



Date: Tuesday, 16 December 2014

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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NORTH PLANNING COMMITTEE

TO FOLLOW REPORT (S)

- 6 Land South of Chapel Lane, Norton in Hales (14/01426/OUT) (Pages 1 - 22)**
Outline application for the erection of 16 open market dwellings and 3 affordable dwellings to include access (Report to follow).
- 9 Llysfield Nursing Homes, 129 Middleton Road, Oswestry, Shropshire (12/01381/FUL) (Pages 23 - 30)**
Erection of 2 No two storey extensions and highway visibility improvements (Report to follow).

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Committee and Date
 North Planning Committee
 16 December 2014

Item
6
 Public

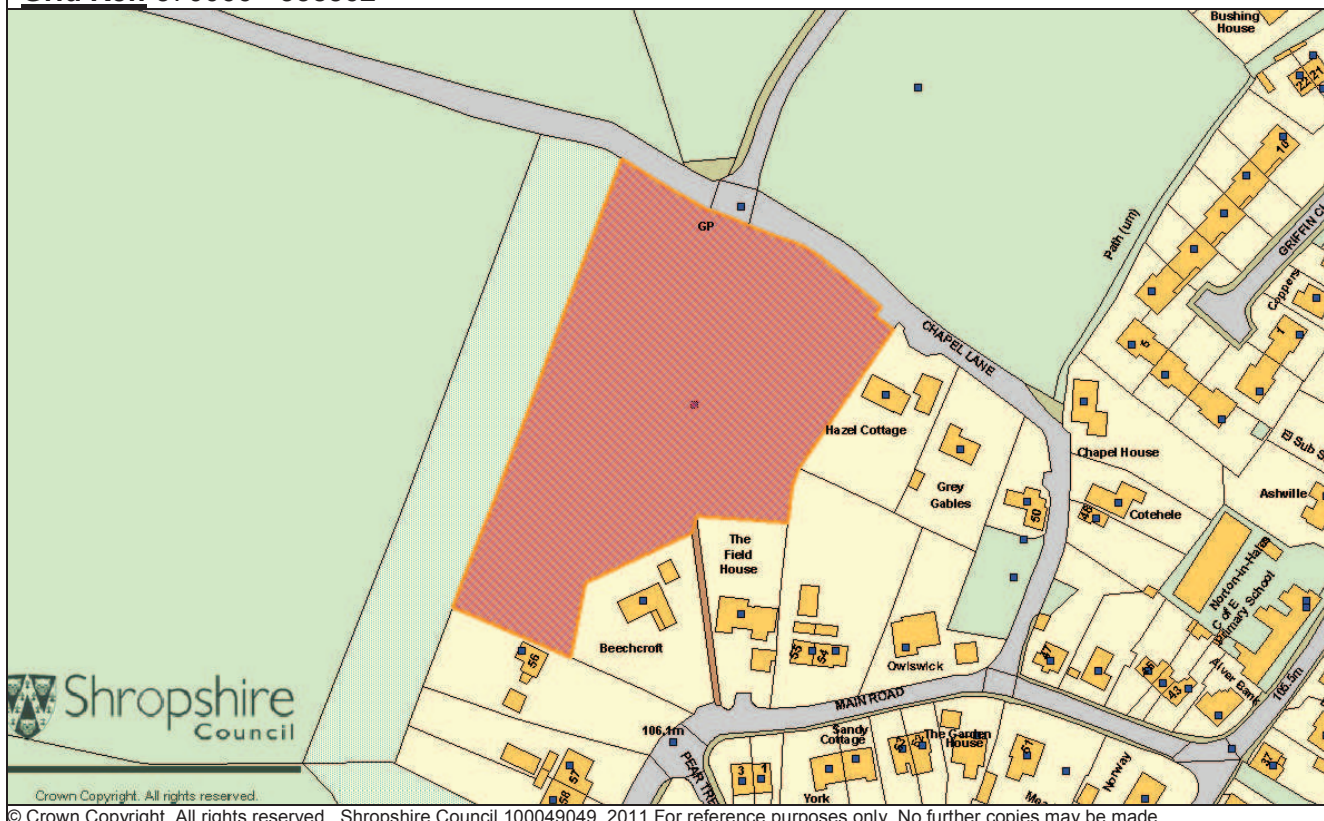
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/01426/OUT	Parish:	Norton In Hales
Proposal: Outline application for the erection of 14 open market dwellings and 3 affordable dwellings to include access, layout, scale and appearance		
Site Address: Land South Off Chapel Lane Chapel Lane Norton In Hales Shropshire		
Applicant: Mr P Eardley		
Case Officer: Richard Denison	email: planningdmne@shropshire.gov.uk	

Grid Ref: 370066 - 338562



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for a residential development for 14 open market dwellings and 3 affordable dwellings on agricultural land adjacent to Norton in Hales. The proposed application will consider the proposed access, layout, scale and appearance with only the landscaping reserved for later approval. The development will provide seven 4-bedroom detached dwellings, two 3-bedroom detached dwellings, six 3-bedroom semi detached dwellings and two 2-bedroom dwellings. A site plan has been submitted indicating the provision of a new estate road emerging onto Chapel Lane, together with a private drive serving two dwellings.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site forms an enclosed agricultural field which is enclosed by residential development to the east and south, whilst Chapel Lane runs along the northern boundary and a tree landscaped buffer along the western boundary. There is public footpath which runs through the site from the southern to the northern boundary with hedgerows along the roadside.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the committee chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways Development Control** - The Highway Authority acknowledge the level of local objection to the development of this site, citing, inter alia, the inadequacies of Chapel Lane to accommodate the likely increased traffic as a result of the development and issues surrounding pedestrian movement along the Chapel Lane in to the village. In this regard the highway authority also acknowledges the deficiencies both in terms of current road width and lack of pedestrian refuge.

