

Committee and date

Central Planning Committee

4 March 2016

### Development Management Report

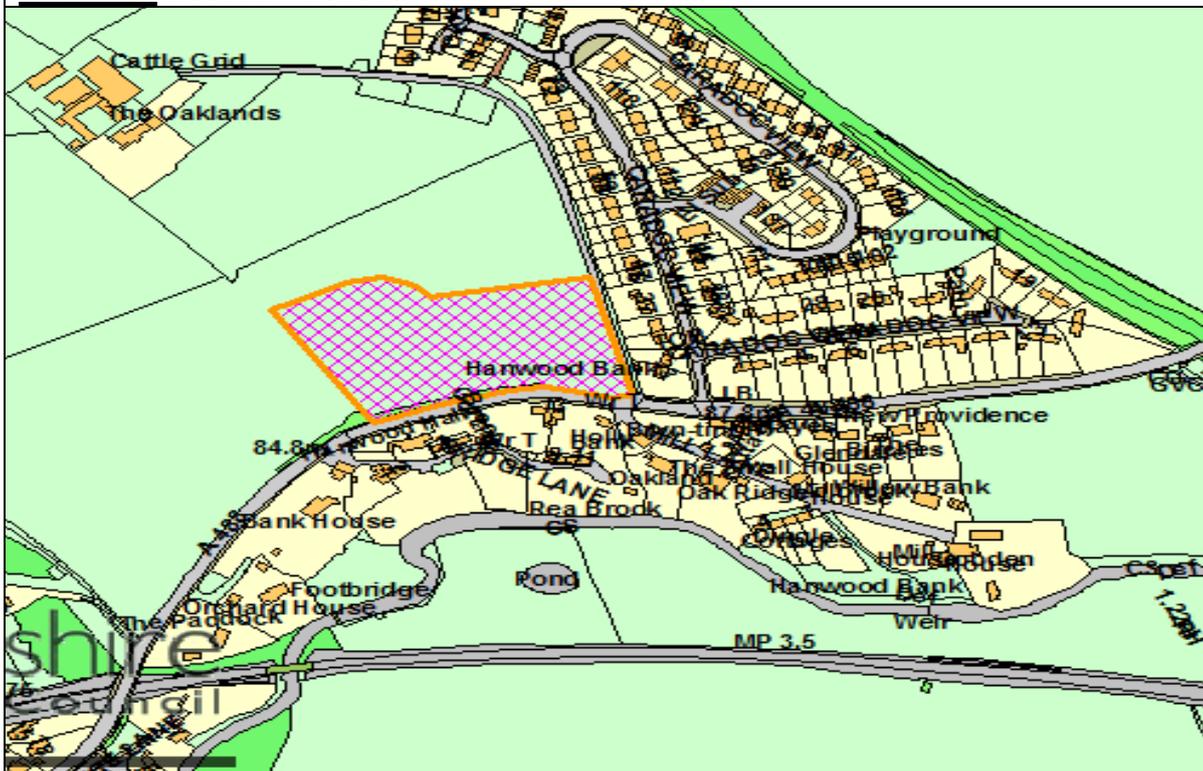
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 15/04119/REM	<b>Parish:</b> Great Hanwood
<b>Proposal:</b> Reserved matters pursuant to outline permission ref: 13/04967/OUT for the erection of 20 dwellings to include appearance, landscaping, layout and scale (amended description).	
<b>Site Address:</b> Proposed Residential Development West Of Caradoc View Hanwood Shrewsbury Shropshire	
<b>Applicant:</b> Shropshire Homes Ltd	
<b>Case Officer:</b> Nanette Brown	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 344803 - 310137



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Contact: Tim Rogers (01743) 258773

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

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 This application is seeking planning permission for the reserved matters (appearance, landscaping, layout and scale) relating to an earlier approved outline planning permission (13/04967/OUT). The application has been amended to show the provision of 20 houses (9 detached, 8 semi-detached and 3 terraced properties) providing a range of 2, 3, & 4 bedroom properties and with areas of open space located centrally and across the frontage of the site. The proposed designs incorporate brick built dwellings with tiled roofs consisting of a mixture of house types.

