



Committee and date

**Southern Planning Committee**

**23rd August 2022**

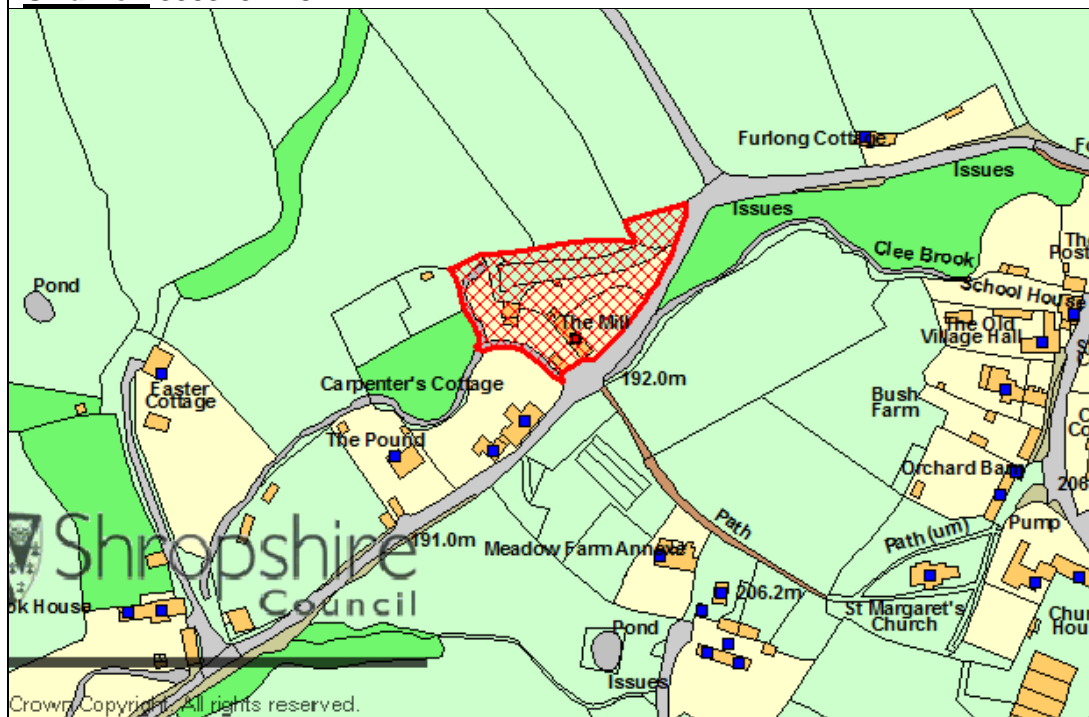
## Development Management Report

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

### Summary of Application

<b><u>Application Number:</u></b> 22/02338/FUL	<b><u>Parish:</u></b>	Clee St Margaret
<b><u>Proposal:</u></b> Conversion and extension to the Mill House; change of use of the Bakehouse to ancillary accommodation; restoration of the Corn Mill to working order; installation of a Bat House and associated external works		
<b><u>Site Address:</u></b> Mill House Clee St Margaret Craven Arms Shropshire SY7 9DT		
<b><u>Applicant:</u></b> Yeat Investments Ltd		
<b><u>Case Officer:</u></b> Helen Tipton	<b><u>email</u></b>	: helen.tipton@shropshire.gov.uk

**Grid Ref:** 356315 - 284447



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for the conversion and extension of a dwelling, (Mill House); a change of use of an outbuilding, (Bakehouse) to ancillary accommodation; restoration of a corn mill to working order; installation of a Bat house and associated external works, including the construction of a new, additional access.
- 1.2 The scheme and its associated listed building consent application, (22/02339/LBC), follow the withdrawn applications 21/05446/FUL and 21/05447/LBC. Fundamentally, the latest application/s remain the same as submitted previously.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The property comprises mainly of three separate buildings, each listed in their own right and located within the village of Clee St Margaret. Approach to the site is made from the classified, rural road, (Clee Brook Lane), which runs through the village and leads, loosely between Haytons Bent and Cleemmarsh. The road climbs north-east, following the land gradient and its contours.

The group of Grade II listed buildings are set to the north-western side of the road and within a loop in the watercourse. They are accessed via a narrow drive, which is confined on either side by the one and a half storey dwelling and a single storey outbuilding, (Bakehouse), with both buildings sitting at right angles to the road. The Corn Mill is positioned at the end of the driveway and is set into an embankment. All three buildings are traditionally constructed of coursed sandstone.

