



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Wednesday, 27 June 2018

Committee:
Central Planning Committee

Date: Thursday, 5 July 2018

Time: 2.00 pm

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

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Ted Clarke (Chairman)

Nat Green (Vice Chairman)

Nick Hignett

Pamela Moseley

Tony Parsons

Alexander Phillips

Ed Potter

Kevin Pardy

Keith Roberts

David Vasmer

Vacancy

Substitute Members of the Committee

Peter Adams

Roger Evans

Hannah Fraser

Ioan Jones

Jane MacKenzie

Alan Mosley

Harry Taylor

Dan Morris

Lezley Picton

Claire Wild

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the Minutes of the meeting of the Central Planning Committee held on 7th June 2018.

Contact Shelley Davies on 01743 257718.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2 p.m. on 4th July 2018.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Oak Cottage, Hanwood Road, Shrewsbury - 18/01459/VAR (Pages 5 - 12)

Removal of condition 6 (construction of footpath) attached to planning permission reference 16/03825/FUL dated 05/12/2016.

6 Proposed Camp Site Opposite Lythwood Hall, Bayston Hill, Shrewsbury - 18/00628/FUL (Pages 13 - 28)

Application under Section 73a of the Town and Country Planning Act 1990 for the change of use of land from agriculture to camp site to include erection of utility block and siting of 2No. camping pods (part retrospective).

7 28 Linley Avenue, Pontesbury, Shrewsbury - 18/00644/VAR (Pages 29 - 38)

Variation of conditions 5 and 6 attached to planning permission 17/05054/FUL dated 12/12/2017 (Erection of three affordable dwellings) to remove reference to affordable to allow dwellings to be sold on the open market.

8 8 De Quincey Fields, Upton Magna, Shrewsbury - 18/01113/FUL (Pages 39 - 50)

Erection of a conservatory and conversion of existing garage to form a two storey apartment ancillary to dwelling.

9 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 2nd August 2018 in the Shrewsbury Room, Shirehall.



Committee and Date

Central Planning Committee

5th July 2018

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 7 June 2018

2.00 - 3.08 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Ted Clarke (Chairman)

Councillors Nat Green (Vice Chairman), Pamela Moseley, Tony Parsons, Alexander Phillips, Ed Potter, Kevin Pardy, Keith Roberts, David Vasmer and Dan Morris (substitute for Nick Hignett)

1 Election of Chairman

RESOLVED:

That Councillor Ted Clarke be elected Chairman for the ensuing year.

2 Apologies for absence

An apology for absence was received from Councillor Nick Hignett (Substitute: Councillor Dan Morris).

3 Appointment of Vice-Chairman

RESOLVED:

That Councillor Nat Green be appointed Vice-Chairman for the ensuing year.

4 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 10th May 2018 be approved as a correct record and signed by the Chairman.

5 Public Question Time

There were no public questions or petitions received.

6 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

7 Former Railway Land Off Washford Road, Shrewsbury, SY3 9HR (18/00268/FUL)

The Technical Specialist Planning Officer introduced the application for the demolition of existing industrial units and construction of 7 dwellings with associated parking and access (amended description) and explained that at the Central Planning Committee meeting held on 10th May 2018, Members resolved to defer the application for further highways consideration. It was confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area on 10th May 2018.

The Technical Specialist Planning Officer advised the Committee that if they were minded to approve the application a number of conditions required amendment as follows:

- The conditions to be re-numbered following condition 6 due to a typographical error;
- Condition 5 - the wording 'unless otherwise approved in writing by the Local Planning Authority' be deleted; and
- The final paragraph of condition 7 which relates to a noise assessment be deleted as there was a separate condition which covered this issue.

Members' attention was drawn to the Schedule of Additional Letters which included representations from the Highways consultant for the applicant, 2 neighbouring properties, the Developing Highways Area Manager – South and Central and the Case Officer.

Mrs Susan Luther, on behalf of local residents and the Local Ward Councillor spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Graham Breakwell, local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Tim Wenham, agent for the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to concerns raised in relation to alternative plans the Technical Specialist Planning Officer reassured the Committee that the scheme had not changed and the plans referred to in the Schedule of Additional Letters were for illustrative purposes only.

Developing Highways Area Manager – South and Central clarified that the change to residential usage from the current B8 usage was considered more controllable from a Highways perspective.

Having considered the submitted plans for the proposal and noted the comments of all the speakers, the majority of Members expressed the view that the application be approved as per the Officer's recommendation subject to the amendments to the conditions as outlined by the Technical Specialist Planning Officer.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to:

- The conditions as set out in Appendix 1 of the report;
- The conditions to be re-numbered following condition 6 due to a typographical error;
- The following amendment to condition 5 - the wording 'unless otherwise approved in writing by the Local Planning Authority' be deleted; and
- The final paragraph of condition 7 which relates to a noise assessment be deleted as there was a separate condition which covered this issue.

8 4 Weir Road, Hanwood, Shrewsbury, Shropshire, SY5 8JZ (18/02032/HHE)

The Area Planning Manager introduced the application for the erection of a rear single storey extension to a terraced dwelling, dimensions 6.0 metres beyond rear wall, 3.0 metres maximum height, 2.45 metres high to eaves and explained that the applicant worked within the planning department of Shropshire Council and to accord with the Scheme of Delegation it was a requirement that this application be determined by Committee.

It was explained that the neighbouring properties were notified of the development and no representations had been received objecting to the proposal and it was not considered by Officers that the proposal would have an adverse impact on residential amenity. Therefore it was confirmed that the details submitted with the application demonstrate that the extension would be exempt from requiring express planning permission because the proposed works complied with the requirements of Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and since no representations objecting the proposal had been received from any owners or occupiers of neighbouring properties, prior approval from the local authority was not required.

RESOLVED:

Members noted that the application constituted permitted development.

9 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 7th June 2018 be noted.

10 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 5th July 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



