
- Proposal is a smaller dwelling than previously approved
- Home office is to be incorporated into the dwelling
- No impact on residential amenities to neighbouring properties either through loss of light, privacy or noise.
- Large changes took place with the conversion of the neighbouring barns including extensions and creation of gardens.
- Subsequent changes to the plans will cost the applicant more money for the build.
- Objectors have not viewed the submitted plans in detail
- The proposed design was in response to objections from residents
- The view of the building from the private drive has been reduced from

that previously approved.

- The proposed scheme is eco friendly as was the original.
- Objectors do not live adjacent to the site and have moved to the area after the previous approval was granted.

The following comments have been made in objection to the proposed development:

- The planning permission must now have lapsed and therefore cannot be varied
- No substantial start has been made to the previous approval
- Proposal is contrary to adopted policies and other applications for new dwellings in the area have been refused
- Lack of discussion between applicant and neighbours
- This development would set a precedent for development in Colehurst
- Development is not in keeping with the character of the area.
- Needs to respect the setting and character of the nearby Grade II listed buildings and the original farmstead.
- Insufficient information provided in relation to details such as windows doors etc and the materials they will be constructed of.
- The building will be highly visible in the area given its elevated position.
- External materials not in keeping with other buildings in the area.
- The separate garage has been positioned to destroy the entrance to the farmstead as demonstrated by the photomontages
- The development will cause a loss of the open nature of the area.
- Access will be via a single width highway with limited passing paces
- Rather than opening up a new access why not use the existing driveway to the side of the site. This would lessen the impact on the highway.
- No facilities exist in the settlement or public transport within easy walking distance.
- The new development does not respect the previous conditions imposed.
- The building would obstruct views over the surrounding area.
- The development would exacerbate flooding to the access drive to the barn conversions.
- Use of the premises as a music studio would not be in keeping with the surrounding uses
- There is a significant level of wildlife in the area that would be affected by the development.
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Letters have been submitted by the applicant in response to comments made to the application. The main points made are as follows:

- Asserts that discussion has taken place with neighbours and that he has tried to amend the design to take into account these concerns.
- Explains the differences between the approved and proposed dwelling.
- Home Office now part of the dwelling to reduce overheads and to be more sustainable.
- Applicant considers design more in keeping with others in Colehurst than the previous approved design.
- Previous dwelling was never described as an eco home although it would

- be built to Level 5 of the Code for sustainable Homes.
- Block plans are never to scale.
- Additional landscaping will be carried out

## 5.0 THE MAIN ISSUES

- Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Other Matters

## 6.0 OFFICER APPRAISAL

### 6.1 Policy & principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 A number of comments have been made regarding the previous approval and that the planning permission obtained was outline and that it has now expired. As such the construction of a new dwelling on this site would be contrary to the principle of housing development in this area.

6.1.3 Full planning permission for the construction of a dwelling on this site was granted 13<sup>th</sup> December 2013 with three years in which to implement the development. Confirmation was received from the Agent that works commenced by the 5<sup>th</sup> December 2013 and this has been confirmed by the Council's Building Control Officers. Therefore, the original planning permission is extant and the applicant could continue to construct the dwelling as approved.

6.1.4 In this case with the application being a variation to this extant permission the principle of the development remains for approval. However, this is subject to the proposal being in compliance with other national and local polices. This will include such detail as the scale and design etc. Each of these will be discussed further in this report.

### 6.2 Affordable Housing

6.2.1 As the proposal is for a variation to the original application, the development remains liable to an affordable housing contribution. As such the affordable housing contribution is required and payment is outstanding. Should this variation to the approved plans be submitted Had development not commenced under the existing approval the applicant would be required to enter into a new S106 legal agreement to ensure this is paid. However, as they have

implemented the scheme, they are liable to the payment already.

- 6.2.2 If the payment is not made and this application is approved, the applicant will be required to enter into a new legal agreement to ensure that the payment is made. Given the length of time that has elapsed since payment should have been made under the original approval, a shorter period of time will be allowed for the payment under this consent.

### 6.3 **Design, Scale and Character**

- 6.3.1 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 residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. The National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition, policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.

