

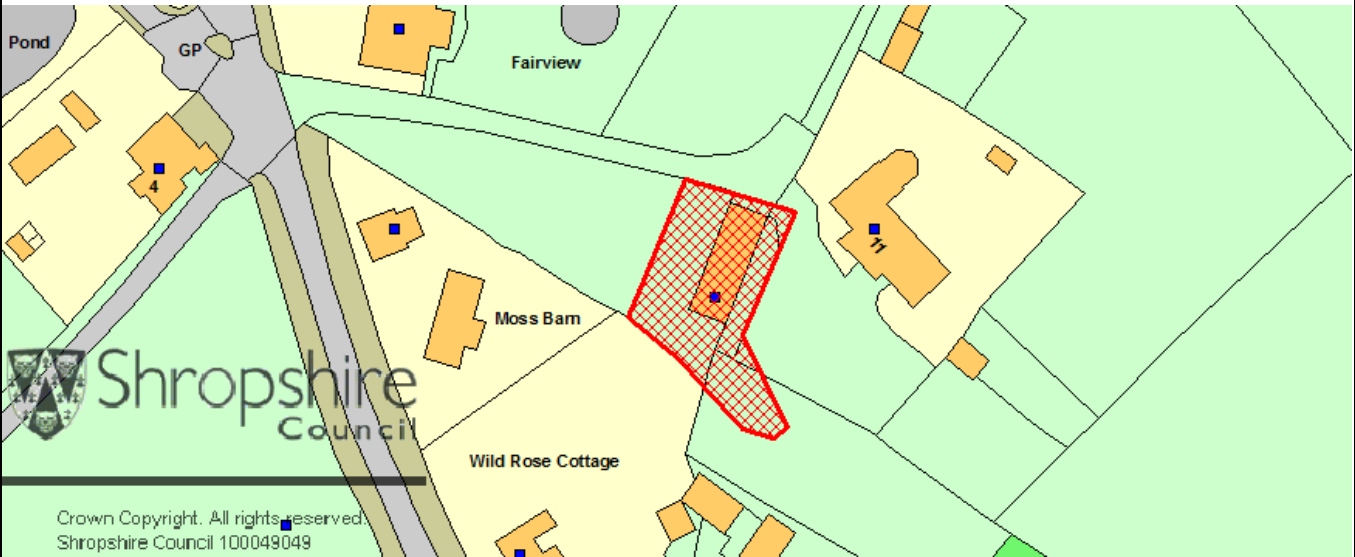
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/05411/FUL	Parish:	Worthen With Shelve
Proposal: Conversion of (part of) Dutch Barn into 2No holiday lets with the remainder of the Dutch barn used for purposes ancillary to the main dwelling and installation of septic tank (re-submission)		
Site Address: Proposed Barn Conversion At Rowan House Gravels Bank Minsterley Shropshire		
Applicant: Mr and Mrs M Butcher		
Case Officer: David Jones	email	:

Grid Ref: 333225 - 300499



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is made to convert the existing building into two single storey self-contained 1-bedroom holiday units. In addition, a workshop is proposed within the building which would be used on an ancillary basis to the applicant's residential property.
- 1.2 Externally the walls of the converted building would be clad with larch cladding and roof would be finished with corrugated metal cladding in a green colour. Doors and windows would be timber and painted with linseed oil. Existing hedge boundaries on the application site would be reinforced with additional landscaping. Solar panels are proposed on the roof of the building.
- 1.3 Foul drainage would be disposed of via a treatment plant and the effluent would be discharged into an adjacent ditch. Amended plans were received while processing the planning application which reduced the extent of the red line area of the application site and also re-sited the proposed treatment plant in closer proximity to the building being converted.
- 1.4 The planning application is supported by an arboriculture assessment and none of the trees present in proximity to barn are proposed to be felled as part of the development.
- 1.5 The planning application is also accompanied by an amphibian survey which identified that Great Crested Newts were present within two ponds outside the applicant's land and mitigation measures are recommended to mitigate impacts of the development on these protected species.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located centrally in Gravelsbank. Vehicular access is via a track has an access with the public highway in proximity to a junction opposite. The public highway in the vicinity is generally single carriageway in width.
- 2.2 The proposal relates to an open sided dutch type barn which has a corrugated metal type roof measuring around 18.4 metres in length 6 metres in width and having a height of 4.7 metres. The building is located within the curtilage (which amounts to an area of around 0.6 hectares) of an existing residential property which also has an annexe which it is understood is let for holiday purposes.
- 2.3 There are existing residential properties abutting to the south, east north west of the application site.
- 2.4 There are two trees (ash and an oak) in proximity to the barn. There are

existing trees and hedges present along the south western boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Although the development is compliant with relevant development plan policies, the Parish Council has objected to the application and the application is being referred to the Committee for determination.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Parish Council

