

Development Management Report

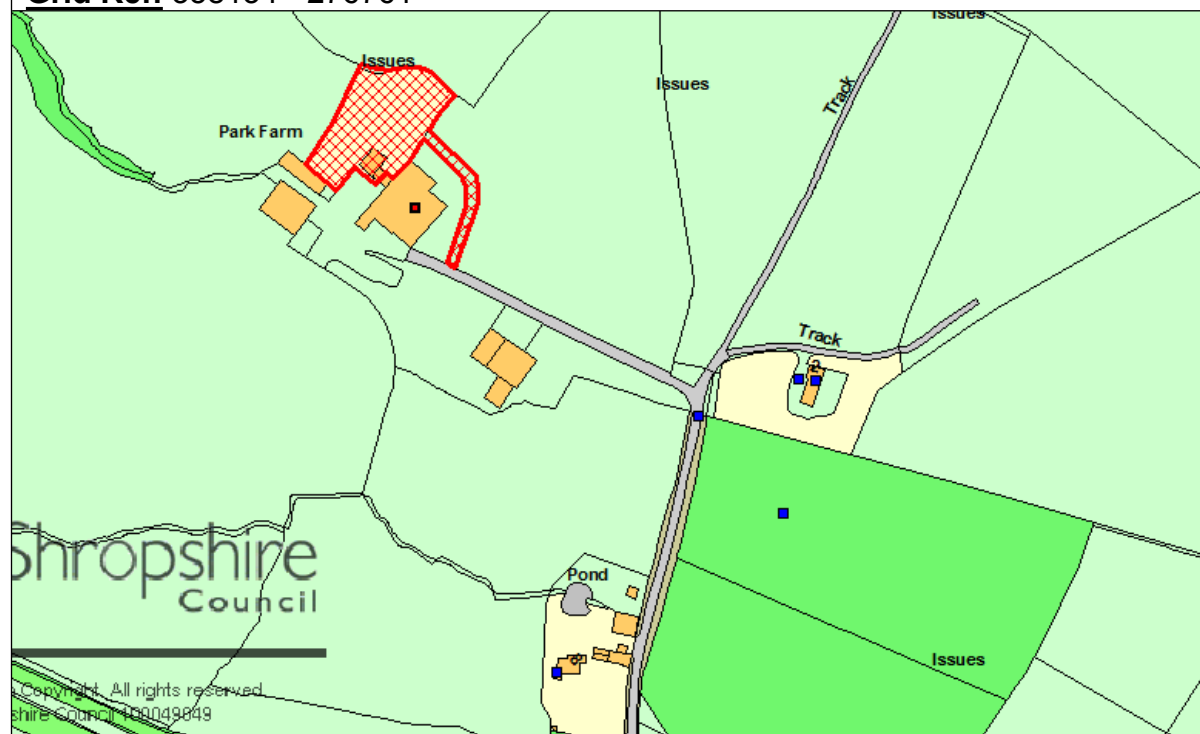
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 19/03195/FUL	<u>Parish:</u>	Bitterley
<u>Proposal:</u> Erection of two storey and single storey extensions and improvements to existing farmhouse		
<u>Site Address:</u> Park Farm Angel Lane Farden Ludlow Shropshire		
<u>Applicant:</u> Mr Owen Huffer		
<u>Case Officer:</u> Elizabeth Davies	<u>email:</u> planningdmsw@shropshire.gov.uk	

Grid Ref: 358134 - 276761



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 following:

- Demolish the existing single storey porch and utility room on the northwest elevation and replace it with a stone-faced single storey porch and snug with pitched roof over the snug and a monopitched roof over the porch.. Fenestrations would be added to all elevations in the form of windows to the southwest and northwest elevations and a door to the northeast elevation.
- Reconfigure the ground floor layout and relocate the main access to the northeast elevation. This will allow for a new entrance hall area to be created that would be single storey in nature with matching brick walls and a tiled pitched roof. A door flanked with windows each side would sit centrally on the northeast elevation, while a window would be added to the southeast elevation to help reduce the bulk visually. This new entrance hall would link through into a new utility room (which was formally an adjoining outbuilding) which also would be of brick construction with a tiled pitched roof over with a door leading out from the southwest elevation..
- Erect a new 2 storey extension from matching brickwork beneath a tiled pitched roof would be added to the rear elevation that would create a new sitting room to the ground floor and a master bedroom above. Large glazed bi-folding doors would grace the northwest elevation with 2 pitched roof dormers above to serve the first floor, while the fenestrations proposed to the southeast elevation would consist of a triple casement window to the ground floor and a pitched roof dormer above.
- All the existing windows would be replaced with windows considered to be more in keeping with the existing property, and in addition, the south west elevation would see the existing 3 windows at first floor level replaced with 3 pitched roof dormer windows.