Notwithstanding the above it is necessary for the highway authority to consider this application in context and whether the impact of the development is unacceptable to the extent that a highway objection is justified. In addition, the highway authority acknowledge that the applicant, through their Highway Consultant, has sought to mitigate the impact of the development with improvements which essentially provide the following benefits:-

1. Widening along the site road frontage to a minimum of 5.2 metres and a

- maximum of 5.5 metres, together with the provision of a grassed margin along the frontage. The grassed margin could accommodate a footway however the highway authority would question this limited length of provision in the context of Chapel Lane.
2. The widening of the outside of the road bend adjacent to Chapel House to facilitate the simultaneous movement of cars at this point.
 3. Provision of a kerbed refuge on Main Road adjacent to where the footway exits onto the highway.

Overall, whilst acknowledging the current deficiencies of Chapel Lane, the highway authority consider that the above improvements are sufficient to mitigate the impact of the development. It is considered that a highway objection would be difficult to sustain and recommends safeguarding conditions.

- 4.1.2 **Shropshire Council, Housing Enabling Officer** - Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application. The application currently shows an over provision of on site affordable housing based on the current prevailing target rate.
- 4.1.3 **Shropshire Council, Planning Ecologist** - The application has been accompanied by a Phase 1 Environmental Survey which has identified three ponds at around 500 metres from the development site. The application site is a small arable field and considering the characteristics of the ponds and the intervening habitats the Planning Ecologist has indicated that no further surveys are considered to be required or mitigation. The trees and hedgerows on site are likely to be used for bat foraging and commuting and a condition on the external lighting is recommended to avoid affecting bat behaviour. The trees and hedgerows on the site boundary are likely to be used by nesting birds and a safeguarding informative is proposed.
- 4.1.4 **Shropshire Council, Flood & Water Management Team** - The drainage details, plan and calculations can be conditioned and submitted for approval at the reserved matters stage if outline planning permission is recommended for approval.

The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). No details of the proposed SuDS have been provided. Full details, plan and calculations of the proposed SuDS should be submitted for approval. This should illustrate how the development will comply with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SuDS will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the provision of surface water soakaways, swales, infiltration basins, water butts, rainwater harvesting system,

permeable surfacing on any new driveway, parking area/ paved area, attenuation and grey water recycling system.

The use of soakaways should be investigated in the first instance for surface water disposal. Soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change. This is to ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway. This is to ensure that no surface water runoff from the new driveway runs onto the highway.

The site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed. The level of water table should be determined if the use of infiltration techniques are being proposed. This is to minimise the risk of groundwater flooding.

The applicant should complete Appendix 'C' of the Shropshire Council's Surface Water Management: Interim Guidance for Developers. This is to ensure that measure have been taken to mitigate against surface water flooding.

A contoured plan of the finished ground levels should be provided to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. This is to ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

Consent is required from the service provider to connect into the foul main sewer.

- 4.1.5 **Shropshire Council, Public Rights of Way Officer** - The application correctly identifies the presence of the public footpath. Section 8.1 of the Design and Access Statement suggests that the path will be realigned to follow the proposed access road however today this would not be an option that we would be comfortable with.

Government guidance suggests that public paths should, where possible, be incorporated within a development but should not be aligned along estate roads. I appreciate that this is a fairly small site and as such a more reasonable approach would depend on whether the access road will become an adopted public highway which the application form indicates is the intention.

If the road will become adopted highway: Then the path would in essence become

an adopted footway (a pavement adjacent to the carriageway) and not a highway of a type that should be recorded on the Definitive Map. If this is the case I feel it would be more appropriate to stop up the footpath under section 257 Town & Country Planning Act 1990 with the adopted footway forming an alternative highway under s257(2)(a). As a stopping up would only come into operation when the alternative highway was in place a temporary closure would be required to allow the development to take place. Fees apply for both the temporary and permanent orders and the developer should enter into early dialogue with the Rights of Way Team to avoid delays.

If the road will not become an adopted highway: We may consider diverting the path onto the estate footway in order to maintain the continuity of the route but would not wish to saddle the authority with the additional maintenance burden of a made up surface. We would need to discuss the appropriate way forward with the developer if this is the proposal.