06.12.2021 Objects

Gravels Bank was a small settlement located in a protected historic landscape. It is considered that if consent is given for this application it would result in a negative impact on the character of this ever-increasing settlement.

Gravels Bank sits within the AONB. The Natural Environment Policy (SAMDev MD12) aims to provide a level of protection to Shropshire's natural assets, including trees, woodland, hedgerows and the Shropshire Hills AONB. This Parish Council does not consider that permitting this development would be compatible with protecting and enhancing the natural, built and historic environment.

The proposal would have a material adverse impact on the landscape quality and character and setting of the Shropshire Hills AONB.

The proposal would create over massing in this location and further add to the over development of Gravels Bank.

The access to the site is not in good condition and highways safety in this location must be a consideration.

There is an infrequent bus service in this location and shops and/or other amenities are not accessible by foot. Therefore, this proposal would create additional traffic on these rural lanes.

4.1.2 Drainage & SUDS

01.02.22 The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Councils Development Management Team.
Informative Notes:

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 council's website at:

<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers>

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.

09.03.22 Similar comments to the above were provided in relation to the amended details submitted.

4.1.3 Shropshire Fire service

30.11.2021 part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<https://www.shropshirefire.gov.uk/safety-at-work/planning-application>

4.1.4 Shropshire Hills AONB Partnership

01.12.2021 The Shropshire Hills AONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan. Our standard response here does not indicate either an objection or no objection to the current application. The AONB Partnership in selected cases may make a further detailed response and take a considered position.

07.03.22 Similar comments to the above were provided in relation to the amended details submitted.

4.1.5 Affordable Housing

10.12.2021 There are no affordable housing obligations associated with the proposed development.

4.1.6 SC Ecology

13.12.2021 Recommendation:

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

I have read the submitted Amphibian Survey (Treetec, July 2021). I am happy with the level of survey work and recommend that the following conditions and informatives are included on the decision notice:

Ecological Clerk of Works condition

Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the GCN RAMMS, as set out in sections 6 and 8 of the Amphibian Survey (Treetec, July 2021).

Reason: To demonstrate compliance with the GCN RAMMS to ensure the protection of great crested newts, which are European Protected Species.

Bat and bird boxes condition

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

- A minimum of 1 external woodcrete bat box 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 starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design) and/or house martins (house martin nesting cups).

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.

Lighting Plan condition

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. 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.

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, 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.

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.

4.1.7 SC Conservation (Historic Environment)

14.12.2022 The building in question would not be considered a heritage asset therefore we have no comments to make in relation to conservation matters.

07.03.22 We have no further comments.

4.1.8 SC Highways

15.12.2021 The current application is a resubmission of previous planning application 21/02096/FUL which was withdrawn. From a highway's perspective, it is considered that the development would be unlikely to cause severe harm to the surrounding highway network and a highway objection to the proposed development could not be sustained.

Although access is existing, it is considered that the first 5 metre from the rear of the adjoining highway carriageway would benefit from surfacing in

a bound material.

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

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

Informative notes

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

4.1.9 **Environment Agency**

No observations received at the time of writing.

SC Regulatory Services

No observations received at the time of writing

SC Trees

28.02.2022 In principle the Tree Team have no sustainable objection to the proposed development. There are two trees in close proximity to the development these are identified on the Treetec arboricultural report as being T1 (oak) & T2 (ash) both are identified for retention and a reasonable interpretation of the rooting areas' is given on the tree constraints plan (Ref. AAS_TCP_23_9_21 Rev.1).

The plans appear to show that the development would for the most part be contained within the existing building footprint and use the existing concrete slab thus negating the need to excavate new footings, but if this is not the case then there would need to be further arboricultural detail on the type and form of footings or piles to be used and how arboricultural implications would be addressed.