- 6.3.2 As a countryside location policy CS5 is also a relevant policy under which to consider the proposal and because of its close proximity to listed buildings policies CS17 and MD13 are also relevant.

- 6.3.3 A number of concerns have been raised regarding the design and scale of the development and that it will not be an eco-building as previously approved and that it is out of keeping with the character of the area. Most notably the barn conversion schemes to the rear of the site. Reference has also been made to application reference 11/01752/FUL which was refused on 8<sup>th</sup> July 2011.

- 6.3.4 Application 11/01751/FUL was for a large 2 storey building and this was refused for the following reason:

*The proposed dwelling will constitute the provision of a new residential unit in isolated open countryside and would be contrary to the principles for residential development in the countryside and would not result in the provision of a sustainable form of development and would therefore be contrary to Planning Policy Statement 7 'Sustainable Development in Rural Areas' and Policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy.*

It is noted in the officer report while the proposed dwelling is large it was considered to be in a reasonably spacious plot and would reflect the character of neighbouring properties. As such no objection was raised by Officers to the proposal on the grounds of scale or design.

- 6.3.5 The approval on which this variation is requested reference 12/02874/FUL was for a detached dwelling and was approved for the following reason:

*The proposal is a departure to the development plan in that the site is situated within open countryside and is contrary to CS5. However there are other material considerations that should be given weight in setting aside the adopted*

*policy. Although Colehurst is currently classified as open countryside and currently has no adopted policy which would allow unrestricted open market dwellings the settlement is being promoted as a community cluster by the local Parish Council. The proposed dwelling will be subject to an affordable housing contribution and community infrastructure levy payment and it is considered that on balance the early release of this site for residential development will provide community benefits, albeit that it would be a departure from policy. The proposed design and layout will respect neighbouring properties and will not result in any detrimental impact from either overlooking or loss of privacy, cause an overbearing impact or result in loss of light. The existing boundary trees and hedging will be retained, whilst the proposed development will not impact on any protected species. The proposed access will provide adequate visibility in both directions for emerging vehicles, whilst a suitable level of off street car parking and manoeuvring space is provided.*

- 6.3.6 Despite the comments made by local residents the approval was not granted on the basis of the proposal being an eco dwelling or being of innovative design but for the reason that at the time Colehurst was being considered for inclusion in the Cluster.
- 6.3.7 For reference an eco dwelling is not solely reliant on its design but is more to do with its construction. As explained by the applicant in one of his responses, the proposed dwelling would be constructed to a Level 5 standard as set out in the Code for sustainable Homes which is dealt with separately from planning. To achieve eco home status this would need to be to a level 6.
- 6.3.8 The previous approval was for a contemporary two storey building built into the ground with a separate building to be used as an office and studio/recording room.
- 6.3.9 The proposal submitted on the 1<sup>st</sup> August 2019 is for a long building located parallel to the northern boundary of the site on a line with the agricultural building located to the east of the site. This would comprise a two storey and single storey section. The two storey section would comprise a kitchen/dining room, lounge, utility, cloak room and entrance hall on the ground floor with three bedrooms, bathroom and en-suite and dressing room. The single storey section will include a large entrance hall, office store, WC, Office and double garage. Externally the building has been design to reflect a converted barn, using cedar cladding, brickwork, and clay tiles to the roof.
- 6.3.10 In order to reduce the visual impact of the structure the ground level will be reduced so that it will sit level with the highway. The roof pitch to the two storey part of the structure has also been changed and as such reduced its height further.
- 6.3.11 In relation to its external appearance it is a mix of contemporary design while trying to reflect a barn conversion. While changes have been carried out to the scheme to improve the appearance, Officers are of the opinion that there would still be room for improvement. However the advice of officers given since the submission of the application has only been taken up in part and is now considered to be at a point where it would be difficult to sustain an objection or

refusal on these grounds. It will be the attention to detail in the finishing of the build that will ensure the success of this development. In order to ensure these are to a high standard conditions have been recommended for inclusion on any consent that may be issued.