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

2.1 The site consists of part of an agricultural field set to the north of the A488 at Hanwood Bank, to the west of Caradoc View. To the north and west of the site lie more fields and to the south of the site, beyond the A488 are housing that is set on sloping ground that slopes down away from the road in a southerly direction.

2.2 The application site itself is set on sloping ground, running downhill from north to South towards the A488. The southern boundary with the A488 is currently defined by a hedge. The A488 is subject to a 30mph speed limit as it passes the site.

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

3.1 Whilst Great Hanwood Parish Council have submitted a view neither supporting or objecting to the application they have raised concerns that express opinions contrary to officers recommendation for approval based on material planning reasons that cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman, 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**

##### **SUDS – No objection**

The proposed surface water drainage details, plan and calculations should be submitted for approval prior to the approval of the Reserved Matters as per

Drainage Condition 4 and 7 on Outline Application 13/04967/OUT.

The FRA and outline drainage details are acceptable, though the use of soakaways should be investigated in the first instance for surface water disposal. Confirmation is required that percolation tests have been investigated. Further to our comments dated 27 December 2013, the detailed drainage details, plan and calculations should be submitted for approval.

Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development.

Highway gullies are typically designed to accept flows up to the 5 year rainfall event only, with exceedance flows being generated beyond this return period. Confirmation is required that the gullies will be able to convey the 100 year plus 30% storm to the proposed surface water drainage system. From the Thomas Consulting response dated 2 February 2016, the assumptions for gully spacing's in the carriageway are typically based on a 5 year storm.

Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be provided.

Calculations should be provided demonstrating that the appropriate adjustment for climate change has been built in to the surface water network design.

Using the cover levels shown on drawing T17800/15/115 Rev D as a guide, it would appear that exceedance generated by the 100 year plus 30% storm will flow from the site via the development access. Confirmation is required where exceedance will flow to or how it will enter the attenuation system.

### **SC Parks And Recreation – No objection**

Under Shropshire Council's current planning policy regulations, the Open Space Interim Planning Guidance adopted 11th January 2012, all development should provide 30sqm of public open space per bedroom.

The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.

### **SC Affordable Houses**

The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision

and therefore satisfies the provisions of the SPD Type and Affordability of Housing, however the plot numbers of the affordable dwellings need to be confirmed as does the tenure.

### **SC Highways – No objection**

Landscaping, Layout and scale – no objections

This assessment has been based on the submitted amended Proposed Site Plan – drg.no. HO-P-01X rev.F.

The full engineering details for the proposed new estate road, and adjacent road (A488) improvements (pedestrian crossing point and traffic management) have not been submitted as part of this application. Therefore the specific details and specifications for this new infrastructure have not been checked or approved.

It is highly likely that there will be items which will need to be amended prior to construction, in order for this proposed new infrastructure to be adopted, in the future, as ‘highway maintainable at public expense’.

It is considered that such matters can be dealt with through the normal Section 38 & 278 Agreement approval processes, without significantly affecting any other planning or environmental considerations Submitted suggested conditions and informatives

### **Hanwood Parish Council – Comments**

Submitted 28/1/16

Great Hanwood Parish Council notes the amendments to the site layout addressing the provision of open space and is satisfied this now meets the appropriate standard.

The Parish Council notes with concern the comments of the Highways engineers that no details have yet been submitted or approved for the proposed road improvements the A488, (pedestrian crossing point and traffic management), which are a key concern for local residents. The Parish Council would wish to see the detailed highway improvements proposals and have an opportunity to comment before the planning application is determined.

The Parish Council remains concerned that drainage will be an issue but support the condition suggested by Highways that no drainage be permitted to discharge onto or over the A488. This would alleviate the concerns of residents who have previously suffered flooding to the south of the A488.

