

## Development Management Report

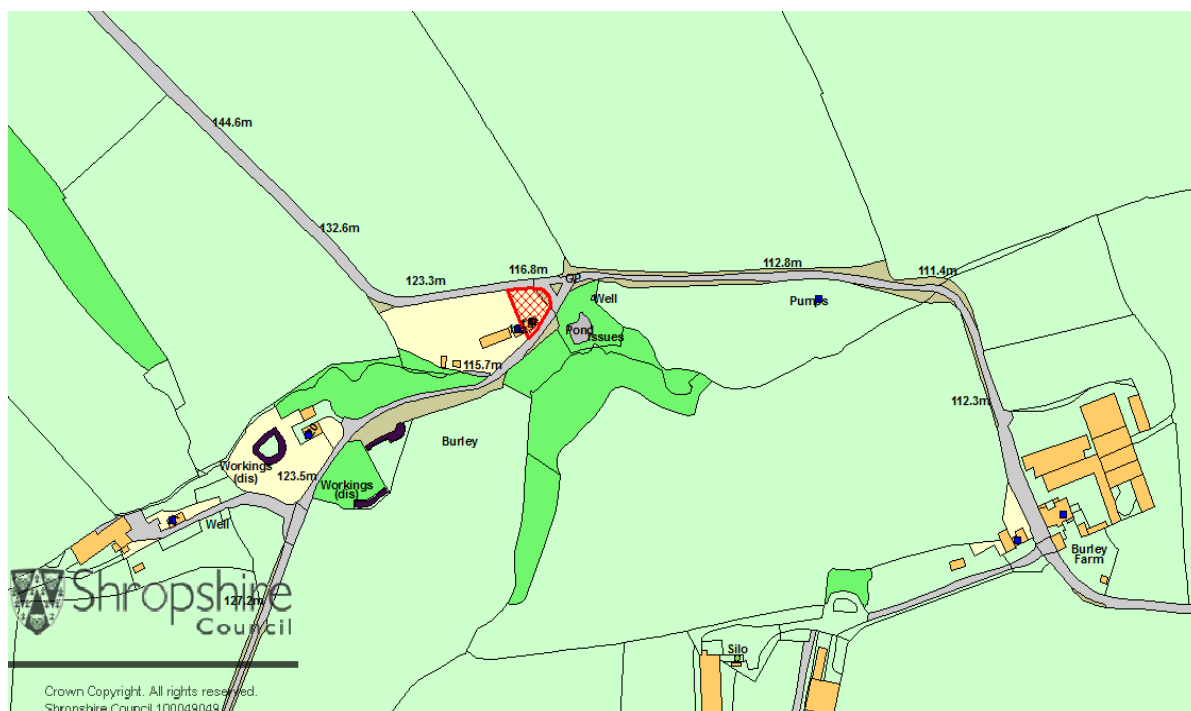
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 21/00496/FUL	<b><u>Parish:</u></b>	Culmington
<b><u>Proposal:</u></b> Erection of single storey side extension		
<b><u>Site Address:</u></b> 19 Burley Craven Arms Shropshire SY7 9LW		
<b><u>Applicant:</u></b> Mrs E Griffiths		
<b><u>Case Officer:</u></b> Emma Bailey	<b><u>email:</u></b> <a href="mailto:planning.southern@shropshire.gov.uk">planning.southern@shropshire.gov.uk</a>	

**Grid Ref:** 347596 - 281581



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

## REPORT

### 1.0 THE PROPOSAL

- 1.0.1 This application seeks full planning consent for the construction of a single storey side extension at 19 Burley.
- 1.0.2 The proposal would extend the length of an existing single storey lean-to from 3.6m to 5.8m, so that it broadly matches the depth of the existing dwellinghouse but with a 0.4m set back. The width of the extension would remain at 3.5m. External materials would match existing.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.0.1 19 Burley is a semi-detached dwelling within the open countryside, approximately 3 miles east of the settlement of Craven Arms. It is an attractive brick and tile building with a generous curtilage that sweeps clockwise around the dwelling north to south. It is bounded mostly by hedgerow.
- 2.0.2 Development in the local area is loosely knit and sporadic. The prevailing wider land use is agricultural, with some nearby belts and clusters of trees.
- 2.0.3 The site is not subject to any land designations; however, the building is regarded to have some historic merit as a non-designated heritage asset.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.0.1 The applicant works within the planning department of Shropshire Council. This triggers an automatic referral of the application to planning committee.