<u>Committee and date</u>
Central Planning Committee
5 July 2018

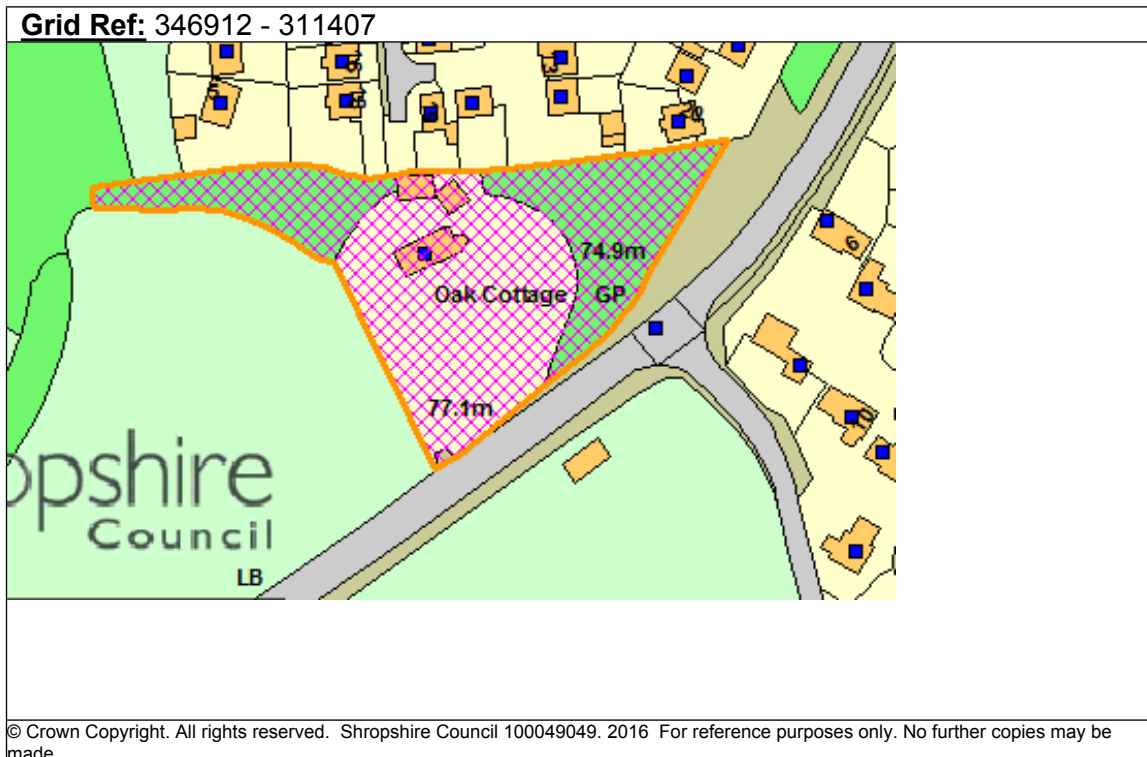
<u>Item</u>
5
Public

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> 18/01459/VAR	<u>Parish:</u> Shrewsbury Town Council
<u>Proposal:</u> Removal of condition 6 (construction of footpath) attached to planning permission reference 16/03825/FUL dated 05/12/2016.	
<u>Site Address:</u> Oak Cottage Hanwood Road Shrewsbury SY5 8NT	
<u>Applicant:</u> Mr & Mrs Michael Coady	
<u>Case Officer:</u> Frank Whitley	<u>email:</u> planningdmc@shropshire.gov.uk



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 Removal of condition 6 (construction of footpath) attached to planning permission reference 16/03825/FUL dated 05/12/2016.

1.2 Condition 6 states:

Prior to commencement of development full engineering details of the proposed footway along the western side of Hanwood Road between the site access and the existing facility to the north of the application site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details prior to first occupation of the dwellings hereby approved.

Reason: To ensure a satisfactory means of access to the highway.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is a large plot of land adjacent to Hanwood Road, which currently has a single dwelling approved for demolition. A condition was imposed on approved scheme 14/04733/OUT requiring the construction of a roadside footpath to the NE. This condition was repeated in approved 16/03825/FUL, though this scheme was only for 2 dwellings.

2.2 The rationale for this variation of Condition 6 is that the works required are effectively disproportionate for the scale of development, given (in part) that there is already a footpath on the other side of Hanwood Road.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council has submitted a view contrary to officers

4.0 Community Representations

Consultee Comments

4.1 Shrewsbury Town Council – objection

The Town Council sees no valid reason for removing this condition which will improve the safety of pedestrians and therefore cannot support this application.

4.2 Highways –no objection

No Objection – The proposed variation seeks to remove the following condition attached to planning permission 16/03825/FUL dated 15/12/2016:

6. Prior to commencement of development full engineering details of the proposed footway along the western side of Hanwood Road between the site access and the existing facility to the north of the application site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details prior to first occupation of the dwellings hereby approved. Reason: To ensure a satisfactory means of access to the highway.

From a highways perspective we have no objection to the removal of the condition subject to the provision of a minimum 2 metre wide verge along the site road frontage. Therefore the following condition should replace condition 6:

Conditions

A minimum 2 metre wide verge shall be provided along the site road frontage with Hanwood Road. The verge shall be kept free of any obstruction at all times.

Reason: In the interest of highway safety and to allow for the likelihood of future provision of a footway.

4.3 Trees- no objection

No objection to the proposed variation.

4.4 Ecology- no objection

SC Ecology have no objection to the proposed VAR.

4.5 Public Comments- none received**5.0 THE MAIN ISSUES**

Principle of development

Highways

6.0 OFFICER APPRAISAL**6.1 Principle of development**

6.1.1 The principle of development is established by approved schemes 14/04733/OUT and 16/03825/FUL.

6.2 Highways

6.2.1 CS6 requires that all development is designed to be adaptable, safe and accessible to all.

- 6.2.2 The applicant considers that the works required by Condition 6 are disproportionately large for the scale of development now proposed and approved. Highways have been consulted and agree, albeit with a substitute condition to ensure the provision of a 2m wide verge.
- 6.2.3 It is noted that Shrewsbury Town Council has objected to the variation and consideration must be given to its views. The NPPF provides guidance on the imposition of conditions. One of the six tests is that a condition must be “reasonable in all other respects”.
- 6.2.4 In considering the above, in the first instance, Condition 6 is not clear about the route of the footpath, nor its length. There appears to be some difficulty in implementation in any event since the route of the footpath may be outside the control of the applicant, according to submitted plans of applications 16/03825/FUL dated 05/12/2016.
- 6.2.5 There is already a narrow existing footpath already to the west of Nobold Lane/Hanwood Road junction and a wider footpath to the east.
- 6.2.6 The requirement to construct the footpath was considered reasonable at the outline stage for 6 dwellings, because the number of pedestrians likely to use the path was proportionate to the cost of construction. If 16/03825/FUL is implemented for 2 dwellings there will be significantly fewer pedestrians. It is considered that to insist on the footpath would be unreasonable. Highways take the same view, though have asked for a 2m verge to be provided and maintained as a compromise. It is not proposed to impose this suggested condition, since it relates to land outside the application site, and land outside the control of the applicant. Such a condition would be unenforceable and would need a Section 106.

7.0 CONCLUSION

- 7.1 The development now proposed does not conflict with the provisions of the NPPF or the requirements of CS6. With the issue of a new planning permission, the deletion of Condition 6 is recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☒ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written

representations, hearing or inquiry.

- ② 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
CS6 - Sustainable Design and Development Principles

RELEVANT PLANNING HISTORY:

14/04733/OUT Outline application for residential development (following the demolition of Oak Cottage) to include means of access and layout GRANT 24th August 2015
16/03825/FUL Erection of two detached dwellings and detached double garages following demolition of all buildings; formation of vehicular access; to include removal of trees/hedgerows GRANT 5th December 2016
17/01889/DIS Discharge of Conditions 4 (Materials), 5 (Landscaping), 6 (Engineering Details), 7 (Trees), 8 (Access, Parking & Turning Areas), 9 (Visibility Splays), 10 (Artificial Nesting), 11 (Access Apron), 12 (External Lighting) and 13 (Boundary Treatments) on Planning Permission 16/03825/FUL for the erection of two detached dwellings and detached double garages following demolition of all buildings; formation of vehicular access; to include removal of trees/hedgerows DISPAR 22nd December 2017
18/01459/VAR Removal of condition 6 (construction of footpath) attached to planning permission reference 16/03825/FUL dated 05/12/2016.

