



Northern Planning Committee

September 17th 2024

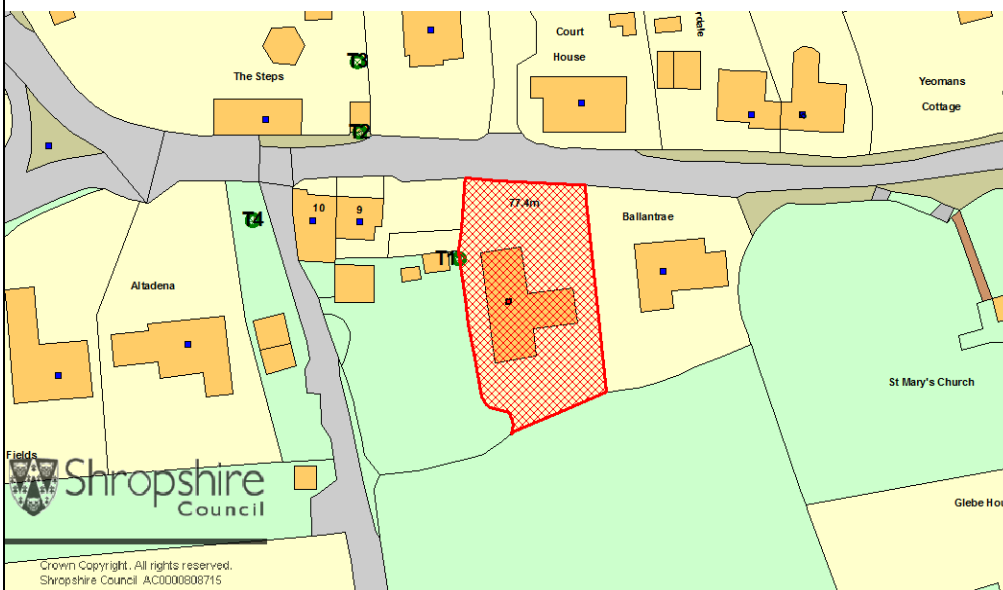
Development Management Report

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

Summary of Application

Application Number: 24/02715/AMP	Parish:	Montford
Proposal: Non Material Amendment for the removal of the existing chimney to planning permission 23/03587/FUL Erection of flat roof two-storey front extension to create a new entrance and interior remodelling of existing dwelling		
Site Address: 9A Shrawardine Shrewsbury Shropshire SY4 1AH		
Applicant: Mr Ed Potter		
Case Officer: Sara Robinson	email: sara.robinson@shropshire.gov.uk	

Grid Ref: 339858 - 315277



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for a non-material amendment to planning application 23/03587/FUL for the following alterations:
- Removal of the existing chimney

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The land to which this application relates is located within the named settlement of Shrawardine, however is identified as open countryside within the SAMDev.
- 2.2 The site is bound by the highway to the north with residential dwellings beyond, to the east and west are residential dwellings, whilst to the south is agricultural land.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The applicant is Councillor Edward Potter, therefore the application requires committee determination in accordance with the Council's constitution.

4.0 OFFICER APPRAISAL

- 4.1 Planning permission was granted on the 22nd of November 2023 for the erection of flat roof two-storey front extension to create a new entrance and interior remodelling of the existing dwelling.
- 4.2 The application seeks to alter the plans by removing the existing chimney breast. It is considered that the proposed alteration will not materially alter the dwelling.
- 4.3 The proposal is therefore considered to be non-material in this instance.

5.0 CONCLUSION

- 5.1 The proposed amendment falls within the scope of a non-material amendment procedure and will not result in a development that is materially different to the previously approved scheme. This non-material amendment application is therefore recommended for approval subject to the conditions as outlined in

appendix one attached to this report.

In all other respects the development must be carried out in accordance with the terms and conditions of the original planning permission.

6.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

6.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- 3φ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- 3φ The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 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.

6.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

6.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the

public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

7.0 FINANCIAL IMPLICATIONS

7.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

23/03587/FUL Erection of flat roof two-storey front extension to create a new entrance and interior remodelling of existing dwelling GRANT 22nd November 2023

24/02715/AMP Non Material Amedment for the removal of the existing chimney to planning permission 23/03587/FUL Erection of flat roof two-storey front extension to create a new entrance and interior remodelling of existing dwelling PCO

24/03004/TPO Reduce southern limbs by 1.5m -3m to provide a 1.5m clearance from the roof line & crown raise the lower limbs overhanging garage by 1.5m of 1no Yew protected by the Shrewsbury and Atcham Borough Council (Shrawardine) Tree Preservation Order 1989 (Ref: SA/187) PCO

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SGOFD5TDJ2L00>

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 Chris Schofield

Local Member

Cllr Ed Potter

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

In all other respects the development must be carried out in accordance with the terms and conditions of the original planning permission.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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