

AGENDA ITEM



Committee and date

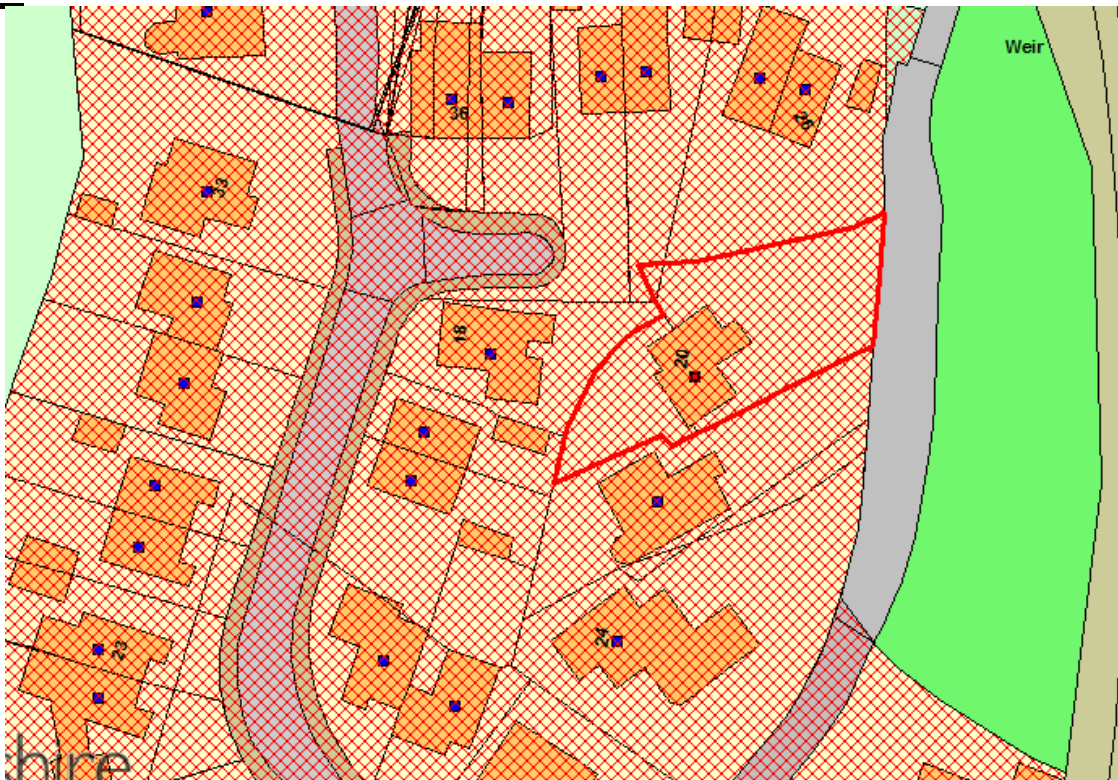
Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/05696/FUL	<u>Parish:</u>	Minsterley
<u>Proposal:</u> Erection of two storey side extension		
<u>Site Address:</u> 20 Willow Park Minsterley Shrewsbury Shropshire SY5 0EH		
<u>Applicant:</u> Mr Gregory Pennington		
<u>Case Officer:</u> Nia Williams	<u>email:</u> nia.williams@shropshire.gov.uk	

Grid Ref: 337454 - 304787



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 two storey side extension to the property known as 20 Willow Park, Minsterley.
- 1.2 The proposed works will include the conversion of the existing garage/ store room into a large kitchen/ dining room with separate utility and WC on the ground floor and a 4th bedroom with en suite above.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 20 Willow Park is a detached dwelling located in the village of Minsterley around 10.4 miles south-west of Shrewsbury town centre. The dwelling is set within the residential area of Willow Park on a moderate curtilage with neighbouring dwellings to the west, north and south elevations of the site.
- 2.2 One parking space will be lost to accommodate the proposed extension, however an additional existing parking space is located on the opposite side of the dwelling which will not be affected by the proposals.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The applicant is ***related to/or known to*** an employee of Shropshire Council within the Place Directorate. Therefore, under the terms of the scheme of delegation to officers, as set out in Part 8 of the Council Constitution, the application should be referred to planning committee for determination.'

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.2 **Minsterley Parish Council** - No objection to this application.

- 4.3 **Highways** - To facilitate the proposed extension to the side of the house it would appear that the property will lose the 2 available parking spaces, one inside the existing garage and the other in front of the garage door.