PDE

SA/87/0335 Alterations and additions to provide a two storey pitched roof side extension forming dining room, utility/w.c. with bedroom extension above and a first floor study. PERCON 11th May 1987

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)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Keith Roberts
Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. This permission only varies condition number 6 attached to planning permission 16/03825/FUL for the erection of two detached dwellings and detached double garages following demolition of all buildings; formation of vehicular access; to include removal of trees/hedgerows. This decision notice must be read in conjunction with the decision notice reference 16/03825/FUL where all other conditions that are still subsisting and capable of taking effect remain in force.

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

2. The development hereby permitted shall be begun before 5 December 2019.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended) and to the time limits of 16/03825/FUL.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT****CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

3. A minimum 2 metre wide verge shall be provided along the site road frontage with Hanwood Road. The verge shall be kept free of any obstruction at all times.

Reason: In the interest of highway safety and to allow for the likelihood of future provision of a footway.

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Agenda Item 6



<u>Committee and date</u>
Central Planning Committee
5 July 2018

<u>Item</u>
6
Public

Development Management Report

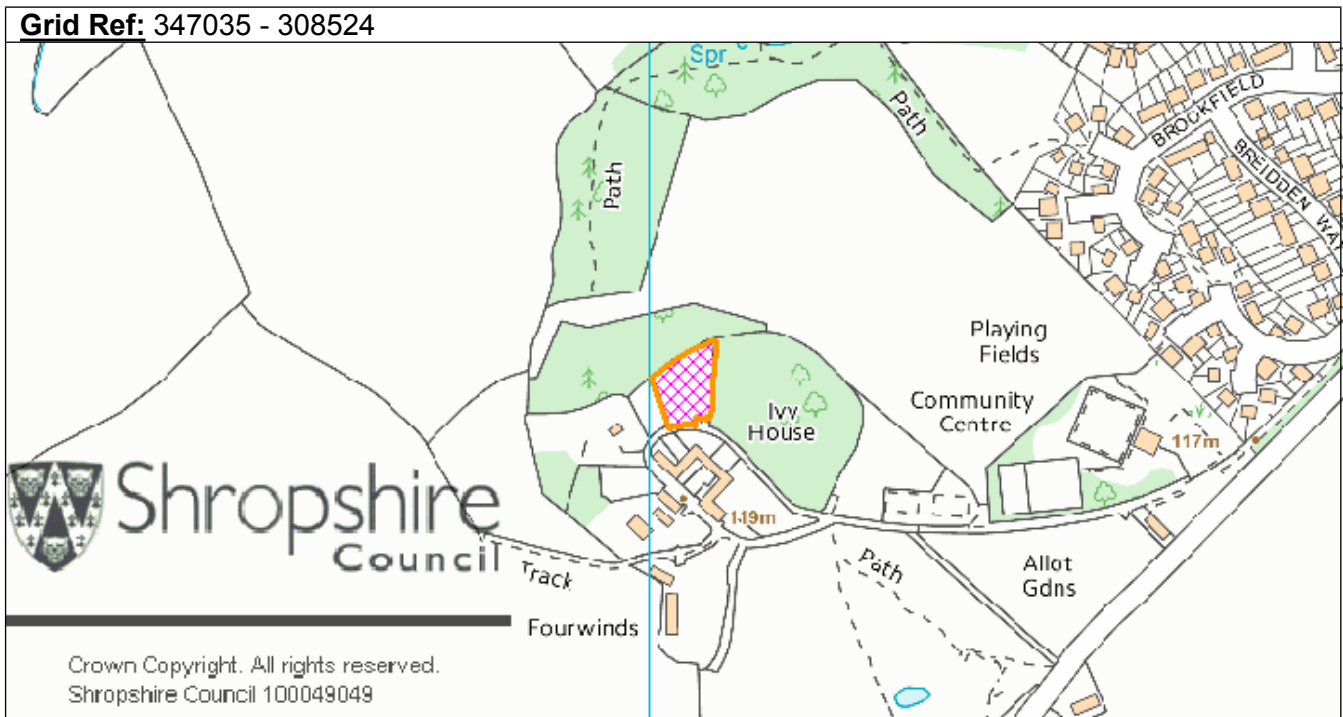
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 18/00628/FUL	Parish:	Bayston Hill
Proposal: Application under Section 73a of the Town and Country Planning Act 1990 for the change of use of land from agriculture to camp site to include erection of utility block and siting of 2No. camping pods (part retrospective)		
Site Address: Proposed Camp Site Opposite Lythwood Hall Bayston Hill Shrewsbury Shropshire		
Applicant: Mr Andrew Pearce		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 347035 - 308524



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Recommendation: That planning permission be granted subject to the conditions as set out in Appendix 1, and any amendments considered necessary.

REPORT

1.0 THE PROPOSAL

1.1 The application seeks planning permission for a change of use of land to a camp site to include the erection of a utility block and the siting of two camping pods. It is also proposed to form a new access to the site.

1.2 At present the amenity block and one of the proposed camping pods are already situated on the site, and works to form an access have been undertaken. As such the development has already commenced and is partially retrospective.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site comprises an area of private amenity space, located to the south-west of the built up area of Bayston Hill village. The site is approximately 0.2 hectare, and slopes to the north. Present on the site are a number of domestic outbuildings and stores, a concrete hardstanding, a domestic pond and trees. It is bordered to the north and east by woodland. To the west is domestic garden of a nearby dwelling, separated from the site by a wooden fence. To the south is a private lane beyond which are a group of dwellings of Lythwood Hall.

2.2 Access to the site is proposed to be from the private lane and through a gate in the adjacent woodland. The woodland to the east is protected under a Tree Preservation Order. It is understood that the area once formed part of the garden area of adjacent residential properties.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Member has requested that the application is referred to Planning Committee for a decision. The Planning Manager in consultation with the Committee Chairman and Vice-Chairman agrees that this request is based upon material planning reasons.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Bayston Hill Parish Council** Supports the application. The Parish Council has a number of reservations about the proposed development, particularly with respect to the potential noise nuisance to neighbours and adequate disposal of waste water. It is however prepared to lend its tentative support to this small scale enterprise on the proviso that conditions are imposed to prevent it from growing beyond its currently proposed size and subject to satisfactory disposal of drainage products and a management plan being agreed to adequately control noise nuisance.

The applicant stated at a recent Parish Council meeting that he would be willing to install CCTV cameras to monitor the site and the Parish Council would welcome this proposal.

4.1.2 **SC Ecology** Recommends a condition that requires the prior approval of any external

lighting in order to minimise disturbance to bats.