Excavations for the provision of services, foul and surface water drainage have potential arboricultural implications that require consideration and delivery through an approved arboricultural method statement. It will be necessary to carry out works from within the root protection area of the ash tree (T2) therefore to reduce the potential for soil compaction and root damage, measures for these works need to be addressed / supported through an arboricultural method statement.

RECOMMEDED CONDITIONS:

Arboricultural Method Statement (AMS)

Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any site clearance or development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works / service runs / SUDS schemes will be carried out, shall be submitted to the Local Planning Authority. The AMS shall include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.

Reason: To ensure that permitted work within an RPA is planned and carried out in such a manner as to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

Tree Protection notification

No demolition ground clearance or construction works will commence until the Local Planning Authority has approved in writing that the approved Tree Protection Measures have been established in compliance with the final approved tree protection plan (Photographs of it in place might suffice).

Reason: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan.

4.2 Public Comments

4.2.1 This application was advertised via notice at the site and the publicity period expired on 16.12.22 amended plans were subsequently received and the publicity and the publicity period for these expired on the

04.04.2022. Five objections have been received have been received at the time of writing on the following grounds:

Principle of Development

Core Policy Strategy documents are interpreted to fit a narrative that the development will benefit the local community (employment/economic benefits). No justification for more tourism accommodation in the area. There has already been an increase from 9 to 18 properties since 2018. The inclusion of car charging points suggests that guests arriving by car as opposed to being accommodation aimed at walkers/cyclists. There are no shops or bus routes.

Siting, scale and design

The design not sympathetic in its context which is a historic mining settlement and is overdevelopment

Residential Amenity

The proximity to existing properties, loss of privacy due windows facing adjacent properties, vehicular movements and lighting issues, noise generation, loss of amenity/enjoyment of property, these concerns are will be exacerbated with the target audience including equestrians and glider enthusiasts.

Area of Outstanding Natural Beauty

Exploitation of the landscape for commercial purposes, cumulative impacts in association with other planning applications granted in the locality. AONB should be protected and preserved.

Other Matters

Single roads around this area cannot support any further traffic. The roads are at a very dangerous point and collapsing into the verges with broken drainage systems also queried who will repair these. Accommodation for equine and glider purposes will add to congestion.

Property already benefits from an annexe/cottage which is already being used for holiday let purposes without planning permission.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design

Residential Amenity

Area of Outstanding Natural Beauty "AONB"

Other Matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1** The relevant development strategy policy is that set out in the Shropshire Local Development Framework Adopted Core Strategy (March 2011) “Core strategy” and the adopted Shropshire Council Site Allocations and Management of Development Plan “SAMDev” (December 2015).
- 6.1.2** Policy CS4 Core Strategy explains that in rural areas communities will become more sustainable by permitting development subject to the criteria listed in the policy and the following are of relevance to the proposal under consideration:
- Allowing development in community clusters such as Gravels Bank that helps rebalance rural communities by providing facilities, economic development or housing for local needs, and is of a scale that is appropriate to the settlement.
 - Ensuring that all development in community clusters is of a scale and design that is sympathetic to the character of the settlement and its environs, and satisfies policy CS6.
- 6.1.3** Policy MD1 (Scale and Distribution of Development) of the SAMDev states sufficient land will be made available for the plan period to enable the delivery of development planned in the Core Strategy. Further that sustainable development will be supported in accord with the hierarchy of settlements listed and the policies and guidelines listed. Gravels Bank is designated a community cluster under schedule MD1.1 (Settlement Policy Framework) of policy MD1.
- 6.1.4** Policy CS16 (Tourism, culture and leisure) of the Core Strategy seeks to deliver high quality sustainable tourism development that its appropriate to their location to enhance and protect the existing offer in Shropshire. Considerations include promoting and supporting developments with connections to the natural environment including the AONB. The policy supports schemes that that are aimed at supporting and diversifying the rural economy that are appropriate in terms of their scale location, scale and nature and which retain and enhance existing natural features. In rural areas, proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. Where possible, existing buildings should be re-used (development must also accord with Policy CS5).
- 6.1.5** Policy MD 11 (Tourism facilities and visitor accommodation) of the SAMDev requires that tourism related development that require a countryside location will be permitted where the proposal complements the character and qualities of site’s immediate surrounds and meet the

requirements of the policies listed. The policy also requires that proposals should be well screened and sited to mitigate the visual quality of the area through the use of natural on-site features, layout and design and landscaping. Further that proposals within the AONB should pay particular regard to landscape impact and mitigation.