- 6.3.12 In relation to the setting of the building with nearby listed buildings, this has been carefully considered by the Conservation Officer. The scheme as amended is considered to not have a detrimental impact on their setting, given its lower height and distance from these heritage assets.
- 6.3.13 Overall it is considered that the overall design, scale, and position of the building are acceptable in this sensitive location. As such the proposal is considered to be in accordance with the NPPF and policies CS5, CS6, CS17, MD2 and MD13 of the Shropshire LDF.
- 6.4 **Impact on Residential Amenity**
- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.4.2 A number of concerns have been raised regarding the potential loss of privacy and views over the landscape as a result of the development. In addition, noise has also been raised as an issue both during the construction of the dwelling and from the use of the music studio proposed in the dwelling.
- 6.4.3 Firstly, people do not have a right to a view and therefore the issues regarding not being able to view sunsets or fields is not a material planning consideration that can be used to justify recommending the application for refusal.
- 6.4.4 In regard to loss of privacy. It is noted that rear boundary of the application is separated from the Dairy Barn by the remainder of the paddock. There is a distance approximately 40 metres between the rear boundary of the application site and the front wall of The Dairy Barn. There is no adopted policy in relation to distances between dwellings, however a general guide is a minimum of 21 metres uninterrupted views should be maintained. In this instance the distance exceeds this minimum required and there is also sufficient distance between the proposed building and the corner of New Colehurst Manor to also not be affected. Therefore it is considered that the proposal will not result in an unacceptable loss of privacy.
- 6.4.5 The music studio could create noise depending on how it is used. From the information provided by the applicant and in his subsequent letters, it would appear that recordings are made off site and the studio/office is used to work on the recordings. This would not therefore necessarily cause the emission of noise assumed by many of the objectors. However, if it were to become a statutory noise issue, there is other legislation which is able to deal with the matter.
- 6.4.6 To deal with the issue of construction noise a condition could be imposed which would restrict the hours of working on the site.

6.4.7 Overall while a number of concerns have been raised, Officers are of the opinion that there is insufficient justification to demonstrate that the proposal will have a detrimental impact on the residential amenities of the area. Therefore the proposal is in accordance with policy CS6 of the Shropshire Core Strategy.

## 6.5 Highways

6.5.1 Concerns have been expressed regarding the impact the proposal will have on the local highway network.

6.5.2 As previously stated this is a variation to the approved plan relating to the house only. Therefore the proposal does not affect the proposed means of access that has previously been approved. No refusal of this application can be justified for this reason.

## 6.6 Ecology

6.6.1 Similarly as with highways the proposal is looking at the amendment of the house only not the principle of development. While today the ecology surveys would be considered out of date, at the time the application was submitted there was no requirement for new surveys to be submitted. As the objector has pointed out there is no evidence to suggest that there are Great Crested Newts in the pond.

6.6.2 As the current approved dwelling could continue to be constructed it would be unreasonable to insist on any new surveys being undertaken. However informatives will be included to advise the applicant/developer of their duty in relation to dealing with statutorily protected species and habitats.

## 6.7 Other Matters

6.7.1 A number of personal comments have been made by parties in relation to this application. Personal criticism and hearsay are not material planning considerations and cannot be used in the determination of planning applications. Therefore none of these have been referred to within this report.

6.7.2 Comments have been received stating that the planning history for the site has not been revealed to them when they purchased properties. The onus is on the proposed purchaser when they carryout local searches to identify land that they wish to know about. Unless requested by their clients, generally solicitors will only search on the property being bought. Therefore the applicant cannot be held responsible if the extant permission has not been revealed to them. Nor can this be used as a reason to justify refusing any further applications that may be submitted for the site.

6.7.3 A number of local residents have also complained that the applicant has not corresponded or discussed with them the proposed development. There is no requirement in Planning Legislation that requires an applicant to do this prior to the submission of an application. While it is preferable that an application discusses proposals with a neighbour it is not a required and therefore this also is irrelevant in determining the application.

6.7.4 The issue of Human rights has been raised. This is discussed in para 8.2 below. However it should be remembered that all including the applicant have

rights under the legislation.

## **7.0 CONCLUSION**

7.1 On balance in view of the above it is the opinion of officers that the proposed design and scale of the dwelling is acceptable and it will not have a detrimental impact on the character and appearance of the area. It will also not have a detrimental impact on the setting of nearby listed buildings. Therefore subject to the applicant entering into the new legal agreement to secure the payment of the affordable housing contribution, the development protects and enhances the historic environment and is considered to be in accordance with the NPPF and policies CS5, CS6, CS17, MD2 and MD13 of the Shropshire LDF.