4.1.3 **SC Trees** No objections. The proposal indicated that a new access to the field will be formed through the edge of the protected woodland. From what I can ascertain, this has already been done and no further work is required. To form the access, a number of very minor shrubs were cut down and some stone was laid onto what appears to be an already well compacted area. I do not consider that the work has caused any significant harm to the health or amenity of the woodland or that the continued use of the track as an access is likely to cause any significant problems in the future. Therefore I would raise no objection to the application, under the proviso that the track is not extended, upgraded or the existing surface altered in any way.

4.1.4 **SC Conservation** The application site is directly opposite Lythwood Hall, which an entry in the Council's Historic Environment Record describes as a large, late 18th Century red-brick two-storey building with projecting wings, arranged around a courtyard, where in the mid-20th Century the main three storey front was demolished. The building is unlisted but based on historic mapping and information on hand, the building is likely to represent a non-designated heritage asset where taking account of policies MD13 and NPPF paragraph 135 would be relevant.

This application proposes the siting of a limited number of glamping pods and an associated utility building in the area shown on historic mapping as the wider landscaped garden/amenity area to the Hall. In principle these modest buildings in this limited number would likely not have an unacceptable degree of impact on the heritage asset however their positioning on the site and their external finishes should be such that any impact is minimized. Should this type of use be extended or expanded, it would be noted that this type of development can have a significant impact on the landscape character of an area and this should be fully assessed through the provision of a landscape visual assessment of such a scheme.

4.1.5 **SC Highways Development Control**

No comments received at the time of writing this report. Members will be updated on any comments that are received.

4.1.6 **SC Drainage** The Council's drainage consultant has provided advice that can be added as an informative note on the decision notice if permission is granted.

4.1.7 **Fire and Rescue Service** Has provided advice that can be added as informative notes if permission is granted.

4.2 **Public comments**

4.2.1 The application has been advertised by direct notification of eight properties in the vicinity of the site. Objections have been received from eight households. The full representations are available on the planning register online, and are summarised below:

- Inadequate access lane - narrow single track road; limited visibility; no passing places; requires vehicles to reverse for some distance on occasions
- Highway safety concerns
- Likelihood of further damage to lane

- Increase in traffic to unacceptable levels
- Impact on pedestrians including children using lane close to play areas
- Use of private road around Lythwood Hall
- Inaccurate plans submitted, showing land not in applicant's ownership
- Query whether camp site users would be as considerate as permanent residents over passing
- Possibility of nuisance due to visitors getting lost and asking residents for directions
- Application description as 'paddock with various agricultural buildings' is incorrect – previous use was a garden for no. 2, and before that for nos. 1 and 2
- Concern over possible plans for expansion as form refers to 69m² internal floorspace, whereas proposed two pods and utility block total 27.75m²
- Impact on water pressure to adjacent properties
- Noise, particularly in the evening, will spoil enjoyment of gardens
- Already noise in the area from use of bike jumps, basketball court and skateboard park
- Impact on privacy and amenity
- Impact from outdoor activities as pods are too small to live in and cook in
- Fears over lack of supervision of site as applicant does not live nearby; users may impose on adjacent residents if help required
- No Management Plan dealing with visitor registration, parking, site rules, safety etc.
- Danger of drowning in pond on the site
- Unclear where washing up facilities would be
- Visibility of pods from the road and from adjacent properties
- Concern over type of drainage disposal to septic tank
- Concerns over proposed compost toilet
- Unclear as to where waste water will go
- Site is adjacent to a protected woodland
- Impact on wildlife – a badger sett and nesting sparrowhawks in the adjacent woodland; bats in the area; woodpeckers; little owls; tawny owls; buzzards, herons, foxes, polecat
- Possibility of more people using the adjacent woodland
- Visual impact of waste containers on the hardstanding area
- Landscape impact
- Little or no economic benefit to local community
- Potential for site to expand
- Query whether trade waste bin lorries will be able to access the site
- Contrary to planning policies including Core Strategy Spatial Vision; Strategic Objective 10; policies CS5, CS6, CS16, SAMDev Plan policies MD2, MD7 and MD11

5.0 THE MAIN ISSUES

- 5.1
- Planning policy context; principle of development
 - Siting, scale and design; impact upon landscape character
 - Historic environment considerations
 - Traffic and access considerations
 - Ecological and tree considerations
 - Drainage and pollution considerations

- Residential amenity considerations

6.0 OFFICER APPRAISAL

6.1 Planning policy context; principle of development

6.1.1 Core Strategy policy CS16 supported new tourism development that is appropriate to its location. It seeks to promote connections between visitors and Shropshire's natural, cultural and historic environment, including the rights of way network. In particular it supports high quality visitor accommodation in accessible locations served by a range of services and facilities. SAMDev Plan policy MD11 supports tourism proposals that require a countryside location where the proposal complements the character and qualities of the site's immediate surroundings, and meets other policies of the Development Plan and national guidance. It states that all proposals should be well screened and sited to mitigate the impact on the visual quality of the area. The National Planning Policy Framework (NPPF) states that local planning authorities should support sustainable rural tourism that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

6.1.2 The site lies approximately 230 metres to the southwest of the development boundary of Bayston Hill and as such is considered to be in a countryside location. Core Strategy policy CS5 states that development in the countryside on appropriate sites which maintain and enhance countryside vitality and character will be permitted, particularly in relation to specified types of proposal. These include sustainable rural tourism proposals.

6.1.3 There are a number of services and facilities in the village, including shops and takeaways. It is considered that these would be accessible to users of the camping pods by sustainable modes of transport such as by foot or bicycle. They would otherwise be a short drive away and as such it is considered that the site is in a reasonably sustainable location in relation to the likely day-to-day needs of pod users. The use of any such services and facilities would bring about local economic benefits. The site is generally well situated in terms of access to the wider countryside: there are a number of public rights of way in the area including the Shropshire Way long distance footpath which is approximately 450 metres away by foot which connects to Lyth Hill countryside site. It is considered that the site would provide a small-scale but valuable sustainable tourism facility for those who wish to holiday near Shrewsbury, and is acceptable in principle when considered against the above policies.

6.2 Siting, scale and design; impact on landscape character

6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

6.2.2 It is understood that the site was formerly part of the garden area of adjacent dwellings, and it includes numerous domestic buildings and structures. The proposed pods and utility block would not be out of scale in relation to these buildings. It is considered that the site is of an acceptable size to accommodate the two pods. The adjacent woodland would provide significant visual containment from possible wider views to the north and east, and there would be no significant impact on the landscape character of the area.

6.2.3 The site is visible from some of the adjacent dwellings, particularly from first floor windows. One of the pods would be sited at the southern part of the site, and this would benefit from screening that would be provided by intervening vegetation. The other pod would be situated at the north-western corner of the site, at the lower part of the site, and further from the nearest dwellings. It is considered that some tree planting would be of benefit in order to break up views of the pods from nearby dwellings. The applicant has confirmed that this second pod would not be put on the site until a hedgerow has been planted adjacent to the boundary fence. Notwithstanding this, it is not considered that the proposal would have an unacceptable impact upon the visual character of the area. The pods are moveable however it is considered that it would be appropriate to impose a condition on any permission granted to require that the siting of them adheres to the layout plan submitted with the application, to ensure that this remains satisfactory.

