



Committee and date  
Southern Planning Committee  
28<sup>th</sup> June 2022

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 22/01523/FUL	<b>Parish:</b>	Cleobury Mortimer Town Council
<b>Proposal:</b> Erection of two storey side extension		
<b>Site Address:</b> 3 Castle Hill Cleobury Mortimer Kidderminster Shropshire DY14 8DA		
<b>Applicant:</b> Mrs C Lane		
<b>Case Officer:</b> Elizabeth Griffiths	<b>email</b>	: elizabeth.griffiths@shropshire.gov.uk

**Grid Ref:** 367324 - 275859

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**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 erection of a 2-storey side extension and porch to 3 Castle Hill, Cleobury Mortimer.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 3 Castle Hill is a semi-detached dwelling located close to the centre of Cleobury Mortimer. The property is brick built under a clay tiled roof. The current property has a catslide roof to the north elevation which faces the main road. This semi-detached property hidden from the roadside by Fosse Cottage that sits to the north of the application site. Residential properties also sit to the south and west of the site. The land to the south slopes steeply down away from the site. The site is situated to the edge of the town's Conservation Area.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

### 4.0 Community Representations

#### 4.1 Consultee Comment

- 4.1.1 Cleobury Mortimer Town Council – No objection to the proposals it feels that a detailed archaeological report is important due to the historical significance of the site.

- 4.1.2 Shropshire Council Drainage - No objection, recommended informative

- 4.1.3 Shropshire Council Historic Environment - Comments

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published July 2021, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the erection of two storey side extension at this property known as 3 Castle Hill, Cleobury Mortimer. The site lies within the Cleobury Mortimer conservation area. In terms of the overall scale of the proposed extension it is considered to be acceptable in this instance, the extension is well stepped down from the main roof line and stepped in from both elevations, both of which help with the subservience of the extension. It is also substantially less than the previously approved two storey extension: 11/01154/FUL and SS/1/07/20089/F. In terms of the impact upon the wider conservation area it is noted that the property is

well set back from the road and not readily visible in the street scene. The proposal would generally preserve the character and appearance of the conservation area in this instance and therefore the proposal is considered to accord with policies, guidance and legislation as outlined above from a conservation perspective.

#### 4.1.4 Shropshire Council Archaeology

The proposed development site is located within the medieval urban form of Cleobury Mortimer (PRN 05478) as defined by the Central Marches Historic Towns Survey, the presumed extent of Cleobury Mortimer Castle (PRN 03248), a group of tenement plots of post medieval date (PRN 05490) and adjacent to part of the medieval street system of Cleobury Mortimer (PRN 05477) and a holloway along Childe Street (PRN 06204).

Previous observations in 2003 in relation to the existing extension to be demolished, found a layer of 19th century garden soils to a depth of 0.5m below ground level, beneath which was a layer of cobbles and charcoal overlying a reddish soil which yielded a number of clay pipes dated to c.1660-1720 and several sherds of medieval pottery. This is thought to relate to the late 18th century destruction of a dwelling house located in the vicinity, and the subsequent landscaping of the castle site at this time. Monitoring of excavations in 2017, immediately to the northwest of the site, found no significant archaeological features or layers, with topsoil and modern made ground found to a depth of 0.5m, overlying natural.

We understand that the proposed extension will use pile foundations, with excavations required to a maximum depth of 0.45m below ground level. Therefore, the archaeological impact is likely to be limited to the 19th century and later garden soils. In addition, the existing extension will have caused some previous ground disturbance, although it is noted that the current proposals do extend beyond the current footprint of the existing extension. The proposed development site is therefore deemed to have low archaeological potential.

In view of the above and in accordance with the National Planning Policy Framework (NPPF) and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is recommended that an archaeological inspection be made a condition of any planning permission for the proposed development.

#### 4.1.5 Shropshire Council Ecology have indicated that standing advice can be used for the planning officer to select appropriate informatives regarding wildlife.

objection removed 01/06/22

I've checked this application for Ecology – due to the age and type of building and the nature of the proposed works it meets the criteria for requiring a Preliminary Roost Assessment. I have looked at the roof photos provided but they do not provide enough evidence to say with certainty that a bat roost assessment would not be required.

#### **Bats**

On review of the site photographs and plans this application appears to meet the trigger point for requiring a bat survey in accordance within the 2016 Bat

Conservation Trust; Good Practice Guidelines, since the works will involve the modification of existing roof structures.

The bat survey should be carried out as follows:

**A Phase 1 Preliminary Roost Assessment** is to be carried out on the trees and buildings that are to be affected by the proposed works. The survey shall include a thorough internal and external inspection of the building and an assessment of the potential for bat roosts to be present. Depending on the outcome of the Phase 1 Preliminary Roost Assessment, it may be recommended that Phase 2 Bat roosting surveys are carried out.

**Phase 2 Presence/Absence Surveys** should be carried out in all cases where the Phase 1 Preliminary Roost Assessment finds evidence of bats, potential for bats or where a complete and thorough inspection cannot be carried out. This survey can involve dusk emergence and/or pre-dawn re-entry surveys to aid identification of the species of bats present and estimation of the numbers of individuals. The emergence/re-entry surveys should follow the guidance on survey effort and frequency in the Bat Conservation Trust's *Good Practice Guidelines* (3rd edition, 2016) and will comprise between 1-3 emergence and/or pre-dawn re-entry surveys\* between May and September (optimum period is between May to August). The emergence/re-entry surveys will allow the surveyor to consider the need for mitigation, enhancements and compensation, to assess the likelihood of an offence being committed and to make a decision as to the need for a European Protected Species Mitigation Licence from Natural England.