## **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 - written representations, a hearing or inquiry.
- The decision is 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 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 give 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 1970.

## **9.0 FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework  
 CS5 - Countryside and Greenbelt  
 CS6 - Sustainable Design and Development Principles  
 CS17 - Environmental Networks  
 MD2 - Sustainable Design  
 MD13 - Historic Environment  
 CS11 - Type and Affordability of housing  
 SPD Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

NS/04/00833/LBC Alterations to Grade II listed barn to facilitate conversion of redundant farm buildings to 6 units, incorporating 5 live/work units and 1 residential unit to include provision of roof lights and new window/door openings, together with demolition and removal of existing buildings and structures CONAPP 20th October 2005  
 NS/04/00834/FUL Conversion of redundant farm buildings to 6 units, incorporating 5 live/work units and 1 residential unit, together with demolition and removal of existing buildings and structures CONAPP 20th October 2005  
 NS/05/00606/ENQ Proposed use and development on plots 4 and 7 REC  
 NS/05/00790/ENQ Potato Packing and Distribution Business REC  
 NS/06/01561/FUL Removal of agricultural occupancy condition imposed by Planning Permission SU63/672 CONAPP 28th September 2006  
 NS/06/01988/ENQ Compliance with Agricultural Occpancy Restriction REC  
 NS/07/00064/DOC Discharge of Condition No:20 in connection with Planning Application No: N/04/825/SU/27 REC  
 NS/08/01552/ENQ Erection of a single storey outbuilding REC

11/01752/FUL Erection of a detached 3 bedroomed dwelling and installation of a septic tank REFUSE 8th July 2011

PREAPP/12/00035 Erection of a detached dwelling PREUDV 29th February 2012

12/02874/FUL Erection of one detached dwelling and ancillary office/studio accommodation; formation of vehicular access; installation of septic tank GRANT 13th December 2013

13/04528/FUL Erection of two detached dwellings and detached garages REFUSE 10th July 2014

PREAPP/16/00374 Erection of a detached dwelling PREAIP 1st October 2016

16/04620/VAR Variation of condition 2 attached to planning permission 12/02874/FUL to allow the erection of one detached dwelling, detached double garage and creation of new access PCO

16/05165/DIS Discharge of conditions 3 (external materials), 4 (commencement of ground works), 5 (landscape scheme) and 6 (foul/surface water drainage) relating to planning permission 12/02874/FUL for the erection of a single detached dwelling with ancillary home office/studio accommodation GRANT 29th November 2016

NS/02/00610/REM Removal of agricultural occupancy condition attached to p.p. 65/672 Outline dated 14.4.65 REFUSE 5th September 2002

NS/03/00258/FUL Conversion of redundant agricultural buildings to form 7 dwellings REFUSE 17th July 2003

NS/03/00459/REM Removal of Condition No. 2 attached to Planning Permission 68/65/672 dated 14.04.1965 to allow occupation by non agricultural workers. REFUSE 17th July 2003

NS/07/01587/ENQ Enquiry regarding the access road REC

NS/08/00307/FUL Application Under Section 73A of the Town and Country Planning Act 1990 to allow the conversion of 3no barns into 3no residential units CONAPP 30th April 2008

NS/08/00366/FUL Application Under Section 73a of the Town and Country Planning Act 1990 to allow the conversion of three barns into one dwelling CONAPP 29th May 2008

NS/08/00387/LBC Application Under Section 73a of the Town and Country Planning Act 1990 for works to a listed building to facilitate the conversion of three barns to one dwelling CONAPP 29th May 2008

PREAPP/11/01041 Proposed variations to previously approved schemes NOOBJC 4th May 2011

11/02025/VAR Variation of Condition No.1 (elevations) attached to planning permission 08/00307/FUL dated 30th April 2008 for application under Section 73a of the Town and Country Planning Act 1990 to allow the conversion of 3 No. barns into 3 No. residential units GRANT 16th August 2011