6.3 **Historic environment considerations**

6.3.1 The Conservation Officer considers that the adjacent Lythwood Hall is likely to represent a non-designated heritage asset. Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. The Conservation Officer has advised that in principle the proposal would not be likely to have an unacceptable degree of impact on the heritage asset, but has suggested that any impact is minimised through careful positioning and appropriate external finishes. It is considered that the proposed siting, together with some additional landscaping, would avoid adverse impact on the setting of the heritage asset. The external materials of the pods would be of timber and would be appropriate for their purpose. On the basis of the above assessment it is considered that the proposal would not conflict with policies CS17 and MD13.

6.4 **Traffic and access considerations**

6.4.1 Core Strategy policy CS6 requires that development is designed to be safe and accessible to all. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The site includes a concrete pad which would be utilised for car parking and this is of a sufficient size for the scale of the facility and expected number of vehicles. In principle it is considered that the proposed entrance via the adjacent woodland is acceptable. The concerns of local residents regarding the adequacy of the approach road are acknowledged, particularly in terms of the width of the lane. Given the scale of the camping facility it is not anticipated that vehicle movements to and from the site would be significant. As such it is not considered that the proposal would result in significant issues in respect of highway safety. The Council's highways team have been consulted on the proposal and Members will be updated on any comments received in advance of the Committee meeting.

6.5 **Ecological and tree consideration**

6.5.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.

- 6.5.2 The Council's ecologist has confirmed that no ecological assessment is required in support of the proposal. The recommended lighting condition, to avoid disturbance to bats, is appropriate in view of the location of the site adjacent to an area of woodland. Some ecological enhancement would be provided by any additional tree planting agreed through a landscaping scheme.
- 6.5.3 The Tree Officer has visited the site in view of the proximity of the protected woodland. The Officer has confirmed that the removal of a number of very minor shrubs and the laying of stone to form the access has not caused any significant harm to the health or amenity of the woodland, and as such has raised no objections.
- 6.6 **Drainage and pollution considerations**
- 6.6.1 Core Strategy policy CS18 requires that development avoids adverse impacts on water quality and quantity. Policy CS6 requires that developments safeguard natural resources.
- 6.6.2 Some concerns have been raised by local residents that the proposal would impact upon water supplies in the area. The applicant has confirmed that there is a water supply to the site and that this is of a sufficient pressure for the proposed campsite. Given the maximum number of campers that would be expected to be on site at any one time, and the non-continuous occupancy of the units, it is not likely that the demand for water would be significant. In the absence of evidence to the contrary it is considered that the water supply arrangements are satisfactory.
- 6.6.3 It is intended that waste water from the utility block would be discharged via soakaway directed downslope. No adverse comments on this have been raised by the Council's drainage consultant, and in view of this it is considered satisfactory.
- 6.8 **Residential amenity considerations**
- 6.7.1 Core Strategy policy CS6 requires that proposals safeguard residential and local amenity.
- 6.7.2 The proposed use of the site has the potential to impact on the adjacent residential users due to disturbance from noise or from anti-social behaviour. The concerns of local residents in this regard are acknowledged. In addition the comments of the Parish Council that a management plan should be agreed are noted. The proposal is limited to two small pods and a condition can be imposed to limit the number and size of the pods to that proposed. This would provide some control over the site. The pods would be insulated and double glazed and this would provide noise attenuation. In consideration of concerns raised a site management plan has been submitted, setting out how the site is intended to be run. The applicant intends that the site would be restricted to couples-only site, i.e. no children or groups; no tents or fires would be allowed. It is also proposed that a register would be kept of visitors and camping would need to be pre-booked. Furthermore, CCTV would be installed to ensure that the site can be remotely monitored. A condition can be imposed to require that the site is only operated in accordance with this management plan.
- 6.7.3 Given the small scale of the proposal it is considered that the limited size of the site is appropriate for its location and that, through adherence to the site management plan and other conditions, potential impacts on residential amenity can be satisfactorily controlled.

7.0 CONCLUSION

7.1 The proposal would be small in scale and is of an acceptable design and layout given the characteristics of the site. The site is reasonably well situated in terms of access to local facilities and the environmental network, and as such is in an appropriately sustainable location for this style of tourism development. It would be expected to bring about some local economic benefits by bringing visitors to the area. It is not considered that the proposal would give rise to significant impacts on the ecological value of the area, on heritage assets, highway safety or in relation to surface and foul water drainage. Potential impacts on the amenities of nearby residents can be satisfactorily controlled through planning conditions and site management procedures. The objections raised have been taken into account however based upon the above assessment it is considered that the proposal accords with Development Plan and national policies and therefore that planning permission can be granted subject to the conditions set out in Appendix 1.

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS16 - Tourism, Culture and Leisure
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 National Planning Policy Framework
 MD2 - Sustainable Design
 MD11 - Tourism Facilities and Visitor Accommodation
 MD12 - Natural Environment
 MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

18/00628/FUL Application under Section 73a of the Town and Country Planning Act 1990 for the change of use of land from agriculture to camp site to include erection of utility block and siting of 2No. camping pods (part retrospective) PDE
 SA/77/0317 Erection of a front entrance porch. PERCON 24th May 1977

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)

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Ted Clarke

Cllr Jane Mackenzie

Cllr Tony Parsons

Appendices

APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. 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

2. No pods shall be occupied until a site management scheme for visitors has been submitted to and approved in writing by the local planning authority. The scheme shall cover the following matters:

- how guests will be welcomed and inducted on site;
- measures that will be taken to manage on site activity to prevent fires and noise, to control pets on site, and to mitigate the potential for anti-social behaviour including security arrangements; and
- details of refuse management including where bin stores will be located on site and how refuse and recycling facilities will be collected.

The development shall thereafter be implemented in accordance with the approved scheme at all times.

Reason: To protect the amenity of local residents.

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

3. The camping pod shown at the north-western side of the site on the approved layout plan shall not be used until a landscaping scheme, which shall have received the prior approval of the local planning authority has been completed. The submitted scheme shall include details of locations, species, size and method of planting of plants. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season. The plants shall remain on the site for the duration of the use of the site as a campsite.

Reason: To provide additional privacy in order to minimise potential impacts on the amenity of nearby residents. To ensure the provision, establishment and maintenance of a reasonable standard of landscaping.

4. 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 (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation

Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). 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.

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

5. The use of the site, including the siting, size and number of pods and utility block, shall adhere to the layout as shown on the approved block plan, scale 1:500, at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, re-enacting or revoking that Order), the number of accommodation units at the site shall not exceed two.

Reason: To control the intensity of the use of the site and its appearance in order to protect residential and local amenity and protect the visual character of the area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, re-enacting or revoking that Order), no additional pod, cabin, caravan, tent, mobile home, structure or building shall be stationed or erected on the site.