- 4.1.6 **Shropshire Council, Historic Environment Team (Conservation)** - Norton-in-Hales has a conservation area. The proposal needs to be in accordance with policies CS5 Countryside Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including PPS5 Historic Environment Planning Practice Guide published by English Heritage in March 2010 and National Planning Policy Framework (NPPF) published March 2012. It is considered that the revised scheme has addressed the concerns raised in previous comments and therefore the proposal will not have an adverse impact on the setting of the designated Heritage Asset (Conservation Area), in line with policy requirements. It is not noted on the site plan what house types Plots 3 and 4 are to be; this should be clarified and any additional details should be submitted to cover this.
- 4.1.7 **Shropshire Council, Trees & Woodland Amenity Protection Officer** - There are no trees on site and the hedgerows are to be retained and improved therefore I have no objection in principle to the proposal. A landscape scheme should be submitted as part of a full application to include details of native hedge planting and other planting to enhance the scheme.
- 4.1.8 **Shropshire Council, Learning & Skills** - Norton in Hales Primary School has a significant proportion of unfilled places and this is forecast to continue for the foreseeable future. Any school children that the proposed developments may yield (which are envisaged to be no more than around 10 in total) are therefore likely to help school numbers to a degree. From a site neighbour viewpoint, none of these proposed developments look like they will cause problems, such as traffic build up around the school. Secondary school numbers (Grove School, Market Drayton) are forecast to reach capacity by the end of the plan period, but any effect from the developments in Norton-in-hales are expected to be minimal. It is not envisage that there will be any particular problems in the education sector if any or all of the development sites in Norton in Hales were to obtain approval.
- 4.1.9 **Norton in Hales Parish Council** - The Parish Council unanimously objects to this planning application on the following basis:
1. This is an unsuitable site as the access to the development is on the very

narrow Chapel Lane (4 metres) with poor visibility. This Lane is used throughout the day by A R Richards, a local industrial company, and local farmers with large agricultural and industrial vehicles.

2. Traffic from the site will access the main route to Market Drayton via Chapel Lane which is narrow, is on a bend and has no passing points at all; the junction of Chapel Lane onto the Main Road is dangerous due to visibility being restricted by hedges on one side and a wall on the other.
 3. The cumulative effect of all of the planning applications currently submitted needs to be looked at in respect of the infrastructure. The Roads would become dangerous and it is questioned whether the sewerage, water and electric infrastructure could cope.
 4. The roads to and from the village are narrow and could not safely take any further traffic, including vehicles or the trucks supplying houses eg oil. Currently an unofficial one way system exists on the narrow lanes already as it is dangerous at school times.
 5. Main Road and its footpaths are very narrow, pushchairs have to be pushed on the road as they cannot fit on footpaths. It is therefore not suitable to have an increased amount of vehicles.
 6. The five entrance / exits to the village are already not safe and they have no passing points.
 7. The road entrance to the village from Market Drayton is extremely narrow at the Jubilee Hall.
 8. Cycle route No.75 runs through the village this is used by a large amount of cyclists at the weekends, this will create a danger on the narrow roads if there is an increase in traffic.
 9. There is no bus service, therefore all access to the local town would have to be by cars for supplies.
 10. The site is situated outside the development limit for the village where new housing should only be approved if there is a proven need in connection with agriculture or forestry. In this case no proven need has been provided.
 11. To approve the proposed development would be contrary to both local and national planning policy.
 12. In May 2012 the Parish Council requested to be classed as Countryside.
- 4.1.10 **Norton in Hales Parish Council** - The Parish Council agreed that the amendments to the scheme proposed have no material benefits and in no way alter the original objection put forward. Objections put forward were based on the proposal resulting in significant alterations to the current historic street scene with the proposed layby irrevocably altering the character of the village school building, and the proposed highways one way system altering the current context and character of the village.

Councillors acknowledged the strength of local opposition to the scheme and agreed the one way system would be unworkable. Historic speed monitoring tests have shown that speeding is not an issue through the village and that there is no history of road traffic accidents. Councillors agreed to maintain their original objections to this application.

4.2 Public Comments

4.2.1 Thirty letters of objection have been received raising the following concerns:-

- High density and not in keeping with other properties within the village.
- Development site is located outside the village Development area and there is no demand for housing in this area.
- Increase in traffic.
- Not a sustainable development.
- Impact on residential amenity.
- Vehicle and pedestrian access to the site is poor and narrow roads are frequently used by large agricultural vehicles.
- Development will increase risk of flooding, village has flooded twice in 2 years
- Impact on ecology.
- Impact on neighbouring properties

4.2.2 A petition has been submitted signed from 31 local residents raising the following concerns:-

- The application is not in accordance with existing, saved and emerging policies.
- The development does not offer any material benefit.
- The one way system does not address pedestrian safety and would impact on the flow of traffic.

4.2.3 One letter has been received from the occupier of Beechcroft who has raised no objection to the proposed bellmouth improvements adjacent to the Main Road.

5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Assessment of Sustainability
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Affordable Housing
- Community Infrastructure Levy

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

6.1.1 The site is situated within Norton in Hales and is outside the development boundary on the proposals map of the NSDC adopted Local Plan and is also not coming forward as a hub or cluster settlement within the emerging SAMDev. The site is currently classed as 'Open Countryside' under CS5 and therefore open market residential development of the site would be contrary to current adopted and emerging policy and the application has been advertised as a departure. However, paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

6.1.2 The emerging 'Site Allocations and Management of Development' Plan (SAMDev) is at the 'pre-submission draft' stage and has recently been submitted for examination. Paragraph 216 of the NPPF indicates that the 'weight' that can be attached to relevant policies in emerging plans such as the SAMDev depends on the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where weight can be attached but, pending examination and adoption, this needs to be considered with care alongside the other material considerations.