6.1.6 The application site is located centrally within a community cluster under the provisions of the development plan. There are no retail or other facilities present in the settlement. Bus stops are located on the A488 to the south providing access to higher order settlements. Notwithstanding the limited sustainability credentials of the location the proposal is located within a community cluster and as the lowest category settlement in the hierarchy development of appropriate scale and character to the settlement is permissible to sustain these rural communities. Two holiday small holiday is considered to comprise small-scale development which is not considered inappropriate in principle in this settlement. Supporting information accompanying the planning application explains that the proposed holiday units will be targeted at walkers, bikers and horse riders and others who require low-cost overnight accommodation. It is considered that this aligns with the with the policy direction which seeks to promote and support appropriate developments associated with the natural environment, the AONB, support and diversify the rural economy. Positive weight under the provisions of policy CS 16 can also be attributed to the fact that the proposal entails the conversion of an existing building and acceptability of this aspect of the proposal is considered in detail below.

6.2 Siting, scale and design

6.2.1 As well as the policies in the preceding section which require developments to generally be of an appropriate scale and character, policies CS6 and MD2 require consideration of the local character and context, responding appropriately to the form and layout of existing development including streetscape, scale and proportion.

6.2.2 Core Strategy Policy CS5 requires conversion schemes to contribute positively to the character of the building and its surroundings.

6.2.3 The proposal entails the re-use of an existing building which is located centrally within a designated community cluster. The existing building subject to the proposal is an open sided former agricultural building of around 18 metres in length, and as such it is of a functional utilitarian type character and appearance. SC Conservation (Historic Environment) have confirmed that the building would not be considered a heritage asset.

6.3 New external walls are proposed behind existing steel columns in association with a limited number of openings for doorways and windows. The palette of material proposed is limited and rustic including wooden cladding and a roof finished with green corrugated sheets. The character and appearance of the resultant building would thus be reflective of the utilitarian character and appearance of the existing building. It is

considered that this would be appropriate for this building within an infill site in a recognised rural settlement, further that the resultant building would have a positive contribute to the visual amenities of this rural settlement.

6.4 Residential Amenity

6.4.1 Policy CS 6 (Sustainable Design and Development Principles) amongst other matters seeks to ensure that all development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Concern is raised in objections received on residential amenity grounds including proximity, overlooking and general disturbance.

6.4.2 Due to the distances and orientation of proposed windows in the development relative to the boundaries and the presence of established trees and hedging along the south eastern boundary it is not considered that the proposed development will result in any unacceptable overlooking.

6.4.3 Vehicle lights maybe discernible from the adjacent properties in the evening but the presence of existing close boarded fencing and landscaping along the boundaries with adjacent properties would mitigate impacts. The number of vehicle movements likely in connection with this small-scale development would also not lead to an objection to the proposal on this basis.

6.4.4 Small scale holiday development of the type being applied for is not an inherently noise activity and is generally a relatively quiet use of land. However, outdoor activities sometimes have the potential to cause and do cause occasional disturbance to residential amenity. Given that the development is of a small scale it is not considered that an objection could be sustained to this proposal on residential amenity grounds. It is, however, considered reasonable and necessary to attach a planning condition requiring the submission and implementation of a management plan, to manage outdoor activities associated with the holiday use which could be enforced if there were recurring problems.

6.5 Arboriculture

6.5.1 There is an ash and an oak tree in proximity to the development which would be retained as part of the proposed development. Having assessed the submitted arboriculture report no objections are raised by the council's Tree Team to the development subject to the planning conditions recommended which require details of excavations in connection with drainage and services to ensure that the roots of the trees are not damaged during construction.

6.6 Area of Outstanding Natural Beauty "AONB"

6.6.1 The application site is located within the AONB. On this basis the Shropshire Hills AONB Partnership were consulted and have stated that they do not have any observations on the proposal.