Reason: To control the intensity of the use of the site and its appearance in order to protect residential and local amenity and protect the visual character of the area.

7. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country (Use Classes) Order 1987, the development hereby permitted shall be used to provide holiday accommodation only and they shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is located within an area where unrestricted residential accommodation would not be appropriate. The units are permitted as they provide holiday accommodation.

8. A register shall be maintained of the names of occupiers of the units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable time to the local planning authority.

Reason: General residential development in this location would be contrary to adopted local and national policy.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.

2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance

with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. Nesting birds informative

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.

If any tree or shrub removal is required, this 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 for active bird nests should be carried out. If vegetation 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. No clearance works can take place with 5m of an active nest.

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

General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Landscaping informative

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.

4. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally.

Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

5. Sheppard Huts & Log Cabins;

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link:
<http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

If the proposed use of the premises is as a holiday let or guest accommodation then the premises would fall within the scope of the Regulatory Reform (Fire safety) Order and as such may require additional fire precautions to be incorporated into the design of the building. The current layout may be deemed inappropriate under the Fire Safety Order, a Fire Risk Assessment will be required to assess the suitability of the automatic fire detection and means of escape.

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications

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Committee and date
 Central Planning Committee
 5 July 2018

Item
7
 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> 18/00644/VAR	<u>Parish:</u>	Pontesbury
<u>Proposal:</u> Variation of conditions 5 and 6 attached to planning permission 17/05054/FUL dated 12/12/2017 (Erection of three affordable dwellings) to remove reference to affordable to allow dwellings to be sold on the open market.		
<u>Site Address:</u> 28 Linley Avenue Pontesbury Shrewsbury Shropshire SY5 0TE		
<u>Applicant:</u> Severnside Housing		
<u>Case Officer:</u> Nanette Brown	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 340279 - 305779

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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 This application seeks to vary or remove conditions 5 & 6 of planning permission 17/05054/FUL in order that the development of 3 dwellings can be sold for full market value. Conditions 5 & 6 read:

5. The dwellings shall not be let or occupied other than under a tenancy in accordance with the normal letting policy of a Registered Provider.

Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 and ensure affordability in perpetuity

6. The affordable housing dwellings shall at all times be allocated and managed in accordance with the councils policies and procedures and advertised as available for occupation through its choice based lettings system, together with the requirements of any local lettings plan.

Reason to ensure compliance with Shropshire's housing allocations policy and core strategy policy CS11 with regard to local needs and prioritisation for local people.

This application also seeks to amend the description of development to remove reference to the affordable housing.

- 1.2 Severnside Housing has confirmed that they propose to redevelop the site at Linley Avenue, Pontesbury by demolishing two existing dwellings and replacing them with three new dwellings for open market sale. It is understood that one of the two dwellings proposed for demolition are currently occupied on a short term tenancy and that Severnside Housing will offer the residents alternative accommodation by the Housing Association. The existing dwellings are of a non-standard form of construction, believed to be a prefabricated concrete 'Airey type' house, constructed after the Second World War. The houses are poorly insulated compared to current standards. Severnside Housing intends to redevelop the site to construct three new dwellings for open market sale.
- 1.3 Severnside Housing has also confirmed that No. 28 Linley Avenue was purchased by them as an open market property in August 2014 and that it is intended that the proceeds from the sale of the proposed development on Linley Avenue will be used to help subsidise future affordable housing developments, as necessary, in Pontesbury and the immediate catchment area. They have also confirmed that they are currently in advance negotiations for the potential purchase of a site for new affordable housing in Pontesbury and its hoped that a Planning Application will be submitted to Shropshire Council later this year. Severnside is keen to expand its affordable housing stock in Pontesbury and continues to seek potential sites.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located within the village of Pontesbury. The site lies surrounded by residential properties and opposite to the local primary school.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council and Locally elected member have both submitted a view contrary to officers.

4.0 Community Representations

4.1 - Consultee Comments

SC Affordable Housing – Objection

Short of affordable housing in Pontesbury and therefore unhappy that there is no guarantee of the money being reinvested in the settlement. Can it be suggested that at least one of three dwellings is retained as affordable?

Variation of conditions 5 and 6 attached to planning permission 17/05054/FUL dated 12/12/2017 (Erection of three affordable dwellings) to remove reference to affordable to allow dwellings to be sold on the open market.

Reference to the above application. Would not wish to support this proposal, which would result of the loss of affordable housing. There is high evidenced need for affordable housing in Pontesbury. The Severnside Housing has indicated that the proceeds will be used to fund other Affordable homes elsewhere. There was no indication that this would be in Pontesbury. It is suggested that proposal is rejected.

Pontesbury Parish Council – Objection

Pontesbury Parish Council objects to this application as there is a clear shortage of affordable homes in rural areas and so they would not want to see a further decrease in the affordable housing stock available in Pontesbury and the county.

Cllr Nick Hignett, Locally Elected Member - Objection

I object to the variation of conditions 5 and 6 attached to this Application.

This Application was granted because 2 Affordable dwellings were being demolished, but 3 Affordable dwellings were being built on the same plot.

Pontesbury is in need of more Affordable Housing, and this factor was taken into account on the original Application.

4.2 - Public Comments

None received

5.0 THE MAIN ISSUES

Principle of development

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Applications for planning permission must be determined in accordance with the adopted development plan (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
- 6.1.2 The adopted development plans for Shropshire are the Local Development Framework (LDF) Core Strategy, the Site Allocations and Management of Development Plan (SAMDev) and the Supplementary Planning Document (SPD) on the Type and Affordability of Housing. Significant weight is also to be attributed to the National Planning Policy Framework (NPPF) in the determination of planning applications.
- 6.1.3 The application site is located within the development boundary that surrounds the village of Pontesbury. Pontesbury is part of an identified joint key centre with the neighbouring village of Minsterley as set out in policy CS3 of the core strategy and policy MD1 of SAMDev, where housing development may be permitted that is of an appropriate scale and design that respects the settlements character.
- 6.1.4 The application site forms a plot located to the west of Linley Terrace and opposite the local primary school. It is understood that of the two dwellings currently on site only one is currently rented and the applicant/housing provider intends to offer alternative accommodation to the occupants.
- 6.1.5 Officers note that by granting this application then the opportunity for three affordable homes are potentially lost within the village, including the two existing rented dwellings. However, there are no current adopted local plan policies that specifically require the retention of all existing affordable housing. The applicants, Severnside Housing have now also confirmed that they bought the existing dwellings in 2014 as open market dwellings, not affordable housing.
- 6.1.6 Officers note that Severnside Housing, are registered housing providers within the Shropshire Council area who wish to manage their sites and housing stock to provide provision of accommodation as they consider it is required. The agents for the application have confirmed that proceeds from the sale of the proposed development on Linley Avenue will be used to help subsidise future affordable housing developments as necessary in Pontesbury and the immediate catchment area. They have also confirmed that Severnside Housing is in advanced negotiations for the potential purchase of a site for new affordable housing

elsewhere in Pontesbury and it is hoped that a Planning Application will be submitted to Shropshire Council later this year. Severnside is keen to expand its affordable housing stock in Pontesbury and continues to seek potential sites.