### 4.0 COMMUNITY REPRESENTATIONS

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

#### 4.1 Consultee Comments

Culmington Parish Council  
Support

At the Culmington Parish Council meeting on 2nd March 2021 the council resolved to unanimously support this application.

SC Drainage  
Recommend informatives.

SC Conservation  
The proposed extension is a modest single storey addition to an existing

side extension, the proposal raises no issues in conservation terms.

#### SC Ecology

Recommend conditions relating to the installation of a bird box and external lighting, and informatives.

## **4.2 Public Comments**

A planning notice was placed at the application site 09.02.2021 and neighbour letters sent. No letters of representation have been received at the time of writing this Report.

## **5.0 THE MAIN ISSUES**

- \* Principle of development
- \* Siting, scale and design
- \* Historic environment
- \* Local amenity
- \* Biodiversity
- \* Drainage

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning applications to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The Council benefits from an adopted development plan which has been found to accord with the National Planning Policy Framework (NPPF). The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The Council's development plan consists at this time of the Core Strategy, Site Allocations and Management of Development (SAMDev) Plan and a range of Supplementary Planning Documents and adopted Neighbourhood Plans.
- 6.1.3 The addition or alteration of a dwellinghouse is generally acceptable in principle, provided proposals accord with local plan policies MD02 of the SAMDev Plan and CS06 of the Core Strategy. Encouragement is given to development that is sympathetic to the character and appearance of the existing building and is designed to a high standard using sustainable design codes as set out within the NPPF. Policy also advises that consideration should be given to the impacts of proposals upon neighbours and/or the local area more generally, including any specific benefit or net gain arising from that scheme.

- 6.1.4 As a non-designated heritage asset, this also engages consideration of Core Strategy policy CS17 and SAMDev Policy MD13, which require all development to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets. CS06 and MD02 additionally recognise the importance of preserving Shropshire's heritage assets as a finite resource.
- 6.2 **Siting, scale and design**
- 6.2.1 The proposed extension would remain subservient to the host dwelling, leading to a modest increase in footprint by around 7.7m<sup>2</sup>. Materials would match existing which would be controlled by condition. Openings would face out over the residential curtilage of 19 Burley and the existing driveway, parking and access areas would remain unaffected. The development is therefore considered acceptable in terms of siting, scale and design, in accordance with Core Strategy Policy CS06 and SAMDev Policy MD02.
- 6.3 **Historic environment**
- 6.3.1 The Council's Conservation Officer describes the proposed works as a modest addition to an existing extension and raises no objection to the development with no conditions to recommend. There is concurrence with this view, where it is considered that the development would not dilute or otherwise harm the historic character of the building or its wider setting. The proposal is therefore considered acceptable from a historic environment perspective, in accordance with Core Strategy Policies CS06 and CS17 and SAMDev Policies MD02 and MD13.
- 6.4 **Local amenity**
- 6.4.1 The extension would be positioned on the eastern side of the dwellinghouse furthest from the adjoining occupier at 19A. There are no other neighbouring dwellings in the vicinity who would be affected by the development. The proposal being single storey would be mostly screened from wider public viewpoints due to the undulating landscape and the presence of a boundary hedgerow. The development is therefore considered to accord with Core Strategy Policy CS06 in respect of amenity.
- 6.5 **Biodiversity**
- 6.5.1 The Council's Ecologist has made the following observations in relation to biodiversity:
- I have reviewed the photographs and plans submitted in association with the application. The photographs suggest that the house is in a*

*good state of repair. The facia of the existing single storey extension appears to be well sealed and the proposed extension will not alter the roof associated with the original double storey section of the building. No further surveys are recommended however in the event a bat is found during works, works must stop and NE or a licensed ecologist must be contacted for advice on how to proceed.*