#### **4.2 Public Comments**

- 4.2.1 This application has been advertised for 21 days via site notice and no responses have been received.

#### **5.0 THE MAIN ISSUES**

Principle of development

Siting, scale and design of structure

Impacts on visual and neighbouring amenity and the surrounding conservation area

Archaeology

Ecology

#### **6.0 OFFICER APPRAISAL**

6.1 Principle of development

- 6.1.1 The proposed site is situated within the Cleobury Mortimer Conservation Area. The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to preserving or enhancing the character or appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6.1.2 Alterations and development to properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extensions

and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area. Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 12 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.

6.1.3 Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets. MD13: The Historic Environment of the Site Allocations and Management of Development (SAMDev) plan further encourages development which delivers positive benefits to heritage assets.

6.2 Siting, scale and design of structure

6.2.1 Proposed is a 2-storey extension to the side elevation of the property. Coupled with internal reconfiguration to the accommodation of the dwelling, the addition shall provide an enlarged kitchen at the property to the ground floor and a bedroom and loft space to the first floor. A somewhat incongruous lean-to extension shall be removed from the property prior to the development proposed. The walls would be of brick construction to match the dwelling while the roof would be pitched and of tile construction with a matching eaves but lower ridge height to allow the proposal to appear subservient in nature. Conservation roof lights would be added to the front elevation, while the rear will have 2 windows to the ground floor that will mirror the existing ground floor windows and 2 pitched roof dormer windows would be added to the roof. In addition, 2 pitched roof dormer windows would be added to the existing front elevation of the dwelling to help break up the roof line and add character to the otherwise blank expanse of plain tiles roof. A small flat roof porch area would also be included off this proposed side extension that would match a proposed porch for the rear elevation over the existing door. These porches would be of a low-level brick wall with wooden oak pillars above sitting under a flat sedum green roof.

6.2.2 The replacement and updating of this existing lean-to side extension with a more sympathetic addition is favoured by Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles. The positioning of the ridgeline subservient to the existing is a positive design attribute as supported by SAMDev policy MD2: Sustainable Design.

6.3 Impacts on visual and neighbouring amenity and the surrounding conservation area

6.3.1 The updating of the incongruous lean-to structure, as is proposed, is welcomed. The proposed extension is well stepped down from the main roof line and stepped in from both elevations, both of which help with the subservience of the extension and allow the proposal to sit as a comfortable addition to the property, which is

considered an improvement to the surrounding area and wider conservation area. The proposed pitched roof dormers are traditional in appearance and the materials proposed would match the dwelling to allow it visually to blend in. Shropshire Councils Historic Environment Officer has been consulted and considers the proposal to be acceptable in this instance, In terms of the impact upon the wider conservation area. As a direct replacement to an existing structure it is not considered that the levels of activity associated with the proposal shall impact upon the amenity of residents significantly more than as existing.

#### 6.4 Archaeology

6.4.1 The proposed development site within the medieval urban form of Cleobury Mortimer (PRN 05478) as defined by the Central Marches Historic Towns Survey, the presumed extent of Cleobury Mortimer Castle (PRN 03248), a group of tenement plots of post medieval date (PRN 05490) and adjacent to part of the medieval street system of Cleobury Mortimer (PRN 05477) and a holloway along Childe Street (PRN 06204). Although the proposed development is located within an area of low archaeological potential the nature of the proposal would have a very limited impact on any archaeological deposits, this however, would not be negligible. In view of the above and in accordance with the National Planning Policy Framework (NPPF), a condition requiring an archaeological inspection should be attached to any permission granted.

#### 6.5 Ecology

6.5.1 Consideration must also 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 and therefore the Council's Ecologist has considered the application and confirms standing advice can be used for the planning officer to select appropriate informatives regarding wildlife. These are to ensure that the proposal will comply with the adopted national and local policies and 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 dwelling and its setting, and of no demonstrable harm in terms of residential amenity nor impact to the conservation area. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is 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  
National Planning Practice Guidance

West Midlands Design Charter

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan

MD2 - Sustainable Design

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

11/01154/FUL Erection of a two storey extension to side GRANT 10th May 2011

16/01143/FUL Erection of extension to side elevation; internal alterations to allow for first floor accommodation; installation of replacement doors and windows GRANT 11th May 2016

SS/1/07/20090/CA Demolition of lean-to PERCON 4th December 2007

SS/1/07/20089/F Erection of extension to dwelling PERCON 4th December 2007

**11. Additional Information**

View details online: [22/01523/FUL | Erection of two storey side extension | 3 Castle Hill Cleobury Mortimer Kidderminster Shropshire DY14 8DA](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Gwilym Butler Cllr Simon Harris
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 those of the existing building.  
Reason: To ensure that the works harmonise with the existing development.
4. No construction works, demolition works and associated deliveries shall take place outside the hours of 7.30am to 6.00pm Mondays to Fridays; 8.00am to 1.00pm Saturdays; nor at any time on Sundays, Bank or Public Holidays.  
Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.
5. No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.  
Reason: The site is known to hold archaeological interest

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

6. Prior to the first occupation/use of the development hereby approved, a minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The box(es) shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The box(es) shall thereafter be maintained for the lifetime of the development.  
Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 180 of the NPPF.

### 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. Drainage

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related Documents Section on the Council's Website at: <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

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.

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