6.1.3 Paragraph 14 of the NPPF states that:

'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision-taking this means that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the]Framework taken as a whole; or*
- *Specific policies in [the] Framework indicate development should be restricted.'*

With regards to housing development paragraph 49 of the NPPF states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

and that

‘Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’

- 6.1.4 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 year supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination of the SAMDev.
- 6.1.5 In this period prior to examination sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. Officers consider that it would be difficult to defend a refusal for a site which is considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits (as outlined in paragraph 14 of the NPPF).
- 6.1.6 It is acknowledged that the site is outside the development boundary within the adopted North Shropshire Local Plan and would not normally be supported for development. However, adopted local plan policies are at risk of being considered “time expired” due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’.
- 6.1.7 The principle issue for consideration therefore is whether the development is sustainable or not when considered against the NPPF as a whole. The balance of material considerations is still in favour of boosting housing supply in locations that are considered to be sustainable. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.

6.2 **Assessment of Sustainability**

- 6.2.1 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. Policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities

by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.

6.2.2 Concerns have been raised from local residents that the village lacks key services. Norton in Hales is a village of approximately 160 dwellings and has a range of services and facilities within the village including a primary school, public house, village hall, church, recreational facilities (including cricket pitch, tennis court, bowling green and sports pavilion) and children's play area. These are all considered key services which you would expect to find in rural villages. With the proposed layout and alterations to the existing footpath the proposed site would provide easy access to these facilities within the village. Norton in Hales has strong links with Market Drayton which is only 2.4 miles away along a main country lane and provides a wide range of shops, employment opportunities, recreational and leisure facilities and public transport. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities.

6.2.3 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- *An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

Economic Consideration

6.2.4 The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The agent has indicated that the site is deliverable as it is within the ownership of the applicant who is proposing to develop the site rather than it being a speculative development. The proposed scheme indicates the layout and design and the provision of a reduced time period for the submission of the reserved matters is acceptable as the applicant is keen to

commence works. The provision of additional houses will also support local businesses as future occupiers are likely to access and use local services and facilities helping them to remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

Social Considerations

- 6.2.5 The indicative proposal shows 17 dwellings (a reduction from the 19 originally submitted) which will help meet the housing shortage in Shropshire. In addition to boosting the supply of open market housing the proposal will provide affordable housing on site at the prevailing rate at the time of the reserved matters application. The current rate of 15% would provide 2.55 affordable dwellings on site, although the developer is prepared to provide 3 affordable dwellings on site. Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. It is recognised that increasing the number of dwellings in a settlement without a proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement. Officers consider that the existing infrastructure is capable of accommodating the new development and that there is sufficient capacity in the primary school.
- 6.2.6 A full application has been resolved to be approved on land North of Norton Farm, Main Road which indicated fourteen dwellings (application reference 14/00260/FUL), whilst a recent outline application was refused in October 2014 for fourteen dwellings on Land Off Bearstone Road, Norton in Hales (application reference 14/00790/OUT). An outline application for residential development of up to twelve dwellings on Land East of Beswicks Lane, Norton In Hales has been appealed for Non Determination (application reference 14/01121/OUT). There are approximately 160 dwellings in Norton in Hales and the cumulative impact of the 14 dwellings resolved to be approved and proposed 17 additional dwellings would only equate to a 19.4% increase. This is not considered to be significant or a disproportionate number that would adversely change the structure and character of the community. The additional dwellings would support the local community facilities and would not impact on the historic core of the village.

Environmental Considerations

- 6.2.6 The site is grade 2/3 agricultural land and has no heritage, cultural or ecological designation. The site is located adjoining residential properties which are positioned along the south eastern boundary, whilst a tree landscape belt is located along the western boundary and Chapel Lane is along the northern boundary. It is considered that the loss of this piece of agricultural land is not significant and the proposal would not result in any adverse ecological or environmental implications and the proposal would provide some ecological enhancements of the site in relation to additional planting. In addition the proposal

would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle to local services and facilities and is close to the array of services, facilities and employment opportunities in Market Drayton.

- 6.2.5 The balance of material consideration remains one of boosting housing supply in locations that are considered to be sustainable even if they fall outside of the defined development boundaries within existing saved and adopted development plan policies. The proposed site is considered to be in accordance with the sustainable objectives that are set out in the National Planning Policy Framework by providing economic, social and environmental benefits. Accordingly, it is considered that the principle of a residential development in this location is acceptable.

6.3 Design, Scale and Character

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy D7 'Parking Standards' of the North Shropshire Local Plan is still a saved policy and indicates that all development should provide an appropriate level of vehicle parking to avoid on street parking and increasing traffic problems.
- 6.3.2 Objection has been received from local residents indicating that the proposed layout is high density and not in keeping with other properties within the village. The proposed development will be positioned between existing residential development to the east and south with Chapel Lane running along the Northern boundary. There is a wide tree landscaped boundary to the west which provides a strong boundary to the village. The proposed field would appear as an infill site enclosed by existing development and would represent a natural expansion of the village. A vehicular and pedestrian access will be provided from Chapel Lane, whilst amended plans have been received reducing the number of units from 19 to 17.
- 6.3.3 The proposed dwellings will incorporate ten different house designs including a mixture of features including symmetrical frontages, front facing gables, open pitched canopies, stone window cills and heads, exposed rafter feet, half dormer windows and chimney stack and attached single garages/double garages. The dwellings will be constructed with traditional red bricks with plain roof tiles to match the existing older style properties in the village. The dwellings will have stone window cills and heads which will be in keeping with the more historic properties in the village.
- 6.3.4 The proposed development will provide four detached properties along the roadside frontage which would be in a similar build line as the adjacent properties. The designs will provide a variety of house styles which will give a unique appearance and variety to the development from the public road. The existing boundary hedgerow will be set back to provide visibility splays along the frontage and will provide a soft edge to the settlement.