6.6.2 The NPPF states great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB.

There is also a statutory requirement to have regard to the AONB Management Plan. Policy P8 (Tourism and recreation development) of the Shropshire Hills AONB Management Plan 2019-24 (July 2019) states:

- i) The siting, design and specification of new developments for tourism and recreation should be to a high standard of environmental sensitivity and sustainability.

A guideline in the policy states that built facilities for recreation should only be allowed where their location and the activities they support are compatible with the special qualities of the AONB.

- ii) Smaller, low key tourism developments designed in sympathy with local character will blend better into the area and spread economic benefits more widely than larger facilities.

6.6.3 The proposed development is located on an infill site which is within a recognised settlement under the provisions of the development plan. It is surrounded by existing residences including relatively recently constructed dwellings. It is also considered that the proposal is small scale and that the use is of a low-key type which is sympathetic and appropriate in this rural settlement.

6.6.4 It is considered that the design of the proposed building including the palette of external materials would be of a high standard of environmental sensitivity and sustainability. A planning condition has been recommended to ensure that any lighting and fencing installed in connection also meets these policy requirements. As detailed in the preceding section the existing trees on the application site would be retained and additional planting would be undertaken, which would also align with the aforementioned policy requirements.

6.6.5 Having regard to all material considerations above it considered that the proposed development is compatible with the special qualities of this part of the AONB and aligns with the policy and statutory requirements applicable in this statutorily protected landscape.

6.7 Other Matters

6.7.1 Objections have been received on the basis of highway safety and convenience based on the surrounding roads being single carriageway in width. The council's Highway Section, however, advice that it is considered that the proposed development would be unlikely to cause severe harm to the surrounding highway network and a highway objection

to the proposed development could not be sustained.

6.7.2 It is clarified that the workshop element of the proposal is being sought on an ancillary basis to the existing residential property. This means that the use of this part of the converted building would not constitute development such that it requires planning permission because it is being used on an incidental basis to the enjoyment of the existing residential property.

6.7.3 It appears that the existing residential property benefits from an existing annexe and that this part of the property is being let out for holiday purposes. The use of a residential property for holiday letting in general circumstances does not amount to a material change of use which requires planning permission.

7.0 CONCLUSION

7.1 The proposal entails conversion of an existing building located within a settlement designated as a community cluster under the provisions of the development plan. This small-scale development is considered appropriate in a lower order settlement given the more limited sustainability credentials and aligns with policies which seek to support and diversify the rural economy. The design and external appearance of the proposal is considered to meet the high standard of environmental sensitivity and sustainability in this rural settlement within an AONB.

7.2 As the planning application is located in the AONB which is a sensitive area under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 screen the proposal and a screening opinion is enclosed in Appendix 2.

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 HISTORY:

21/02096/FUL Conversion of (part of) Dutch Barn into 2No holiday lets with the remainder of the Dutch barn used for purposes ancillary to the main dwelling WDN 24th August 2021

21/05411/FUL Conversion of (part of) Dutch Barn into 2No holiday lets with the remainder of the Dutch barn used for purposes ancillary to the main dwelling and installation of septic tank (re-submission) PDE

17/03901/FUL Internal alterations to incorporate annex into the main dwelling. GRANT 25th September 2017

21/02096/FUL Conversion of (part of) Dutch Barn into 2No holiday lets with the remainder of the Dutch barn used for purposes ancillary to the main dwelling WDN 24th August 2021

21/05411/FUL Conversion of (part of) Dutch Barn into 2No holiday lets with the remainder of the Dutch barn used for purposes ancillary to the main dwelling and installation of septic tank (re-submission) PDE

SS/1/345/P/ Erection of a two storey extension to existing dwelling. PERCON 18th May 1990

SS/1/98/009465/F Erection of an annexe to dwelling. PERCON 14th February 2000

11. Additional Information

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

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 Ed Potter

Local Member

Cllr Mrs Heather Kidd

Appendices APPENDIX 1 - Conditions

APPENDIX 1 – CONDITIONS AND INFORMATIVES**STANDARD CONDITIONS**

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 in strict accordance with the approved, amended plans and drawings listed below.

Reason: To ensure that the development is completed in accord with the approved details.

CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

3. Notwithstanding the plans hereby approved no development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) Planting plans, creation of wildlife habitats and features and ecological enhancements [e.g., hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots];
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - f) Implementation timetables.