- 6.1.7 Due to the sites location within the development boundary of Pontesbury the site would have been considered suitable for development of open market dwellings in policy terms should a new full planning application have been submitted. This fall-back position is noted by officers. As Severnside Housing have also now provided confirmation that they are seeking to provide new and additional affordable housing for Pontesbury and the surrounding area it is considered that on balance the proposed removal of conditions lifting the use of the proposed development as affordable dwellings is acceptable in this instance.

7.0 CONCLUSION

- 7.1 The site is located within an identified development boundary to a key centre where the development of new housing is considered to be acceptable in principle. Officers consider that the provision of three open market dwellings on this site would comply with the requirements and aims of these policies that include policies CS3, MD1 and MD2 of the adopted development plans as well as the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and national guidance in the NPPF. The applicants have confirmed that the site was purchased with the existing buildings in open market/private rented use and wish to redevelop the site in order to create funds to invest towards the provision of affordable accommodation elsewhere in the village and immediate area.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② 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.
- ② 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:
NPPF

Core Strategy and Saved Policies:
CS3 - The Market Towns and Other Key Centres
CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

17/05054/FUL Erection of three affordable dwellings following the demolition of two existing affordable dwellings. GRANT 12th December 2017

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)
Cabinet Member (Portfolio Holder) Cllr R. Macey
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 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

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
Reason: To ensure that the external appearance of the development is satisfactory.
4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors - loading and unloading of plant and materials including delivery times that incorporate busy school drop off and pick up times
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works
 - a Traffic Management PlanReason: To avoid congestion in the surrounding area and to protect the amenities of the area particularly in relation to the close proximity of a school.

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

5. The development hereby permitted shall not be brought into use until the accesses and parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated

use. Reason: To ensure the formation and construction of satisfactory accesses and the provision of adequate car parking, in the interests of highway safety and to avoid congestion on adjoining roads.

6. The access aprons shall be constructed in accordance with the Council's specification currently in force and shall be fully implemented prior to the development being brought into use.

Reason: To ensure the formation and construction of a satisfactory accesses in the interests of highway safety.

7. Any hedge or other boundary treatment along the site road frontage is to be kept at a height of 0.6m at all times Reason: To ensure the provision of adequate visibility in the interests of highway safety.
8. Any gates provided to close the proposed accesses shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

Informatives

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at:

<http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
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/street-works/street-works-application-forms/>

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. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
7. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
8. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:
<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.
 The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.
 Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365.
 Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.



Committee and date
 Central Planning Committee
 5 July 2018

Item
8
 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: 18/01113/FUL	Parish:	Upton Magna
Proposal: Erection of a conservatory and conversion of existing garage to form a two storey apartment ancillary to dwelling		
Site Address: 8 De Quincey Fields Upton Magna Shrewsbury Shropshire SY4 4US		
Applicant: Mr Stuart Reeves		
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk	

Grid Ref: 355634 - 312653



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the erection of a single storey L-shaped extension to provide additional living accommodation in the form of a conservatory and also the conversion of the existing garage to a two storey annex for use by an elderly family member.
- 1.2 After an initial assessment by officers revisions to the proposal for the garage conversion were requested including that the conversion be reduced in height and depth and that the roof orientation be turned by 90 degrees with a gable front and hipped rear roofline in order to reduce the impact of the proposal and to ensure that its subservience to the existing dwelling.
- 1.3 Revisions have been received from the agent which include the change in orientation to the roof, gable and hipping, and reduction in height. However the proposal has not been reduced in depth. Justification for this has been provided which will be discussed later in this report.
- 1.4 Also at the request of officers a block plan showing the proposed parking arrangements for four cars has also been received.
- 1.5 This report is therefore written primarily with regards to the revised proposal received on 01.06.18 and block plan received 19.06.18.
- 1.6 The extension will be attached to the rear elevation and will measure approximately 10.5 metres wide, 5.0 metres deep maximum with a ridge height of 3.5 metres.
- 1.7 The garage conversion is to the west side of the existing dwelling and will measure approximately 5.3 metres wide, 9.7 metres deep maximum 8.3 metres minimum with a ridge height of 6.6 metres. The existing garage measures approximately 5.3 metres wide, 5.3 metres deep with a ridge height of 5.0 metres.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 8 De Quincey Fields is an existing detached property located within a large curtilage within a residential estate on the outskirts of Upton Magna. The site falls outside of the Upton Magna conservation area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Upton Magna Parish Council have submitted a view contrary to Officers recommendation for approval based on material planning reasons where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and vice chairman 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

None.

- 4.2 -Parish Council

15.06.18

Upton Magna Parish Council considered the revised plans for this application at a meeting on the 14th of June 2018. It was resolved (with one abstention) that it continues to object to the conversion of the garage. The revised plans do not address any of the reasons for our previous objection i.e. that there will be a loss of privacy for the nearest neighbouring property; it will be an over-development of the site; it will set a precedent for the rest of the houses on de Quincey Fields; there is a lack of off-street parking for potential extra vehicles. In addition, the Parish Council feels that there will be a detrimental impact on the street scene.

26.04.18

Upton Magna considered this planning application at a meeting on the 12th of April and resolved to object to it (primarily, the conversion of the garage into a two storey apartment) on the following grounds: there will be a loss of privacy for the nearest neighbouring property; it will be an over-development of the site; it will set a precedent for the rest of the housing on de Quincey Fields; there is a lack of off street parking for potential extra vehicles.

- 4.3 -Cllr Picton

This application needs to go committee.

Despite revised plans, this extension is huge and totally out of keeping within the small estate, a simple case of overdevelopment.

I agree with the PC that allowing this development will set a precedent. If everyone who could applied for a development like this it would increase the estate by 1/3.

- 4.4 - Public Comments

Three neighbours have been consulted. One letter of support from the neighbours at No 10 De Quincey Fields has been received at the time of writing this report.

5.0 THE MAIN ISSUES

Principle of Development

Design, Scale and Character
Impact on Residential Amenity
Other - parking

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Within the development plan policy, there is a general presumption in favour of extensions to dwellings provided that the scale, siting and design do not overwhelm or dominate the appearance of the original dwelling or that the extension does not have any detrimental impact on residential amenities.

6.1.2 In addition alterations and extensions to dwellings and freestanding buildings within the residential curtilage are acceptable in principle subject to compliance with CS6 and MD2.

6.1.4 The proposal is considered by officers to comply with this presumption and policies CS6 and MD2.

6.2 Design, Scale and Character

6.2.1 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 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.2.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.

6.2.3 Policy CS18 'Sustainable Water Management' requires all developments to integrate sustainable water management measures to reduce flood risk. An informative will be placed on any planning permission that may be granted advising the applicant of suggested methods of meeting sustainable water management.

6.2.4 The application is for the erection of a single storey L-shaped extension to provide additional living accommodation in the form of a conservatory to the rear of the existing dwelling and also the conversion of the existing garage to a two storey annex for use by a family member.