The buildings and grounds are situated within the Clee St Margaret Conservation Area and the Shropshire Hills Area of Outstanding Natural Beauty, (AONB).

### **3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to planning committee because the officer recommendation of approval is contrary to the opinion of the Parish Council. Shropshire Council's Local Member and the Chairman and Vice Chair of its planning regulatory committee also consider that the issues raised warrant the committee's full consideration.

### **4.0 Community Representations**

#### **4.1 Consultee Comments**

#### 4.1.1 Shropshire Council Archaeology - comment.

A Heritage Impact Assessment (HCUK Group, September 2021, Ref. 07315A) has been submitted with the application. This found that the Domesday Book reference indicates that a mill was present in the village at that time. However, whether the extant mill is on the same site as the mill recorded in 1086 is not known. The present group of Grade II listed buildings comprise a Mill house, a Mill building and Bakehouse (National Ref. 1470405), all of 18th century date with some later additions. The mill retains its machinery although the water wheel has been removed. The infilled wheel pit survives, alongside the mill pond and mill leat. It is noted that a separate report on the mill machinery has been submitted (Wallis Conservation Ltd, July 2021).

The Heritage Impact Assessment (HIA) concludes that the archaeological interest of the mill site derives from the surviving fabric of the buildings, the surviving machinery within the mill and the visible remains of the water management system. It also concludes that there is a high potential for below ground archaeological remains to survive within the site associated with earlier phases of the mill and activities and artefacts associated with its use, providing evidence for its development, change and use over time from at least the 18th century.

It is considered that the HIA provides a sufficient level of information about the archaeological interest of the proposed development site in relation to Paragraph 194 of the National Planning Policy Framework (NPPF) and the Site Allocations and Management of Development, (SAMDev) Policy MD13.

It is understood that the Conservation Officer will advise on the design merits and heritage impacts of the proposed development in relation to the standing historic buildings.

The following advice therefore relates to the archaeological interest of the proposed development site:

The initial phase of this programme of archaeological work should comprise a pre-commencement Level 3 Building Record of the three buildings, as defined in Historic England's 'Understanding Historic Buildings: A guide to good recording practice 2016', alongside a pre-commencement Level 2 survey of the structures and earthworks associated with the water management system, that conforms with Historic England's guidance on 'Understanding the Archaeology of Landscapes: A guide to good recording practice (2017)'.

The second phase, depending on the results of these surveys, as a minimum, will comprise an enhanced watching brief on all ground works associated with the proposed development. This should make full provision for the careful archaeological monitoring, sampling and recording of any archaeological features, structures or deposits encountered during the work. Additional pre-commencement archaeological investigation may, however be required in relation to the new bat house, and/ or following further details for the ground source heat pump following the results of the phase 1 surveys.

In relation to the work on the buildings, additional building recording should be undertaken during any intervention or removal of historic fabric,

to record any hitherto unknown architectural details of the buildings as the work progresses. The Conservation officer will be able to advise further on this, as appropriate.

It is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development.

Shropshire Council Conservation - comment.

4.1.2

The property was a recent listing in 2020. The application has been supported by a report on the corn mill which underlines the repairs required. This is also accompanied by a brief structural report. The proposed development includes the restoration of the corn mill and the extant internal machinery to working order and the restoration of the water management system associated with the mill, bringing it back into working use. This element of the proposal is welcomed to enable the history of the site to be preserved for future generations.

The application also includes the restoration and extension of the Mill House and the conversion of the Bakehouse to annex accommodation. The application is accompanied by a Heritage Impact Assessment, (HIA) which concludes that: 'It has been determined that the proposals will cause 'Less than Substantial Harm: Low level harm that does not seriously affect the significance of the designated heritage asset,' and that this is a very low level of harm. This is ascribed as change will occur to the Mill House with the introduction of the new extension to the north-east, but it is also acknowledged that the extension will be in keeping with the vernacular building form and the character of the Conservation Area. Overall, the heritage and public benefits of the scheme would mitigate the very low level of harm to their significance. We would generally concur with the above-mentioned conclusions.

The proposed extension to the mill house is extensive, however a case has been made for the level of extension on viability grounds to ensure the preservation and restoration of the site as a whole historic mill complex. It is clear that the corn mill, in particular, requires extensive structural intervention. Therefore, on balance the proposal could be considered acceptable in this instance, taking into account the public benefits to be delivered from the restoration of the buildings on site.