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To ensure the provision of amenity, biodiversity and to conserve the Area of Outstanding Natural Beauty.

4. Notwithstanding the plans hereby approved no development shall commence until full details of a scheme indicating all the proposed means of enclosure which shall include the use of hedging and landscaping have been submitted to and approved in writing by the Local Planning Authority. The details so approved under the provisions of this condition shall be used in the implementation of the development hereby approved.

Reason: To ensure that the development conserves the Area of Outstanding Natural Beauty and to protect the residential amenity of neighbouring residential occupiers.

5. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any site clearance or development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works / service runs / SUDS schemes will be carried out, shall be submitted to the Local Planning Authority. The AMS shall

include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.

Reason: To ensure that permitted work within an RPA is planned and carried out in such a manner as to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

6. No demolition ground clearance or construction works will commence until the Local Planning Authority has approved in writing that the approved Tree Protection Measures have been established in compliance with the final approved Tree Protection Plan (Photographs of it in place might suffice).

Reason: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan.

CONDITIONS THAT REQUIRE APPROVAL DURING CONSTRUCTION/PRIOR TO OCCUPATION OF THE DEVELOPMENT

7. Prior to the first occupation of the development hereby permitted, a management plan setting details of the management and control of any outdoor activities undertaken on the site by visiting occupiers of the holiday accommodation, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how any such activities shall be managed and controlled so as not to cause disturbance or adversely affect the residential amenity of neighbouring and nearby residential occupiers and shall include details of how any reported incidents or complaints are to be managed to ensure that there is no recurrence of any such incidents and a review of the management plan in the event of any such recurrence.

Reason: To ensure adequate site management and supervision and to protect the residential amenity of neighbouring and nearby residential occupiers in accordance with Core Strategy Policy CS6 and the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

8. Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the GCN RAMMS, as set out in sections 6 and 8 of the Amphibian Survey (Treetec, July 2021).

Reason: To demonstrate compliance with the GCN RAMMS to ensure the protection of great crested newts, which are European Protected Species.

9. Prior to first occupation / use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the local planning authority. The following boxes shall be erected on the site:
 - a minimum of 1 external woodcrete bat box 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 starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design) and/or house martins (house martin nesting cups).
 - 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.

CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

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

Reason: to ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

11. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. 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 and to ensure that that the development conserves the Area of Outstanding Natural Beauty.

12. The holiday unit(s) shall be occupied for holiday purposes only; the holiday unit(s) shall not be occupied as a person's sole, or main place of residence; the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday unit(s), and their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To define the scope of this permission and ensure that inappropriate uses do not take place in the locality.

INFORMATIVES

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway

(footway or verge) or

- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public

highway including any new utility connection, or

- undertaking the disturbance of ground or structures supporting or abutting

the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

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.

Appendix 2 - Screening Opinion

Introduction

This report constitutes the written justification of the council's decision in relation to a screening request received in connection with planning application 21/05411/FUL under the Town and Country Planning (Environmental Impact Assessment "EIA") Regulations "2017 Regulations"

Summary of proposed development

The proposal is made to convert the existing building into two single storey self-contained 1-bedroom holiday units. In addition, a workshop is proposed within the building which would be used on an ancillary basis to the applicant's residential property.

Supporting Information

Information was supplied by the applicant in an email of the 25.01.22 to enable to the planning application to be screened under the EIA Regulations. The planning application is accompanied by an arboriculture assessment and an amphibian survey.

Consultation Responses

The consultation responses received in connection with planning application 21/05411/FUL are listed in section 4.0 of the committee report above.

Screening Opinion of the local planning authority

The proposed development has been considered against the selection criteria in Schedule 3 of the 2017 Regulations and in relation to advice contained in Planning Practice Guidance on Environmental Impact Assessment. It is not considered that the proposed development would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Therefore, under Regulation 6 of the 2017 EIA Regulations, Shropshire Council hereby adopts the Screening Opinion that the proposed development is not EIA development and that Environmental Impact Assessment is not required.

Reason for Screening Opinion

The development does not constitute Schedule 1 development under the 2017 Regulations. The 2017 Regulations define ‘Schedule 2 development’ as development of a description mentioned in Column 1 of the table in Schedule 2 where any part of the development is to be carried out in a sensitive area, or any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively exceeded or met.