- 6.2.5 Both the Parish Council and Cllr Picton have expressed that they consider the proposal and in particular the garage conversion to be over development and that granting planning permission would set a precedent within the estate. Cllr Picton has also suggested that if everyone who could convert their garages this could increase the size of the estate by a third.
- 6.2.6 Planning permission is not usually required for a garage conversion, providing the work is internal and does not involve enlarging the building. If the scale of the work exceeds this, which with this proposal it does, or permitted development rights have been removed then planning permission will be required.

The applicants for the application have also advised officers that a neighbour at nearby No 16 has converted their garage.

- 6.2.7 Officers consider that for the intended use for the garage conversion to an annex would not be possible with the existing size of the garage being approximately 5.3 metres wide, 5.3 metres deep with a ridge height of 5.0 metres.
- 6.2.8 At the request of officers the proposal has been reduced in size from the original proposal received which measured approximately 5.3 metres wide, 9.7 metres deep maximum 8.3 metres minimum with a ridge height of 7.0 metres. It now measures approximately 5.3 metres wide, 9.7 metres deep maximum 8.3 metres minimum with a ridge height of 6.6 metres. The front elevation now has a gable roof line and the rear elevation a hipped roof.
- 6.2.9 The agent for the application has also advised that they have not reduced the depth of the proposed garage conversion as the room sizes would be impractical, and officers have been asked to note that the rear of the conversion does not project into the garden area any further than the rear line of the proposed conservatory.
- 6.2.10 The proposal is considered to be more subservient to the existing dwelling and mirroring the existing dwellings roofline therefore from a design perspective the annex would also appear as less dominant and imposing within the streetscene.
- 6.2.11 The proposal will provide ancillary annex living accommodation and the floor plan indicates the living space on the ground floor providing a living room and kitchen diner with small external patio and on the first floor a bedroom and bathroom with small balcony to the rear. From the plan drawings both the patio area and balcony within side elevation walls.
- 6.2.12 However it is not considered that the site is an appropriate size to provide a separate residential unit and in addition the village of Upton Magna is not designated as a village identified within MD1 as suitable for new residential development.
- 6.2.13 The scale of the proposal is considered to be acceptable for its intended use as an annex providing simple two floor accommodation for a family member enabling

some independent living whilst still being reliant on/to the main dwelling and family.

- 6.2.14 The ancillary living accommodation which will share both parking and garden areas is considered acceptable subject to a condition to ensure that the proposed building is never sold or let separately to the main dwelling house.
- 6.2.15 With regards the rear conservatory extension the L-shaped design is considered to compliment the dwelling in both size and form. The site is an existing modern detached property located within a large curtilage and which is considered can easily accommodate the proposed rear conservatory and annex.
- 6.2.16 It is considered that the proposed scale, design and appearance of the development will respect the existing character of the dwelling and will not result in any harmful visual impact in the locality. The proposed development will be built from matching materials which will be sympathetic to the existing character of the property, whilst it will be sustainably constructed meeting the current Building Regulation standards as a minimum. The proposed development is considered will not result in the significant loss of garden area and will provide an appropriate level of amenity space for the enlarged dwelling and annex.
- 6.2.17 Officers consider that the proposal meets the relevant criteria within the NPPF, CS6 and MD2 and is therefore acceptable in principle.

6.3 Impact on Residential Amenity

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 Both the Parish Council and Cllr Picton has raised concerns that the proposal is overdevelopment and sets a precedent within the area which could result in an increase in the estate of a third.
- 6.3.3 Each application is dealt with on its own merits and assessed against current legislation and policy. As stated in section 6.2.6 above planning permission is not usually required for a garage conversion, providing the work is internal and does not involve enlarging the building. Other households could therefore convert their garages without planning permission and if permitted development rights have not been removed.
- 6.3.4 With regards to the proposed annex it is considered that it will not result in a loss of privacy and overlooking as other than the rear elevation enclosed balcony there will be no first floor windows in the side elevations. In order to protect the privacy of the owners of the adjacent properties for now in and in the future, a condition will be imposed on any planning permission that may be granted that no additional windows, or other openings other than those shown in the approved plans shall be inserted in any part of the annex development.

- 6.3.5 In addition Officers note that one letter of support from the neighbours at No 10 De Quincey Fields has been received at the time of writing this report. The residents of No 10 have stated that the garage conversion will not impact upon their privacy and they do not object to the development.
- 6.3.6 Both the annex rear balcony and patio areas are semi-enclosed with the balcony also having a proposed glass balustrade. Views to the rear will therefore be towards countryside views with only limited views of neighbouring gardens. The single storey rear conservatory is considered will not result in any detrimental impact or overbearance on neighbours being sited in excess of 17 metres from habitable rooms of neighbours to the east and hidden from those to the west by the annex.
- 6.3.7 In addition and having regard to the proposed orientation and distance away from neighbouring properties of both the annex and rear conservatory extension it is considered that the proposed windows will not result in any detrimental impact from overlooking or loss of light. It is felt that the proposed layout, design and scale of both the extension and annex in relation to the boundary will also not result in any detrimental overbearing impact or result in any noise disturbance.
- 6.3.8 Officers consider that the proposal as a whole accords with policy CS6.

6.4 Other
Parking

The Parish Council has raised concerns regarding off street parking. At the request of officers the agent for the application has provided block plans for both the existing car parking and proposed car parking. Both show spaces for four cars which the agent considers is ample provision for the 2 adult residents in the existing dwelling and for one adult to be resident in the proposed garage conversion to an annex.

7.0 CONCLUSION

Officers consider that the development is acceptable in principle subject to a condition to ensure that the annex is never occupied, sold or let separately to the main dwelling house.

It is considered that the development as a whole would respect the context of the site and would have no adverse impact on the character and appearance of the locality and would not be harmful to the residential amenities of nearby dwellings. The proposal is therefore considered to be acceptable and accords with the relevant parts of policies CS6 and MD2.

Officers recommendation is that planning permission is granted.

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:
NPPF

Core Strategy and Saved Policies:
CS6 - Sustainable Design and Development Principles
MD2 - Sustainable Design

Relevant Planning History:

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)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Lezley Picton
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.
2. Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
3. 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. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.
4. The external materials (roof tiles and brickwork) shall match in colour, form and texture those of the existing dwelling.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area.

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

5. Prior to the above ground works commencing samples and/or details of the glass balustrading to the balcony at the rear of the annex first floor shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

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

6. No additional windows, or other openings other than those shown in the approved plans shall be inserted in any part of the annex development hereby approved.

Reason: To protect the privacy of the owners of the adjacent properties.
7. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known at the time of this application as 8

De Quincey Fields and shall not at any time be sold, let or occupied as an independent unit of residential occupation.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage. In addition it is considered that the site is inappropriate for an independent unit of residential accommodation in addition to the main dwelling house and would be contrary to SAMDEV policy MD1.

Informatives

1. The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

2. 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 187.
3. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.

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