Conditions are recommended.

Shropshire Council Ecology - comment.

4.1.3

7 July 2022 - comment.

We have read the submitted Specialist Bat Assessment report (CRC Ecology, 15th October 2021), Preliminary Ecological Appraisal (Aspect Ecology, April 2022) and the Bat Mitigation Strategy report (April 2022). The following bat roosts are present in the buildings:

A single lesser horseshoe bat day/night roost within the loft space and first floor bedroom of B1 (farmhouse).

A single barbastelle bat day roost using features on the mill building (B2).

Maternity roost of more than six whiskered/Brandt's bats within B1 and B2.

Maternity roost of six brown long-eared bats within B1 and B2.

One soprano pipistrelle re-entered B2.

Two soprano pipistrelles emerged from B1.

'The survey work undertaken confirmed a number of roosts present in the buildings within the site. An application for a site-specific Natural England Mitigation Licence will be made, with a detailed mitigation strategy for the site, submitted and agreed with Natural England through the granting of the licence. Likely mitigation measures will include careful timing of works to avoid sensitive periods, exclusion of roosts within buildings, sensitive removal of roost features and construction of a 'bat house' to provide compensation for the loss of the existing roosts and provide additional roosting opportunities.'

Works to B1 and B2 will have to take place under a European Protected Species Licence from Natural England.

Section 4.2 of the Bat Mitigation Strategy report (Aspect Ecology, April 2022) sets out the mitigation and compensation measures which will form part of the licence application.

A European Protected Species 3 tests matrix is provided at the end of this response. The planning officer needs to complete sections 1 and 2, 'overriding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

#### *Nesting birds*

The Preliminary Ecological Appraisal report states; '*Several species of bird were observed within the site during the Phase 1 survey including: Wood Pigeon *Columba palumbus*, Blue Tit *Cyanistes caeruleus* and Carrion Crow *Corvus corone*.*

*Most of the birds recorded at the site are not listed as having any special conservation status. The proposals will result in the loss of the area of scrub and a section of the hedgerow to facilitate site access and this could potentially affect any nesting birds that may be present at the time of works. Accordingly, a number of safeguards in respect of nesting birds are proposed, as detailed in Chapter 6. In the long-term, new nesting opportunities will be available for birds as described in Chapter 6..'*

Conditions are recommended, which relate to the requirement for a European Protected Species Mitigation Licence, the installation of bat and bird boxes, proposed external lighting and for working methods.

8 August 2022 - comment.

Following receipt of additional information we are happy with the makes, models and locations of the proposed bird boxes, therefore a condition in regard to this element does not need to be included on the decision notice. We are also happy with the details of the bat house.

Reference is made to 'bb' on some of the drawings but this isn't provided in the key so we are not sure if this means 'bat box'. If the applicant wants to remove the bat roosting opportunities condition then details of the makes, models and locations of the 6 roosting opportunities for bats needs to be provided.

The Bat Mitigation Strategy states, in sections 4.3.2 and 4.3.3 that:

*"A number of integrated bat boxes / roost features, will be incorporated into the refurbished buildings:*

*.. integrated bat boxes will be installed at several locations on site, such as the gable end and under the eaves of the Mill, on the gable end of the Bakery*

*and the gable ends of the Main House;*

*.. a purpose-built soffit box will be erected along the southern aspect of the bakery (e.g. along the stream). This will be accessible to bats;*

*.. purpose-built weatherboarding will be included on a section of the south-western aspect of the main building. This will be raised to allow access to bats and mimic current conditions on site.*

*The precise number and locations of boxes / roost features will be determined by a*

*competent ecologist, post-planning and agreed with Natural England during the application for the mitigation licence".*

Shropshire Council Drainage - comment.

- 4.1.4 The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and a location plan of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. Should soakaways not be feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 litres per second run-off rate, which should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 40% for climate change will not cause flooding of any property either within the proposed development site or to any other in the vicinity. Details of the proposed surface and foul water drainage should be conditioned.

Shropshire Hills AONB - comment.

- 4.1.5 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.

Shropshire Council Highways - no objection.

- 4.1.6 After having reviewed this and the previous applications for this site, the following advice from highways applies:  
Shropshire Council, as Highway Authority, has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.  
Informative comments are provided.

Shropshire Council Affordable Housing - no objection.

- 4.1.7 There are no affordable housing obligations applicable to the proposed development.