2.0 SITE LOCATION/DESCRIPTION

2.1 Park Farm is located within the Shropshire Hills Area Of Outstanding Natural Beauty and is set within a large domestic curtilage. Sitting at the end of Angel Lane, which is located off Angel Bank, the main A4117 road between Ludlow and Clee Hill. The property is a part stone and part brick building under a natural clay tiled roof and sits adjacent to the original farmyard. With it being the original farmhouse, agricultural buildings naturally surround it.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application form indicates that a Shropshire Council Councillor owns part of the application land and therefore under the Council's 'Scheme of Delegation' the application is required to be determined by committee.

4.0 Community Representations

- 4.1 Consultee Comments - full details of the responses can be viewed online.

- 4.1.1 Bitterley Parish Council – Support

- 4.1.2 Shropshire Council Historic Environment – No objection

It appears from the above information and from the photographic evidence and historic mapping that the building would be of 19th century date and would therefore be of some historic interest. The property also lies within the AONB. The property is obviously not habitable and therefore it is acknowledged that some works will be necessary to bring the building back into use. The proposed extensions and alterations are considered to be acceptable in this instance but may be the limit to the extension of this property which appears to have been altered and extended in the past. The introduction of dormer windows to the front elevation appears to be justified from a safety perspective and therefore we have no conservation objections to this element. Due to the location of the property the impact upon the AONB is considered to be minimal. Generally to proposal is considered to accord with policies, guidance and legislation as outlined above from a conservation perspective. Materials should match existing.

- 4.1.3 Shropshire Council Archaeology - No objections are raised to the proposal subject to the recommended condition being included on any planning permission that may be granted.

- 4.1.4 Shropshire Council Ecology – No objections are raised to the proposal subject to the recommended conditions and informatives being included on any planning permission that may be granted.

- 4.1.5 Shropshire Council Drainage - No objections are raised to the proposal subject to the recommended informative being included on any planning permission that may be granted.

- 4.1.6 Shropshire Hills AONB – Comments

The local planning authority has a statutory duty to take into account the AONB designation, and National Planning Policy Framework (NPPF) policies give the highest level of protection to AONBs. The application also needs to conform to the Council's own Core Strategy policies and the Site Allocations and Management of

Development (SAMDev) plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the Partnership should not be interpreted as suggesting that the application raises no landscape issues.

4.2 Public Comments

- 4.2.1 Notices at the site have advertised the application 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 landscaping
Residential amenity
Archaeology
Ecology

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 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy and MD2 of the adopted Shropshire Sites Allocations and Management of Development (SAMDev) 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. Policy 12 of 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.
- 6.1.3 The application site is within an Area of Outstanding Natural Beauty, therefore Shropshire Core Strategy Policy CS5: Countryside and Greenbelt and CS17: Environmental Networks along with MD12: Natural Environment of the adopted Shropshire Sites Allocation and Management of Development (SAMDev) must also be considered; the protection and enhancing of the natural environment is sought

under the policy.

- 6.1.4 The property is not listed or within a conservation area but could be considered to be a non-designated heritage asset by virtue of its age and architectural details, therefore 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. Paragraph 197 of the NPPF states that the Local Planning Authority has a duty to consider the effect of an application on the significance of a non-designated heritage asset and should ensure that a balanced judgement will be required regarding the scale of any harm.
- 6.1.5 On the basis of the above, it is considered by Officers that there is no objection to the principle of the construction of extensions to the property. Other issues relating to scale, design, impact on neighbours etc. will be discussed further in this report.