If permitted the house will become a 4 bedroomed family home with one parking space. A single parking space shown on the submitted information is considered to be an inadequate provision and that a minimum of 2 parking spaces should be retained/demonstrated in connection with the proposed development.

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 a 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.

- 4.4 **ENVIRONMENTAL PROTECTION** - 20 Willow Park is located in the north-eastern part of the Willow Park estate and historically much of the ground that borders the stream was raised and associated with this raise was the importation of man-made materials including metal, brick, concrete rubble, clay etc., allegedly over many years during the 1960's/early 1970's. Made ground has been recorded to depths in excess of 3 metres bgl in this area.

The former Shrewsbury & Atcham Borough Council (SABC) carried out a landfill gas investigation of the Willow Park development during the period 1993 to 1994, and correspondence with the developer at the time ascertained that some made ground was removed beneath the footprint of the houses to allow foundations to be built off hard ground, and properties constructed on suspended beam and block with a concrete over-screed (vented) and concrete rafts in the made ground areas. There is information to suggest that the original ground levels were reduced by as much as 1.5m in the area of 20 Willow Park, to reach a reasonable layer of hard ground.

Monitoring for the presence of ground gases by the former SABC did not record any detectable levels of methane, but carbon dioxide levels were slightly elevated. The developer also provided information on a ground contamination investigation that was undertaken in 1987 (pre-development) and it is reported that to manage identified risks from elevated inorganic contamination (arsenic and lead) in the made ground, that 0.75m of clean imported subsoil/topsoil should be imported to the site to be placed in garden areas where deep fill exists. This included 20 Willow Park.

Environmental Protection is not objecting to the proposed two-story side extension but having regard to the above, there are a number of factors that need to be considered and also to highlight potential geotechnical issues (outside of our area of expertise) in designing foundations in an area where potential made ground is located to a significant depth.

Unless evidence is provided to the contrary, Environmental Protection recommends as a minimum it would be prudent to classify the site as Characteristic Situation 2 (CS2) in accordance with BS8485:2015+A1:2019 – 'Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

As a result, gas protection is required to achieve a Score of 3.5 (Table 4 of BS8485:2015+A1:2019). Details of how this will need to be achieved (Tables 5, 6 and 7 of BS8485:2015+A1:2019) and Verified (Table 8 of BS8485:2015+A1:2019) need to be provided.

In accordance with Table 7 (BS8485:2015+A1:2019) where a gas membrane is proposed, the membrane should be installed, inspected, and validated in accordance with the requirements of CIRIA C735 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gas (2014)', for the gas protection points associated with installation of a gas resistant membrane to apply. The verification must be undertaken by a verifier independent of the installer.

Accordingly, the following must be included as conditions if planning permission is granted:

1. Development shall not begin until detailed specification of gas protection measures in to achieve a Score of 3.5 (Table 4 of BS8485:2015+A1:2019 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings) is submitted and approved by the Local Planning Authority.
2. Development shall not begin until a Verification Plan confirming how the installation will be tested in accordance with CIRIA C735 (Good Practice on the testing and verification of protection systems for buildings against hazardous ground gases 2014) is submitted and approved by the Local Planning Authority.
3. The verification of the gas protection measures must be undertaken in accordance with the approved Verification Plan. The Verifier must be independent of the installer (CIRIA 3.3.2).
4. On completion of the gas protection measures a Verification Report shall be submitted in accordance with CIRIA C735 (Good Practice on the testing and verification of protection systems for buildings against hazardous ground gases,

2014) and approved by the Local Planning Authority.

Reason: The site lies within 250 metres of a source of potential ground gas and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard to environment and public safety. In addition, there is the potential that made ground material beneath existing topsoil/subsoil is contaminated with concentrations of inorganic contamination (arsenic and lead) that are not acceptable in a residential garden.

The following should be included as an informative:

Any arisings excavated for the purposes of foundations must be treated as contaminated and disposed of having regard to a duty of care. The health and safety of construction workers should also be considered when constructing foundations and they must be advised to adhere to good standards of personal hygiene, i.e., gloves should be worn during excavation works, no smoking or eating and if works are undertaken during dry periods, dust must be minimised.

5.0 Public Comments

5.1 At the time of writing this report, no representations had been received in response to this publicity.

6.0 THE MAIN ISSUES

6.1 **Principle of development**
Siting, scale and design of structure
Impact on amenities

7.0 OFFICER APPRAISAL

7.1 **Principle of development**

7.2 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.