Shropshire Council Trees - comment.

- 4.1.8 Whilst the Tree team do not object to the broad principle of the development, the application does not give significant details on trees and hedgerows to be retained or removed or how any losses or impacts would be compensated for. In the absence of such detail, the Tree team are unable to make a clear interpretation of the arboricultural implications and potential for amenity and biodiversity net gain or net loss.  
The site falls within the conservation area, therefore all trees over 7.5cm stem diameter at 1.5 metres from the ground are protected, but no trees at the site are protected by a specific Tree Preservation Order. The boundary hedgerow, alongside the lane, is likely to be of value in relation to species diversity and age and contributes to the ecology and character of the area. As a minimum, the applicant should provide a tree protection plan demonstrating how the retained trees and boundary hedgerows will be protected during the development.  
A condition is recommended in this regard.

Clee St Margaret Parish Council - objection.

- 4.1.9 Comments from the public were heard and included the following:
- a. Highway safety, traffic and noise - concerns that the increase in traffic that such a large development would have on the single-track lanes in, not only the village but all entry points to the village for several miles.
  - b. Effect on a listed building and conservation area in the AONB - The listing of the mill specifies the small nature of the mill and its buildings which would be detrimentally affected by the scale of the proposed development. This would not only affect the listed building but the conservation area and the AONB. Other properties within the conservation area are all of a similar, small size and this development would not be in keeping with the area.
  - c. There are concerns that the pumping of water from Clee Brook for the mill would affect the flow of the Brook including the ford, at the entrance to the village and affect the amenity of the properties that are bounded by the brook. This would also affect the wildlife that rely upon the Brook.
  - d. There was acceptance of some of the changes to the application, including the sewage treatment plant, changes to the access and revised water supply to the mill.

The Councillors discussed the application and fully supported the public comments. In addition, they were concerned about the following:

a. There were not enough details in the application regarding the commercial aspects of the development, including the use of The Mill itself and the residential development.

b. The Council are keen to see The Mill developed but the scale of the development is totally unacceptable for a Listed Building in the Conservation Area and AONB.

c. Councillors were concerned that, although this is described as a family home, due to its size they believe it will be a commercial enterprise and are concerned about the effects that such a large number of cars and people travelling to and from the property would cause; extra noise, traffic and affect the safety of road users on single track roads.

The Council resolved to object to this application.

## **4.2 Public Comments**

4.2.1 The application was advertised by way of notice at the site and in the local press.

4.2.2 Objection comments have been received from five local residents, the full text of which may be viewed on the public planning file.

There is some support for a sympathetically restored property although, overall, the five public representations object to the proposed scheme. These are summarised below:

- Design, scale and policy -

Proposed extension and overall scale of development is too large and disproportionate, affecting the listed building and the conservation area.

Extension is an inappropriate design and unsympathetic.

Contrary to the parish plan, which supports only limited affordable housing.

No additional economic benefits as the property is already a dwelling.

- Highway impact and residential amenity -

Insufficient information as to its end use. Potential holiday accommodation use would have a negative impact on the highway and to local residents.

Proposed new access is poorly positioned on a narrow country road.

Additional traffic generated would be inappropriate.

Additional noise and light pollution.

- Watercourse and environmental impact

Existing water supplies would be inadequate to serve the working mill.

Detrimental impact on the environment created by diversion of the watercourse, also affecting local amenity.

Potential increased risk of flooding.



No detail of how water would be conveyed to mill pond.  
No detail of a water extraction licence or for diversion of the watercourse.

## **5.0 THE MAIN ISSUES**

Principle of development  
Scale, design and impact on the listed buildings  
Impact on the conservation area and wider landscape  
Residential amenity  
Affordable housing contribution  
Archaeology  
Ecology  
Drainage  
Access and highway safety  
Other matters

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 The conversion or adaptation and re-use of historic buildings is considered acceptable, providing such development has no detrimental impact on the architectural or historic character of the structures. Development would need to be in accordance with the National Planning Policy Framework, (NPPF) and Core Strategy Policy CS17, which seek to protect and enhance the historic environment, together with Policy MD13 of the Site Allocations and Management of Development, (SAMDev) Plan which attaches great weight to conserving designated heritage assets. Also relevant is Core Strategy Policy CS5, which requires conversion schemes to contribute positively to the character of both the building itself and to the surrounding area. Meanwhile SAMDev Policy MD7a and the Historic England guidance document titled 'Adapting Traditional Farm Buildings' advises that rural buildings should generally be converted in their present form, with minimal alteration.