6.3.5 It is officer's opinion that the proposed dwellings will match the character, design and appearance of the historic buildings within the village and will provide a wide degree of variety with traditional materials and finishes and pick up a number of design features from the older style properties within the older centre of the village. The proposed plots provide adequate off street car parking for residents and visitors with reasonable rear private gardens and amenity space. Structural landscaping has been incorporated into the development along the roadside frontage on the approach into the village and within the new estate road.

6.3.6 The proposed layout, design and scale of the dwellings would be acceptable on this edge of town location and would not impact on the character of existing properties, the local area or conservation area.

6.4 **Impact on Residential Amenity**

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Concerns have been raised from local residents regarding the close proximity of the development in relationship to neighbouring properties and the impact that this will have on their amenity.

6.4.2 Plot 1 will be positioned in line with Hazel Cottage to the east and will be positioned 6 metres away. A gable elevation will face the gable elevation of this property and will be separated by an existing boundary hedge. Having regard to the orientation and distance the proposed dwelling will not cause any loss of privacy, overbearing impact or loss of light. The gable elevation of plot 13 is over 28 metres away from the rear elevation of The Field House and is separated by a driveway, boundary hedge and garden. The rear elevation of plots 13 to 16 face towards the rear gardens of No.55 Main Road and Hazel Cottage and are between 10 and 28 metres from the boundary and over 38 metres from the rear elevations of these properties. Having regard to the orientation and distance the proposed dwelling will not cause any loss of privacy, overbearing impact or loss of light.

6.4.3 The private cul-de-sac at the end of the estate road will serve plots 10 to 12 and will run close to the rear garden boundary of Beechcroft. Plot 12 is located close to the boundary, although a gable elevation will face the garden and will be over 10 metres away from the side elevation of this property. Tree landscaping is proposed along the boundary to help break up the views of the estate from the rear of this property.

6.4.4 Having regard to the layout of the proposed dwellings they will not result in any significant overlooking or loss of privacy, whilst the two storey scale and distance away from the site boundaries will prevent any overbearing impact or loss of light. The additional movement of vehicles along Chapel Lane and onto the Main Road will not be significant and would not result in any significant increase in noise and disturbance.

6.5 **Highways**

6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling

and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all. Policy D7 'Parking Standards' of the North Shropshire Local Plan is still a saved policy and indicates that all development should provide an appropriate level of vehicle parking to avoid on street parking and increasing traffic problems.

- 6.5.2 A significant level of objection has been received from local residents and the Parish Council regarding the narrow access roads leading to the site and poor visibility, increase in traffic and highway safety issues for vehicles and pedestrians.
- 6.5.3 The proposed agent and highways consultant has been in negotiation with the Parish Council and local residents with regards to providing highway improvements in the village in connection with this application. These included the increase in parking for the school, circulation of traffic and improvements to the pavement widths for pedestrians. However, these were all dismissed.
- 6.5.4 The proposed development will provide a new vehicular access onto Chapel Lane which will serve plots 3 to 17. The existing hedgerow will be set back to provide improvements to the width of the road to provide a minimum width of 5.5 metres which would be wide enough to allow vehicles to pass one another. Visibility splays of 2.4 metres by 45 metres would be provided across a new grass frontage with adequate space to allow a hedgerow to be planted with adequate space to prevent any encroachment onto the proposed verge. A second access is proposed which will serve plots 1 and 2 and will also benefit from the roadside improvements to provide adequate visibility for emerging vehicles.
- 6.5.5 The footpath from the new estate road will extend around the bell mouth on the eastern side of the new access and will allow pedestrian access onto Chapel Lane. This is a quiet rural road with a 30mph speed limit and will allow pedestrians a short walk (just over 80 metres) to link into a public footpath running along the eastern side of the field opposite. This would enable the occupiers a pedestrian link towards the public house, church and recreational facilities. Although pedestrians will have to walk along a small section of road this is a quiet lane and there are a number of refuge points should vehicles approach and would be similar to other residential development in Norton in Hales.
- 6.5.6 It is acknowledged that Chapel Lane is narrow between Chapel House and the Main Road and is difficult for two cars to pass one another. However, it is proposed to increase the width of the radius curvature of the road opposite Chapel House. This area of land forms part of the highway and can be widened to provide an increase in width of approximately 0.8 metres. This increase will allow for two vehicles to pass and will enable drivers to see any on coming vehicles along the narrower stretch of Chapel Lane to the Main Road. The Highways Authority have raised no objection and consider that this improvement would allow the safe flow of vehicles along Chapel Lane.
- 6.5.7 An existing public footpath crosses the site and links into the Main Road along a path which is located between Beechcroft and The Field House. The public footpath would be incorporated into the site layout and would provide pedestrian access to the footpath on the opposite side of the Main Road which would allow access

towards the Primary School and Village Hall. The footpath emerges onto an area of hard standing opposite the entrance to Beechcroft. The proposed plans indicate that curved highway edging stones will be laid to provide a 0.8 metre wide protected area for pedestrians to wait before they cross the road and link into the public footpath. This area is on the outside bend of the road and would provide adequate visibility for pedestrians to view on coming traffic before crossing.

6.5.8 The Highways Authority acknowledges the inadequacies of Chapel Lane to accommodate the likely increase traffic and issues surrounding pedestrian movement. However, it is considered that the proposed highway improvements are sufficient to mitigate the impact of the development from a highway perspective and would not lead to significant detrimental impact on highway or pedestrian safety.