6.2 Siting, scale and design of structure

- 6.2.1 With respect to the policies set out in paragraph 6.1.4 above, the development is proposed to reflect the local vernacular, so as to be in style and scale of the existing building. The proposed extensions are sited on the same footprint (more or less) and to the sides of the building and the overall height of any roofs will not exceed that of the original house. The proposal is considered to be in scale and proportions commensurate with the existing structure. In addition, the majority of the original feature would remain thus preserving the non-designated heritage asset, with the existing structure remaining dominant.
- 6.2.2 External finishes are to match the existing, being natural stone to the walls of the rebuilt snug/porch, facing brickwork to the extensions and clay tiles to the roof, both of which will match the existing. The demolished bricks are to be cleaned and re used to make good where windows have been raised.
- 6.2.3 Overall the proposed extension is considered to be sympathetic to the size, mass, character and appearance of the original dwelling house and would be in accordance with the above policies.

6.3 Visual impact and landscaping

- 6.3.1 The application site sits on the western slopes of Clee Hill and within the Shropshire Hills AONB. The main aspect of property also faces this direction where there are long distance views across the valley from Bitterley. The replacement snug and porch are in the same positions as the existing; this also applies to the utility room that will replace the current adjoining outbuilding and therefore the visual impact from this direction is considered minimal. The main 2-storey extension would be located on the northeast elevation along with the new entrance hall and thus hidden from this most prominent viewing direction. In addition, the existing and adjoining farm buildings would allow these proposed alterations and additions to blend in with the existing property/buildings without

visually adding additional bulk to the property.

6.4 Residential amenity

- 6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. Given the site's distance from the neighbouring properties, it is considered that the proposal would not lead to any adverse impacts in terms of neighbouring amenity.

6.5 Archaeology

- 6.5.1 The proposed development site is a stone and brick-built farmhouse (Shropshire Historic Environment Record [HER] No PRN 23010) of early 19th century and possibly earlier date, first identified and classified by the Historic Farmsteads Characterisation Project, 2008 2010. The proposed development site therefore be deemed to have some historical and archaeological interest and has been considered by Shropshire Council's Archaeology Officer. No objection has been raised and it is considered that the archaeological potential of the site can be satisfactorily managed by a condition requiring that a programme of archaeological work be submitted to the Local Planning Authority for approval prior to the commencement of the works. In view of the above it is considered that the proposed development will not have a detrimental impact and that the proposal meets the requirements of paragraph 199 of the NPPF policy and MD13 of SAMDev.

6.6 Ecology

- 6.6.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Policy MD12 of SAMDev further supports the principle of protecting and enhancing the natural environment. Therefore the application has been considered by the Council's Ecologist and no objection has been received. However it has been recommended by the Council's Ecologist that conditions and informatives be included on any planning permission that may be granted. These will improve and protect the existing biodiversity of the area.

7.0 CONCLUSION

The proposal is judged to be in scale and character with the original non-designated heritage asset and would have no significant adverse impact on the visual or residential amenities of the surrounding AONB 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 SAMDev Plan Policies:
CS05 – Countryside and Greenbelt
CS06 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD02 - Sustainable Design
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

SS/1987/377/R/ Erection of an agricultural workers dwelling. PERCON 19th July 1988
SS/1987/377/O/ Erection of an agricultural workers dwelling. PERCON 27th November 1987

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PUQB3GTD08V00>

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

Local Member

Cllr Richard Huffer

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 materials shall match those of the existing building.
Reason: To ensure that the works harmonise with the existing development.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.
5. No development approved by this permission shall commence until a photographic survey (Level 2 photographic recording), as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') of the existing structure has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the building prior to development.

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

6. Prior to first occupation / use of the extensions hereby approved, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

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

7. Prior to the erection of any external lighting on the site associated with the development hereby approved, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: <https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.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.

3. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 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.

Any chemical treatment of timbers should not take place between the beginning of October and the end of March and no pointing or repairs of any gaps or crevices which cannot be easily seen to be empty should take place between the beginning of October and the first week in April, to minimise the possibility of incarcerating bats.

If timber treatment is being used then the Natural England's Technical Information Note 092: Bats and timber treatment products (2nd edition) should be consulted and a suitable 'bat safe' product should be used (see <http://webarchive.nationalarchives.gov.uk/20160913000001/http://publications.naturalengland.org.uk/publication/31005>).

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.

4. 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 and/or conversion, renovation and demolition work in buildings 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 if there are no active nests present should work be allowed to commence.

5. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

6. 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.

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