6.1.2 The scheme would see the enlargement of an existing dwelling, along with a change in use of a single storey outbuilding to annexe accommodation and the restoration and re-use of a water mill. The applicant's representative confirms that the Mill House would continue its use as a family home, whilst the single-storey outbuilding would provide additional, ancillary accommodation to the house, which could, potentially provide living space for a housekeeper. The water mill, (corn mill) is to be restored for preservation purposes and for occasional milling demonstrations, on an ad-hoc basis, although it is not intended for actual commercial use.

6.1.3 The development is acceptable in principle, given the established use of the buildings and because the principle of enlarging existing dwellings in the countryside is accepted under the Council's 'Type and Affordability of Housing' Supplementary Planning Document (SPD). However, since the scheme also proposes ancillary accommodation within the Bakehouse

building, a condition would expressly prevent independent occupation of it as a separate dwelling, to define the use, whilst a separate condition would restrict commercial use of the Corn Mill.

## 6.2 Scale, design and impact on the listed buildings

6.2.1 The site forms an historic mill complex and the buildings here are currently unoccupied and in a poor state of repair, particularly the corn mill. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have particular regard to the desirability of preserving the special architectural or historic interest and setting of listed buildings. This is reflected by the National Planning Policy Framework (NPPF), Core Strategy Policies CS6 and CS17 and SAMDev Policy MD13, which attach great weight to conserving designated heritage assets, and require even 'less than substantial' harm to be offset by public benefits of the proposal.

6.2.2 Firstly, it is acknowledged that the footprint of the proposed house extension is large, more than doubling the footprint of the existing dwelling and that part of it would be a contemporary, flat roof addition. However, the form and character of the existing house would be retained, and the rearmost section of the extension would be more sympathetic, repeating the general form and pattern of the dwelling. The flat roof part of the extension would be lower and sandwiched between, which would allow it to be screened from view whilst also demonstrating transition between the old and new elements of the building.

6.2.3 The former bakery / Bakehouse building would be converted to use, mostly in its present form, with minimal external alteration required and the same can be said for the Corn Mill, which is a particularly important local, historic feature. The harm to the buildings is considered overall to be less than substantial. Taking into account the conservation benefits of retaining the buildings in long-term viable use, it is agreed with the Conservation Officer that the house extension and other building alterations are justified, to preserve the whole site, in perpetuity for future generations.

## 6.3 Impact on the conservation area and wider landscape

6.3.1 The house extension would be seated level with the existing building, with the rear gradient continuing to shield the site from the north-east. The road facing gable wall of the house would be unaltered and there would be little or no change to the appearance of the principal elevation of the dwelling, or to the Bakehouse and Corn Mill buildings. As such, the traditional vernacular of the buildings would remain paramount.

6.3.2 In addition to the topography, the site is well concealed by mature roadside hedgerow and other planting and the buildings are not visible from the wider AONB setting. Given the above, the extension, alteration and adaptation of these established vernacular buildings would not have a detrimental impact on either the conservation area setting or the wider AONB. A condition would, however control landscaping.

- Residential amenity
- 6.4
- 6.4.1 The nearest residential dwellings are located to the south-west of the site and the development would have no impact on neighbours living conditions, in terms of privacy, outlook or light. Whilst there may be some inevitable disturbance during construction phases of development, the hours of construction would be controlled by way of condition.
- 6.4.2 The applicant has stated their intentions for the site, which would be retained, principally, as a dwelling. They do not seek commercial use of the Corn Mill or Bakehouse building and whilst the on-site living accommodation would increase overall and the Corn Mill may attract a small number of additional visitors, the numbers would not be expected to exceed those associated with normal residential activity. As such, there would be no change in use to the existing arrangements and none that would affect residential amenity.
- 6.5 Affordable housing contribution
- 6.5.1 Schemes to convert listed buildings are, in fact, exempted from the usual requirement for an affordable housing contribution under Core Strategy Policy CS11. In any event this is effectively now superseded by the updated NPPF, which states, categorically that tariff-style contributions should not be sought in connection with small-scale developments such as the current proposal.
- 6.6 Archaeology
- 6.6.1 The Council's Archaeology team raise no objection to the scheme and the archaeological potential of the site can be satisfactorily managed by a condition requiring a programme of archaeological work.
- 6.7 Ecology
- 6.7.1 The Habitats Regulations require strict protection of certain species and their habitats, including all UK bat species. Disturbance or destruction of breeding sites or resting places is allowed only in the interests of public health and safety or for other imperative reasons of overriding public interest and provided there is no satisfactory alternative, and no detriment to maintaining the species' populations at a favourable conservation status within their natural range.
- 6.7.2 This development would disturb bat roosts, which have been found to be present. However, suitable mitigation is proposed, and officers have fully considered the implications for the site's conservation objectives in the EPS matrix attached to this report as Appendix 2. A bat house is also proposed, and it is concluded that the development would satisfy the three 'tests' outlined above, subject to conditions as recommended by the Council's Ecology team.
- 6.8 Drainage