6.6 Impact on Trees

6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. The proposed site has a number of trees along the site boundaries and concerns have been raised that the development may impact on these trees. However, this is an outline application with the layout of the site reserved for later approval. Although the proposed application indicates the provision of twelve dwellings the exact numbers of the development will be provided as part of the reserved matters application.

6.6.2 The proposed layout has indicated side and rear gardens backing onto the boundary landscaping along the western boundary and neighbouring properties and it would appear to provide adequate separation to prevent any potential long term damage. The proposed trees and hedgerows are not protected and are not located within Norton in Hales Conservation Area. Having regard that the trees are located along the boundary it is considered that residential development could be positioned on the site without resulting in any impact on the existing trees. The Trees & Woodland Amenity Protection Officer has raised no objection to the proposed development.

6.7 Ecology

6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

9.7.2 A detailed Extended Phase 1 Habitat Survey has been undertaken which has identified three ponds at around 500 metres from the development site. The

application site is a small arable field and considering the characteristics of the ponds and the intervening habitats the Planning Ecologist has indicated that no further surveys are considered to be required or mitigation. The trees and hedgerows on site are likely to be used for bat foraging and commuting and a restriction on the external lighting is recommended to avoid affecting bat behaviour. The trees and hedgerows on the site boundary are likely to be used by nesting birds and a safeguarding informative is proposed. No objection is raised to the development on ecology grounds.

6.8 Drainage

6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.

6.8.2 The application indicates that foul water drainage will be directed to the existing foul mains which is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner. Concerns have been raised regarding the capacity of the existing sewerage system, although Severn Trent Water have an obligation to allow connections and the provision of capacity is a matter for Severn Trent Water to control. Concerns have also been raised that the proposed development will increase flooding. The application indicates that surface water runoff from the proposed highway and dwellings will be disposed of via sustainable drainage including soakaways with the possibility of a balancing pond. The Drainage Engineer has not objected to this in principle and has confirmed that this would be subject to detailed plans. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommended that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

6.9 Affordable Housing

6.9.1 Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. The existing target rate is 15% which equates to the provision of 2.55 affordable dwellings. This would provide two on site dwellings and the provision of a financial contribution for the remaining proportion. The provision of the contribution would form part of a Section 106 legal agreement.

6.10 Community Infrastructure Levy

6.10.1 Policy CS9 'Infrastructure Contributions' of the Shropshire Core Strategy indicates that development that provides additional dwellings or residential extensions over 100 square metres should help deliver more sustainable communities by making contributions to the local infrastructure. The arrangements for the use of the levy funds are detailed in the Local Development Framework Implementation Plan. The levy rates are set out in the CIL Charging Schedule and in this particular case will relate to £80 per square metre of new residential development. The levy charge would

become active when the development commenced.

7.0 CONCLUSION

7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore acceptable in principle. It is not considered that there would be any significant adverse impacts of the proposal that would outweigh the benefits. The proposed layout, scale and appearance of the scheme is considered acceptable and will reflect the historic appearance and character of this rural village and will not have any significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality. The proposal would not result in the loss of any significant trees, and have no adverse highway or ecological implications subject to conditions being imposed and landscape details will be determined as part of an application for reserved matters. The on site affordable housing provision and any balance of AHC will be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS11, and CS17 and the aims and provisions of the NPPF.

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 - written representations, a hearing or inquiry.
- 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 three months 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 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.

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 1970.

9.0 **FINANCIAL IMPLICATIONS**

9.1 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.

10.0 **BACKGROUND**

10.1 **Relevant Planning Policies**

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

National Planning Policy Framework:

6 : Delivering a Wide Choice of High Quality Homes

7 : Requiring Good Design

8 : Promoting Healthy Communities

10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change

11 : Conserving and Enhancing the Natural Environment

12 : Conserving and Enhancing the Historic Environment

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

10.2 **Relevant Planning History**

14/00260/FUL - Full application for the erection of fourteen detached dwellings on Land North of Norton Farm, Main Road, Norton in Hales, Market Drayton,

Shropshire. Resolved to be approved on 23rd September 2014. Subject to Section 106.

14/00790/OUT - Outline application for the erection of fourteen dwellings incorporating two affordable units (to include formation of vehicular and pedestrian access) on Land Off Bearstone Road, Norton in Hales, Market Drayton, Shropshire. Refused 23rd September 2014.

14/01121/OUT - Outline application (all matters reserved) for residential development of up to twelve dwellings on Land East of Beswicks Lane, Norton In Hales, Market Drayton, Shropshire. Subject to Appeal for Non Determination.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 14/01426/OUT

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr John Cadwallader

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Procedure Development Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of 12 months from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

- The means of enclosure of the site
- The levels of the site
- The drainage of the site
- The finished floor levels

Reason: To ensure the development is of an appropriate standard.

5. 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. Prior to the commencement of development the highway improvements shown on drawings 2014/17/104/8/- and 2014/104/12/A shall be fully implemented in accordance with engineering details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7. Prior to the commencement of development full engineering details of the access onto Chapel Lane, internal access road layout and provision of visibility splays shall be submitted to and approved in writing by the Local Planning Authority; the development hereby permitted shall not be first occupied until the access onto Chapel Lane, Internal road layout and visibility splays have been fully implemented in accordance with the approved details.

Reason: In the interests of highway safety.