*Furthermore, the proposals are limited in extent and the affect habitats are of limited ecological value, namely hardstanding and amenity grassland. A pond has been noted approximately 15m from the site boundary however a Great Crested Newt eDNA survey has been carried out at the pond in spring 2018 which came back negative, it is considered unlikely that the waterbody would have been colonised by Great Crested Newts in the intervening period and the survey is still considered valid.*

*On review of the photographs no evidence of nesting birds has been identified on the building however it would be prudent to carry out works outside the bird breeding season which is generally considered to be between March to August inclusive unless breeding birds are confirmed absent.*

- 6.5.2 The Council's Ecologist is content with the level of detail submitted, where recommendations of the installation of a bird box and external lighting would be conditioned. The proposal is therefore considered acceptable in respect of biodiversity, in accordance with Core Strategy policies CS06 and CS17, which seek to ensure developments do not have an adverse impact upon protected species, and obligations set out under national legislation.

## 6.6 Drainage

- 6.6.1 No objection to the development has been raised by the Council's Drainage Engineer, with no conditions to recommend. The development therefore accords with Core Strategy policy CS18, which relates to sustainable water management.

## 7.0 CONCLUSION

The proposed extension is regarded as a modest addition to 19 Burley and would be sympathetic to the character and appearance of the existing building. A condition requiring matching materials would be applied to any approval notice.

No objection to the development has been raised by the Council's Conservation Officer, with no conditions to recommend.

Due to the position of the neighbouring occupier at 19A relative to the

development and the presence of boundary screening, amenity would be maintained.

The Council's Drainage Engineer is satisfied with the details as submitted, with no conditions to recommend.

Ecological interests would be safeguarded through planning conditions.

Conditional approval is therefore recommended.

## **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:  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

18/01366/FUL Erection of a detached double garage with office above. GRANT 10th May 2018  
18/04896/DIS Discharge of Condition 4 (Ecology) associated with planning application number 18/01366/FUL DISAPP 30th October 2018

1. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QNUWODTD02B00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

\* Design and Access Statement

Cabinet Member (Portfolio Holder)

\* Councillor Gwilym Butler

Local Member

\* Cllr Cecilia Motley

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 in colour, form and texture to those of the existing building.

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

4. Prior to the erection of any external lighting 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, trees, and hedgerows. 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.

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

5. Prior to the first occupation/use of the development hereby approved, a minimum of 1 artificial nests, of either integrated brick design or external box design, suitable for; Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Sparrows (32mm hole, terrace design), small birds (32mm hole, standard design) and/or House Martins (House Martin nesting cups) shall be erected on the site.

The box shall be sited in suitable locations, at least 2m from the ground, with a clear flight path and where it will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

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

### **Informatives**

#### **1. PARAGRAPH 38**

In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework 2018 paragraph 38.

#### **2. RELEVANT PLANNING POLICIES**

In determining this application the local planning authority gave consideration to the following policies:

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

Shropshire Council Core Strategy policies:  
CS05 - Countryside and Green Belt  
CS06 - Sustainable Design and Development Principles  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan policies:  
MD02 - Sustainable Design  
MD13 - Historic Environment

#### **3. ECOLOGY INFORMATIVES**

Bats informative

All bat species found in the U.K. are protected under the 2019 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations and the 1981 Wildlife and Countryside Act (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 (also called non-woven textiles) should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional 1F bitumen felt that is of hessian matrix construction should be chosen instead (BCT, 2020).

#### Great Crested Newts informative

Great Crested Newts are protected under the 2019 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations and the 1981 Wildlife and Countryside Act (as amended).

It is a criminal offence to kill, injure, capture or disturb a Great Crested Newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

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.

#### Nesting birds informative

The active nests of all wild birds are protected under the 1981 Wildlife and Countryside Act (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 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 if 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 the building or vegetation and begin nesting, work must cease until the young birds have fledged.

#### General site informative for wildlife protection

Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. 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 2006 Natural Environment and Rural Communities Act. 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.

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 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).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

#### 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: <https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

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