6.8.1 The submitted application form confirms that a new foul waste connection would need to be made to serve the enlarged residential accommodation and a Foul Drainage Assessment is provided, which calculates the proposed size of a newly proposed sewage treatment plant, amongst other drainage details. However, the application form specifies that a connection would be made to a new septic tank and whilst confirmation is given of an Environment Agency discharge certificate for an existing foul waste system, precise plans and details of the positioning of a newly proposed foul waste system, connections, percolation tests and surface water systems have not been provided. As such, a condition is given to ensure the precise drainage elements of the scheme are satisfactory and to ensure there is no risk of flooding at the site or elsewhere.

6.9 Access and highway safety

6.9.1 The Council's Highways team is satisfied with the proposed new access and visibility splays. The existing access would also be retained and hence the proposed arrangements are considered acceptable.

6.10 Other matters

6.10.1 Part of the restoration to the Corn Mill would involve work to the Mill Pond, stream and race, along with the provision of a new waterwheel. It is understood that the original watercourse arrangements would be reinstated, although any specific licence requirements for this would not be a matter for the local planning authority.

## **7.0 CONCLUSION**

On balance, the development is acceptable in principle on account of the conservation benefits of restoring the listed buildings and historic site as a whole. The proposals are generally sympathetic to the fabric, character and overall significance of the buildings and to the character and appearance of the conservation area and the wider AONB. Furthermore, there are no undue concerns in terms of residential amenity, archaeology, ecology, drainage, highways or other matters. The application is therefore recommended for approval, subject to conditions.

## **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:

## West Midlands Regional Spatial Strategy Policies:

### Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

SPD Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

21/05447/LBC Works to convert Mill House with extension, conversion of Bakehouse to ancillary accommodation and the restoration of the Corn Mill to working order with associated external works; affecting a Grade II Listed Building WDN 7th January 2022

22/02339/LBC Conversion and extension to the Mill House, conversion of Bakehouse to ancillary accommodation, restoration of the Corn Mill to working order, the installation of a Bat House and associated external works affecting a Grade II Listed Building PCO

### 11. Additional Information

View details online:

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

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Cecilia Motley
Appendices APPENDIX 1 - Conditions APPENDIX 3 - EPS Matrix

## 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. Demolition and construction work shall not take place outside 7.30am - 6.00pm Monday to Friday and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

4. No alterations to, stripping of or other works to the buildings shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed photographic record of their current fabric and fittings, to accord with 'Level 3' standards as defined in the Historic England document 'Understanding Historic Buildings: A Guide to Good Recording Practice'.

Reason: To provide an adequate record of the form and fabric of the listed buildings prior to their conversion.

5. No insulation work shall be carried or roof trusses or other structural components of the building, including internal mechanical and electrical services and / or internal and external fixtures and fittings cut, altered, removed or replaced until a full schedule and detailed method statement for such works have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason: To safeguard the fabric and character of the listed building.

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

Reason: The site is known to hold archaeological and architectural interest. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds, in order to ensure a sustainable development.

7. No works shall take place to buildings on site until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

Reason: To ensure the protection of bats, which are European Protected Species.

8. No development shall commence until precise details of surface water and foul drainage systems have been submitted to and approved in writing by the Local Planning Authority. These shall include:

Percolation test results and sizing calculations for any soakaway drainage field;

Provision for a silt trap or catch pit upstream of any drainage field;

Measures to prevent surface water from flowing onto adjacent land, including any public highway;

Details of any other Sustainable Drainage Systems (SuDS) to be incorporated;

A drainage layout plan, to include details of the proposed surface water and foul sewer connection.

The approved system(s) shall be implemented in full prior to the first use/occupation of the development and shall be retained thereafter for its lifetime.