8. Prior to the commencement of development a construction traffic and site management plan shall be submitted to and approved in writing by the Local Planning Authority; the construction traffic and site management plan shall thereafter be in force for the duration of the development construction period.

Reason: In the interests of highway safety.

9. Prior to the development hereby permitted being first occupied the highway improvement shown on drawing 2014/104/7/B shall be fully implemented in accordance with engineering details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway/pedestrian safety.

10. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

11. No windows or doors shall be installed on the development without details plans and sections at a scale of 1:20 having been first submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect and enhance the appearance of the building and the area.

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<u>Committee and Date</u>
North Planning Committee
16 December 2014

<u>Item</u>
9
Public

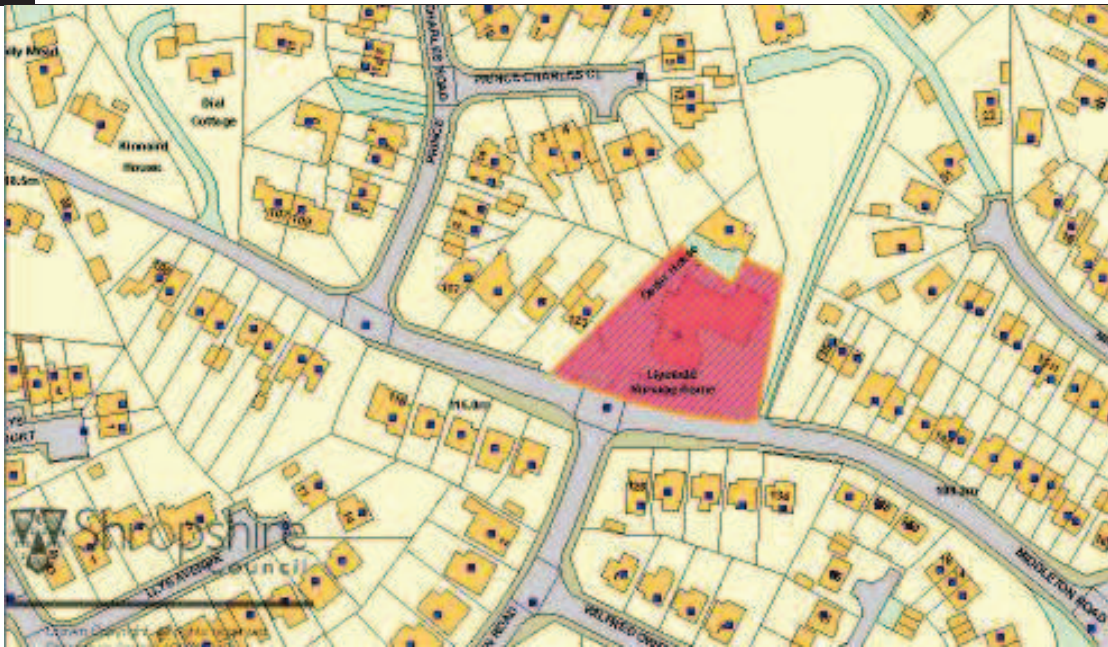
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 12/01381/FUL	<u>Parish:</u> Oswestry Town
<u>Proposal:</u> Erection of 2 No two storey extensions and highway visibility improvements	
<u>Site Address:</u> Llysfield Nursing Home 129 Middleton Road Oswestry Shropshire SY11 2LJ	
<u>Applicant:</u> Llysfield Nursing Home	
<u>Case Officer:</u> Tim Rogers	<u>email:</u> planningdmnw@shropshire.gov.uk

Grid Ref: 330345 - 329535



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Recommendation:- Refuse.

Recommended Reason for refusal

1. Taking into account the local context and character, the scale and design of the proposed development is not considered to relate well to the surrounding area would create a cramped form of development having an adverse overbearing and oppressive effect on the residential amenity of adjacent occupiers. Furthermore the proposed loss of amenity space is considered to be unsatisfactory and will have an adverse impact on the amenities of adjoining occupiers and future occupiers of the development. The proposal would therefore fail to meet the requirements of adopted Policy CS6 of the Core Strategy and Government advice within the National planning Policy Framework.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application seeks permission for the erection of two extensions to an existing nursing home. One two storey extension would measure approximately 8.6 metres by 4.8 metres and would be attached to the eastern elevation of the southern section of the building.
- 1.2 The other extension (part singlestorey and part second storey) would measure approximately 9.8 metres by 5.1 metres at ground level and approximately 11 metres by 11.7 metres at first floor level. The ground floor section would be attached to the north eastern corner of the existing building and would have a flat roof. The first floor section would be immediately to the south of the ground floor section on top of an existing single storey section of building.
- 1.3 The maximum eaves height would be approximately 8.6 metres and the single storey sections would have a maximum eaves height of approximately 4.7 metres.
- 1.4 The application also proposes improvements to visibility for the existing access.
- 1.5 The application has been revised on two occasions in order to try and minimise the impact on an adjoining property.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The existing building is Llysfield Nursing Home, a reasonably large two-storey building located within a residential neighbourhood of Oswestry. The town centre is approximately 1 kilometre to the west.
- 2.2 The development site is completely surrounded by residential development and Middleton Road, from where access is gained, is situated to the south. There is an

existing dwelling immediately to the north of the nursing home which shares an access with the nursing home and has vehicular access to the west of the home.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Area Planning and Building Control Manager considers that the material considerations relating to this proposal are complex and to some degree subjective warranting consideration by the appropriate Planning Committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 **Drainage:** No objection. The majority of the extension is built over the existing building and there is little increase on the footprint of the building.