11/02026/VAR Variation of Condition No.1 (elevations) attached to planning permission 08/00366/FUL dated 29th May 2008 for application under Section 73a of the Town and Country Planning Act 1990 to allow the conversion of three barns into one dwelling GRANT 16th August 2011

11/02028/LBC Application under Section 73a of the Town and Country Planning Act 1990 to allow the conversion of three barns into one dwelling affecting a Grade II Listed Building (Amendments to previously approved scheme reference 08/00387/LBC) GRANT 16th August 2011

16/04620/VAR Variation of condition 2 attached to planning permission 12/02874/FUL to allow the erection of one detached dwelling, detached double garage and creation of new access PCO

12/02874/FUL Erection of one detached dwelling and ancillary office/studio accommodation; formation of vehicular access; installation of septic tank GRANT 13th December 2013

16/04620/VAR Variation of condition 2 attached to planning permission 12/02874/FUL to allow the erection of one detached dwelling, detached double garage and creation of new access PCO

16/05165/DIS Discharge of conditions 3 (external materials), 4 (commencement of ground works), 5 (landscape scheme) and 6 (foul/surface water drainage) relating to planning permission 12/02874/FUL for the erection of a single detached dwelling with ancillary home office/studio accommodation GRANT 29th November 2016

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
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Local Member Cllr Rob Gittins
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Appendices APPENDIX 1 - Conditions
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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. 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.

2. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

3. No construction (and/or demolition) works shall take place before 07:30 am on weekdays and 08:00 am on Saturdays nor after 18:00 pm on weekdays and 13:00 pm on Saturdays; nor at anytime on Sundays, Bank or 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 approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: In the interest of archaeological remains.

5. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

- Means of enclosure
- Hard surfacing materials
- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

6. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

7. 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 before the development commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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

8. Prior to the above ground works commencing samples and 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.

9. Prior to the first occupation of the dwelling hereby approved details for the parking, turning, loading and unloading of vehicles have been submitted to and approved by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

10. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

11. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

12. Prior to the commencement of work, details of the brick bond and type, shall be submitted to and agreed in writing by the Local Planning Authority. Following this approval, a freestanding sample panel of brickwork of approximately 1m square shall be provided on site and the mortar mix, colour, texture and joint finish shall be inspected and approved in writing by the Local Planning Authority before the relevant works commence.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

13. 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 safeguard the architectural and historic interest and character of the Heritage Asset.

14. The access apron shall be constructed in accordance with Shropshire Councils specification currently in force for a residential dwelling and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

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

15. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

#### 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. Does your development require utility connections?  
Any works/activities carried out either by, or on behalf of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act (NRSWA) 1991 and the Traffic Management Act (TMA) 2004 and licensed accordingly by the Street/Highway Authority in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Shropshire. Developers must also inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Any such works or activities commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with Shropshire Council Street Works Team. To allow effective co-ordination contact must be made with the Street Works Team at least three months in advance of the commencement of the works and any subsequent applications must be in line with the noticing requirements of the NRSWA 1991, TMA 2004 and Highways Act 1980. The developer must particularly ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time and using the same Traffic Management measures.

For more information please contact [Streetworks@shropshire.gov.uk](mailto:Streetworks@shropshire.gov.uk) or <https://shropshire.gov.uk/roads-and-highways/application-forms-and-charges/>

Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

3. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

4. 1. SuDS Applicability for the site is Infiltration. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access/ driveway run onto the highway.

3. Full details and sizing of the proposed septic tank including percolation tests for the drainage fields should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water Flows and Loads: 4 should be used to determine the number of persons for the proposed development i.e. for a 3 bedroom dwelling, the population equivalent should be 5 and the sizing of the septic tank and drainage fields should be designed to cater for a minimum of 5 persons and in accordance with the Building Regulations H2 Paragraph 1.18. These documents should also be used if other form of treatment on site is proposed.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.

4. As part of the SuDS, the applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new access, driveway, parking/paved area

Attenuation

Greywater recycling system

Green roofs

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

5. Nesting birds 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 and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

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

General site informative for wildlife protection

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

#### 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.

#### 6. 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 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/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.

#### 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/media/2326/shropshire-refuse-and-recycling-planning-guidanceseptember-2015.pdf>

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