Reason: To ensure that the development is provided with a satisfactory means of drainage and avoid causing or exacerbating flooding or pollution on the site or elsewhere. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

9. No ground clearance, demolition, or construction work shall commence until a scheme has been approved in writing by the Local Planning Authority to safeguard trees to be retained on site as part of the development. The submitted scheme shall include the provision of a tree protection plan that reflects the guidance given in BS5837:2012. The approved scheme shall be retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

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

10. No new stonework or repairs to existing masonry shall commence until precise details/samples have been submitted to/inspected by and approved in writing by the Local Planning Authority. These shall include:

- drawing showing areas of new/repared/repointed stonework
- method of removing existing mortar
- representative sample of stone to be used
- details of method of laying/coursing the stone
- mortar mixes and joint finishes
- representative 1sqm sample panel of completed stonework

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed buildings.

11. No new or replacement external windows, doors, roof lights or any other external joinery shall be installed until complete joinery/product details of them, including details of window styles, glazing bars, mullions, sill mouldings and surface



treatments/decorative finishes have been submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. The development shall be carried out in accordance with the approved details.

Reason: To ensure the external appearance of the development is satisfactory and to safeguard the character and appearance of the listed buildings.

12. Besides demolition work, no above-ground development shall commence until samples/precise details of all external materials and finishes, (including that of the bat house) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with approved details.

Reason: To ensure that the external appearance of the development is satisfactory, and to safeguard the character and appearance of the listed buildings.

13. Other than demolition, no above ground work shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping. This shall include:

- Precise details/schedules of trees to be retained and any newly proposed planting and seeding;
- Details of any new walls, fences and other boundary treatments/means of enclosure;
- Details of hard surfacing materials;
- Timetables for implementation.

The hard and soft landscaping works shall be completed in accordance with the approved details and prior to the first occupation of the dwellings or in accordance with an agreed timetable. Thereafter, all fences, walls, hardstandings and other hard landscaping features shall be retained in accordance with the approved details, whilst any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the setting of the listed buildings, the conservation area and the visual amenity of the Shropshire Hills Area of Outstanding Natural Beauty.

14. Development of the 'Bakehouse' building hereby permitted shall only be used as additional accommodation in association with the existing dwelling on the site, known as Mill House and no part shall be sold or let separately or otherwise severed to form a separate, independent dwelling unit or be used for business or commercial purposes.

Reason: For the avoidance of doubt and in the interests of residential amenity.

15. Prior to first use / occupation of the buildings, the makes, models and locations of bat boxes; (a minimum of 6 roosting opportunities, including the bat house) shall be installed in accordance with Section 4.2 of the Bat Mitigation Strategy (Aspect Ecology, April 2022), . The roosting opportunities shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats.

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

16. At no time shall the restored Corn Mill building be sold or let separately or otherwise severed to form a separate unit of accommodation or be used for commercial or business purposes.

Reason: To define the consent and in the interests of residential amenity.

17. All new partitions and other elements of construction shall be scribed around historic and architectural features including cornices, picture rails, chair rails, skirting's, panelling, door and window linings and shall not cut through such features.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

18. No parts of the existing outbuilding shown to be retained on the submitted plans and drawings shall be demolished or rebuilt.

Reason: To ensure that the existing building is converted in its present form.

Complete demolition and rebuilding would be contrary to Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

19. 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, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

### **Informatives**

1. This planning permission should be read in conjunction with listed building consent No. 22/02339/LBC, to which further/alternative conditions may be attached.

2. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015, a fee is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. 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 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.

If, during construction, birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

4. 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.

5. 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 a new utility connection, or
- undertake 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.

6. If any vehicular access and/or parking/turning areas slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water from the development to drain onto the public highway or into highway drains.

7. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.

8. Your attention is drawn to the need to ensure provision of appropriate facilities for storage and collection of household waste (i.e. wheelie bins and recycling boxes). Specific consideration must be given to kerbside collection points, to ensure that site accesses, visibility splays, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways and vehicular carriageways) are unobstructed at all times, in the interests of public and highway safety.

9. 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.

## APPENDIX 2

### EUROPEAN PROTECTED SPECIES: The 'three tests'

#### Application reference number, site name and description:

22/02338/FUL.

Conversion and extension to the Mill House; change of use of the Bakehouse to ancillary accommodation; restoration of the Corn Mill to working order; installation of a Bat House and associated external works | Mill House Clee St Margaret Craven Arms Shropshire SY7 9DT.