4.1.2 **Public Protection:** No objection.

4.1.3 **Highways:** In principle no objection. The submitted transport statement does not contain adequate information demonstrating the adequate provision of parking. There is not adequate provision for cyclists. With regards to the access, visibility in a westerly direction is restricted.

4.2 Public Comments

4.2.1 There have been 4 public comments of objection. The grounds for objection are summarised below.

- A loss of light for neighbours may result.
- Overlooking and a loss of privacy for neighbours may result.
- The development would be overbearing on neighbouring properties.
- There are highway safety concerns.
- The access is unacceptable.

4.2.2 **Oswestry and District Civic Society:** Llysfield is the only nursing home for older people in Oswestry. Therefore the need for development is accepted. However, the development should be carried out as sensitively as possible to accommodate the views of neighbours.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

Traffic and parking implications

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS11 supports the provision of housing for vulnerable people and this would include care home developments.

6.1.2 Policy CS6 requires all new development to be high quality using sustainable design principles and taking into account water use, climate change, traffic generation, accessibility and communities. Furthermore the policy requires all development to protect, restore, conserve and enhance natural, built and historic environment.

6.1.3 The Supplementary Planning Document (SPD) advises that provision has to be made for the increasing number of elderly people in Shropshire and for other vulnerable groups who need either specialist accommodation or a setting where appropriate support can be provided. It also supports conversion of existing buildings and extension to existing buildings to provide new care homes providing they are sympathetic to the character and appearance of the existing building, provide satisfactory level of parking, service areas and external amenity space for the occupants of the home

The principle of extending the existing facility on this site is acceptable subject to all other material planning considerations being satisfied

6.2 Siting, scale and design of structure

6.2.1 The proposed two storey extension to the eastern side of the southern part of the existing building is considered to be acceptable and will not have any adverse implications for either the appearance of the building as a whole or the amenity of any adjoining occupiers. It will however in itself generate additional additional capacity and therefore in traffic movements and parking requirements proportionately.

6.2.2 The other proposed extension would comprise a substantial addition at first floor to an existing single storey part of the building as well as a new single storey flat roofed extension at the northern end. It would significantly increase the overall bulk of the building and would extend the two storey element that is nearest to the neighbouring property (which is in separate ownership) to the north.

6.2.3 Because the proposed extension would be immediately to the south of the neighbouring property which has its primary elevation facing in a southerly direction the impact on that property is likely to be significant. This is true in terms of potential impact on daylight/sunlight to that property and the outlook from it. These concerns have been identified to the applicant and further revisions sought to the proposal but these have not been forthcoming.

6.2.4 It is considered by officers that the proposed extension would have an

unacceptably severe impact on the residential amenity of adjoining occupiers both in terms of the potential loss of light and in terms of the extension being unacceptably overbearing when viewed from the front of the neighbours property.

6.3 **Visual impact and landscaping**

6.3.1 In addition to the concerns above, although only minimal in terms of the overall footprint of the building, the single storey element of the proposed extension will take up additional amenity/circulation space around the building adding to an overall cramped appearance and feeling of overdevelopment given the curtilage to the property.

6.4 **Traffic and parking implications**

6.4.1 The application site has direct access onto Middleton Road which in terms of the current traffic flow and its alignment and it is considered that the likely traffic associated with the proposal can be satisfactorily accommodated.

6.4.2 The submitted details whilst show an increase in parking provision has not demonstrated / justified that the provision is satisfactory and in line with parking standards. Concerns were previously raised in relation to the restricted visibility splays afforded top the site available. The splay across the frontage in the easterly direction is acceptable but the visibility in a westerly direction remains restricted and will need further improvement to the extremity of the site road frontage by the setting back of the boundary wall.

6.4.3 Having considered the above whilst in principle no objection raised the submitted transport statement does not contain adequate information demonstrating the adequate provision of parking. There is not adequate provision for cyclists and the access, visibility in a westerly direction is restricted contrary to policy CS6 of the Shropshire Core Strategy

7.0 **CONCLUSION**

Taking into account the local context and character, the scale and design of the proposed development is not considered to relate well to the surrounding area ,would create a cramped form of development having an adverse overbearing and oppressive effect on the residential amenity of adjacent occupiers. Furthermore the proposed loss of amenity space is considered to be unsatisfactory and will have an adverse impacts on the amenities of adjoining occupiers and future occupiers of the development .

Whilst in principle no objection is raised the submitted transport statement does not contain adequate information demonstrating the adequate provision of parking. There is not adequate provision for cyclists and the access, visibility in a westerly direction .

It is recognised that the proposal will deliver additional care accommodation however the benefits of the scheme are not outweighed by the harm identified and as such the proposal is considered to be contrary to policy CS6 of the Shropshire Core Strategy.

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 - written representations, a hearing or inquiry.
- ☐ 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 three months 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 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.

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 1970.

9.0 Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

OS/02/12143/FUL Proposed extension and internal alterations GRANT 13th August 2002

PREAPP/11/01490 Proposed Extensions PREUDV 18th November 2011

12/01381/FUL Erection of 2 No two storey extensions and highway visibility improvements PDE

14/01244/FUL Erection of front porch and access ramp GRANT 14th May 2014

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Martin Bennett
Cllr Peter Cherrington

Appendices

None