7.3 Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.

7.4 Section 12 of the National Planning Policy Framework; Achieving well-designed places, reinforces these goals at a national level, by requiring the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps

make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

- 7.5 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.

8.0 Siting, scale and design of structure

- 8.1 The proposed works will include the conversion of the existing garage/ store room into a large kitchen/ dining room with separate utility and WC on the ground floor and a 4th bedroom with en suite above. The proposed ground floor extension will be built forward of the existing garage/ store room and will measure approximately 4.3m in depth and 3.13m in width. An internal wall will be removed to create a large kitchen/ dining room with bi-fold doors opening out onto the rear garden

- 8.2 The first floor extension will be sited above the proposed ground floor extension and existing garage / store room and will measure approximately 7.46m in length, 3.19m in width, 5m to the eaves and 7.81m to the ridge.

- 8.3 The siting and scale of the proposed two-storey side extension is acceptable, and the scale is not excessive, and the proposals are subservient to the original dwelling. The design complements that of the original property and the extension will have very little impact as this will fall in line with the existing dwelling. The case officer has no concerns over the materials proposed which will match that of the existing property.

9.0 Impact of amenities

- 9.1 Due to the proposed extension being to the side of the property the proposals will be visible from the street scene, other dwellings within the street have carried out similar extensions and therefore the proposals are not deemed to have an impact on the street scene.

- 9.2 The dwelling is a detached property within a residential area with neighbours to the west, north and south elevations. No concerns are raised in relation to impact on neighbouring amenities. The dwelling shares a boundary with a neighbouring property to the south elevation, but there is adequate distance between the neighbouring dwelling and the proposed two-storey extension, therefore there will be no concerns on overlooking or overshadowing and will not have an impact on this neighbouring dwelling.

- 9.3 Regarding the comment received from Highways referring to the loss of parking

spaces. The case officer has been to the site and has concluded that 2 cars could be parked to the side of the property. Furthermore, the applicant has provided photos demonstrating that the existing side parking area can easily accommodate two vehicles.

10.0 CONCLUSION

10.1 The works are judged to be in scale and character with the original building and of no demonstrable harm in terms of visual impact. No significant harm is considered to arise to the neighbouring resident's amenity and the application therefore accords with the principal determining criteria of the relevant development plan policies including CS6 and MD2 and approval is recommended.

11.0 Risk Assessment and Opportunities Appraisal

11.1 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.

12.0 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.

13.0 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.

14.0 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:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

CS17 - Environmental Networks

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

22/05696/FUL Erection of two storey side extension PDE

SA/87/0962 Residential development of 25 No. houses comprising of 12 No. semi detached houses, 10 No. link detached houses, 3 No. detached houses with private garages and amendment to road layout to that previously approved. (Ref. Outline application No. S86/266/67/85 dated 5th June 1986). PERCON 17th December 1987

SA/86/1147 Erection of 41 No. dwellinghouses with private garages and the formation of new vehicular and pedestrian accesses and the construction of roads and sewers. (Details following outline S86/266/67/85 dated 5/6/86). REFUSE 12th March 1987

SA/86/0266 Residential development with alterations to and formation of new vehicular and pedestrian accesses. PERCON 5th June 1986

SA/87/0325 Erection of 39 No. dwellings with private garages, associated roads and sewers

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and the formation of new vehicular and pedestrian access. (Ref. Outline application No. S86/266/67/85 dated 5th June 1986). PERCON 2nd July 1987

SA/74/0391 Erection Of Two Dwellings REFUSE 26th November 1974

SA/78/0184 Erection Of Dwellings, Formation Of Vehicular And Pedestrian Accesses And Alterations To Existing Vehicular And Pedestrian Accesses REFUSE 30th October 1979

SA/76/0359 Erection Of Buildings And Use Of Land For The Parking And Maintenance Of Passenger And Goods Vehicles REFUSE 15th July 1976

Appeal

76/00642/REF Erection Of Buildings And Use Of Land For The Parking And Maintenance Of Passenger And Goods Vehicles DISMIS 22nd July 1977

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RN709NTD07V00>

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 Richard Marshall

Local Member

Cllr Nick Hignett

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, drawings and documents as listed in Schedule 1 below.

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. ENVIRONMENTAL PROTECTION

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Informatives

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