#### Date:

7<sup>th</sup> July 2022

#### Officer:

Demi Cook  
Planning Ecologist  
Ecology Team  
Tel: 01743 254316  
Email: demi.cook@shropshire.gov.uk

#### Test 1:

Is the development 'in the interests of public health and public safety, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

The scheme includes restoring redundant Grade II-listed buildings and putting them into reuse. This is of public benefit in that the buildings are of national architectural and historic significance, and the NPPF recognises that retaining heritage assets in viable use is often the best way to secure their long-term conservation. Conservation has wider social, cultural, economic and environmental benefits, including preserving non-renewable resources for future generations to enjoy, making the most efficient use of existing fabric so as to reduce the consumption of building materials, energy and land through new-build, making a positive contribution to local character and sense of place, and contributing to our knowledge and understanding of our past.

**Test 2:**

Is there ‘no satisfactory alternative?’

The most likely alternative would be for the buildings to remain unconverted and underused. This would likely result in their further deterioration of historic fabric, which would diminish the significance as a heritage asset, and possibly also the suitability as a bat roost. Furthermore, it would not be an efficient use of the existing resource and downplays the role of economic and social progress in helping to achieve sustainable development.

**TEST 3:**

**IS THE PROPOSED ACTIVITY ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status IN THEIR NATURAL RANGE’?**

Bat surveys in August 2021 identified the following bat roosts in the buildings:

- A single lesser horseshoe bat day/night roost within the loft space and first floor bedroom of B1 (farmhouse).
- A single barbastelle bat day/night roost using features on the mill building (B2).
- Maternity roost of more than six whiskered/Brandt’s bats within B1 and B2.
- Maternity roost of six brown long-eared bats seen to emerge from the NW Gable of B1 and re-entering ridge of B2.
- One soprano pipistrelle day/night roost, re-entered B2.
- A day/night roost of two soprano pipistrelles emerged from the eaves of B1.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

**Section 4.2 OF THE BAT MITIGATION STRATEGY REPORT (ASPECT ECOLOGY, APRIL 2022) SETS OUT THE APPROPRIATE MITIGATION AND COMPENSATION MEASURES, WHICH WILL FORM PART OF THE LICENCE APPLICATION.**

*'The proposed works to the buildings within the site will result in the permanent loss of roosts due to the refurbishment of the Mill and loss/refurbishment of loft spaces in the Mill House. Also, in the absence of mitigation, there is the possibility that individual bats may be killed or injured should they be present within the roosts at the time of works. Therefore, in order to enable the works to proceed lawfully and to ensure bats are fully safeguarded during the proposed works, an application for a Mitigation Licence will need to be submitted to Natural England once planning permission is granted and all relevant conditions discharged.'*

*A specialist bat house will be constructed in the north-west of the site, prior to works affecting known roosts, adjacent to the reinstated "mill pond" (see indicative proposal in Appendix 2). This will compensate for the loss of the roosts within building B1 and B2 whilst works are being undertaken. The bat house will include provisions for new maternity and hibernation roosts (including a cool tower) as well as day/night roost opportunities and access/egress points suitable for the species identified during survey work such as Lesser Horseshoe Bat, Common and Soprano Pipistrelle, Brown Long-eared Bat and Barbastelle. The building will conform to design principles outlined in the Bat Mitigation Guidelines, with specific adaptations for certain species as appropriate (e.g. specific entrances for Lesser Horseshoe bats).'*

**I AM SATISFIED THAT THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE MAINTENANCE OF THE POPULATIONS OF LESSER HORSESHOE BAT, BARBASTELLE BAT, WHISKERED/BRANDT'S BATS, BROWN LONG-EARED BATS AND SOPRANO PIPISTRELLE BATS AT FAVOURABLE CONSERVATION STATUS WITHIN THEIR NATURAL RANGE, PROVIDED THAT THE CONDITIONS SET OUT IN THE RESPONSE FROM DEMI COOK TO HELEN TIPTON (DATED 7TH JULY 2022) ARE INCLUDED ON THE DECISION NOTICE AND ARE APPROPRIATELY ENFORCED. THE CONDITIONS ARE:**

- **EUROPEAN PROTECTED SPECIES LICENCE;**
- **ERECTION OF BAT BOXES; AND**
- **LIGHTING PLAN.**
- **Working in accordance with the report condition**