The relevant extract from the table in Schedule 2 is set out below and highlights the thresholds and criteria for the proposals.

Table 2 - Schedule 2 of the EIA Regulations	
Column 1	Column 2
Description of development	Applicable thresholds and criteria
12. Tourism and leisure	
(c) Holiday villages and hotel complexes outside urban areas and associated developments	The area of the development exceeds 0.5 hectares

The proposed development is below the threshold criteria above and does not need to be screened on this basis.

(ii) Indicative thresholds and criteria

The Annex to the Planning Practice Guidance on Environmental Impact Assessment sets out the indicative criteria and thresholds to help determine whether significant effects are likely. These are listed as major new tourism and leisure developments which require a site of more than 10 hectares. Holiday villages or hotel complexes with more than 300 bed spaces, or for permanent camp sites or caravan sites with more than 200 pitches.

The PPG states that when considering the thresholds, it is important to also consider the location of the proposed development. It states that it should not be presumed that developments above the indicative thresholds should always be subject to assessment.

Is the Proposal likely to have “Significant Effects on the Environment?”

Regulation 5 (8) states that where a LPA have to decide under the Regulations whether Schedule 2 development is EIA development, the authority must take into account in making that decision:

- a) any information provided by the person minded to carry out the development.
- b) the available results of other environmental assessments carried out pursuant to Union legislation other than legislation implementing the requirements of the Directive; and
- c) such of the selection criteria set out in Schedule 3 as are relevant to the development.

It is confirmed that there are no other environmental assessments (b) above which it is considered need to be taken into account.

(iii) Selection criteria for screening Schedule 2 development the selection criteria for screening Schedule 2 development are set out in Schedule 3 of the 2017 Regulations. These are considered below.

Characteristics of development

It is not considered that the proposed development would give rise to significant effects in terms of waste production; pollution and nuisance; risk or accidents; or risks to human health. The type of development proposed and the specific impacts likely in this location are thus not considered to result in significant effects on the environment.

Location of development

The planning application is, however, being screened because it is in an Area of Outstanding Natural Beauty within a 'sensitive area' as defined within the 2017 Regulations. Given the small scale of the development in EIA terms the location of the development in itself is not likely to result in significant effects on the environment.

Type and characteristics of the potential impact**Introduction**

The potential for the following significant environmental impacts and mitigation to reduce or offset environmental effects from the construction and operation of the proposed development are considered in this section of this Screening Opinion.

Landscape and Visual Impacts

The proposal is small in scale in EIA terms and it is not considered that any significant landscape and visual effects are likely.

It is therefore not considered that the proposed development is likely to have a significant effect on the environment in landscape and AONB terms such that EIA is required.

Protected Species and Sites

The planning application is accompanied by an amphibian survey which indicates that there are Great Crested Newts within the vicinity of the development. The council's SC Ecology are satisfied with the amphibian survey and recommend planning conditions.

It is therefore, not considered that the proposed development will likely have a significant effect on the environment in protected species terms such that EIA is required.

Cumulative Impacts

There are no cumulative impacts associated with the proposed development which will likely have a significant effect on the environment such that EIA is required on this basis.

Proposed measures to avoid or prevent significant adverse effects

As required by regulation 5(5)(b) of the EIA regulations the local planning authority has had regard to the following measures which would avoid, or prevent what might otherwise have been, significant adverse effects on the environment:

- Mitigation measures in the ecological report and conditions recommended by SC Ecology.

Conclusion

It is considered that the proposed development would NOT constitute 'EIA Development' for the following reasons:

- The scale of the proposed development is small in EIA terms.
- Given the small scale of the development in EIA terms the location of this development within the AONB is not likely to result in significant effects on the environment.
- Given the assessed characteristics of the proposed development and that no likely significant effects on the environment have been identified.

Other

(i) Should any details of the proposed development change, or if new information comes to light as part of the application process, then an Environmental Statement may be necessary if the development is then judged to raise significant environmental impacts. If you wish to alter any aspect of the development you are advised to contact the Local Planning Authority to discuss whether this screening opinion would remain valid for the amended development.

(ii) This decision and the reasons for it are provided without prejudice to the outcome of any subsequent planning application.

(iii) A copy of this screening opinion will be placed on the Public Register.