Submitted 29/10/15

The Parish Council is concerned that the developer has failed to provide details of percolation tests with his application for approval of reserved matters. The site has well documented problems with rapid run-off rates, leading to flash flooding of

properties on Mill Road. There are concerns that the road gully at the south eastern corner of the development site has insufficient capacity to cope with existing surface water and is likely to be overwhelmed during high rainfall events, particularly during the construction phase. Shropshire Council is urged to withhold permission until satisfactory details of drainage are provided.

The Parish Council is also concerned that the proposed new footpath along the A488 appears to narrow significantly at the entrance to the junction with The Oaklands access road. This will be the only access from the development to the existing development of Caradoc View, which provides children's play facilities, and to the Shrewsbury bound bus service. In view of the poor compliance with the 30mph speed limit and the high incidence of HGVs on the A488, the full width of the new footpath should be maintained along its whole length, to encourage the use of sustainable methods of transport. The removal of the projecting hedge would not only widen the new footpath but would also improve visibility for vehicles emerging from The Oaklands access road. Alternatively, the provision of a pedestrian access directly from the proposed area of open space in the south-east corner of the site would give direct access to the public footpath running along The Oaklands access road. It is not clear whether the existing field gate will be retained for this purpose.

It is noted that the developer has submitted a revised plan showing proposed open space provision. An area to the west of plot 11 has been added to meet the minimum POS requirement; however the area is separated from the two main areas of open space at the front of the development and will be largely hidden from view. This is likely to encourage anti-social behaviour in this area and therefore fails to adhere to the guidelines of the adopted IPG for open space provision. The Parish Council would prefer to see sufficient open space provision on site, but if this is not possible, the developer may wish to consider whether suitable provision can be made nearby.

The IPG requires that the developer includes details of the landscaping proposed and how the land will be maintained in the long term. This has not been provided.

The Parish Council has great concern about the safety of the proposed pedestrian refuge on the A488. The position proposed does not appear to give sufficient visibility to either pedestrians or drivers. The Council would wish to see a light controlled pedestrian crossing at a suitable point to serve this development and the existing properties in Hanwood Bank. This has long been a critical objective of the community and the Parish Council would not wish to see additional street furniture introduced that might restrict the installation of a suitable light controlled crossing in this area.

## **4.2 - Public Comments**

9 letters of objection from 5 addresses summarised as follows:

#### Principle

There are insufficient public amenities to support further dwellings in this part of the village;

#### Layout/Visual Impact

the natural beauty of the village would be further eroded by further construction; the amended plans would appear to deal with the open space question; the view from Oaklands Grange will be adversely affected by this development, blocking out part of the view of the Long Mynd. The proposed estate road layout is such that the development could also be expanded north which would impinge into the green grazing fields to the north of the site. Again this would reduce the views of the surrounding country side, remove several hedge rows and impact on the public footpath to the northwest of the site. If planning permission is granted then the proposed development layout should be changed to prevent further expansion to the north of the site.

#### Drainage

There will be increased risk of flooding to properties in Mill Lane, Hanwood Bank and Bridge Lane from increased surface water run-off and overflowing storm drains at Mill Lane, which will also have to take the surface water drain from the new development; additional protection for residents is needed especially during the construction phase; there should be a surface water drainage ditch on the north side of the A488 from the development westwards to Red Lane; the additional foul drainage from this development would increase the pressures on the existing inadequate main sewer on the A488; there are well documented issues with the sewers serving The Caradoc estate;

#### Highway Safety

Access onto the A488 (main road through Hanwood) from existing access points are already difficult and fraught with danger on the bend just to the West of Caradoc View; another access on that same section of road seems ill advised – existing residents have a daily struggle to exit their properties without accident; cars already seem to ignore the 30mph on that stretch and vision is poor; the proposed pedestrian refuge would not be safe the line of vision for vehicles approaching is poor and those exceeding the speed limit will be on the refuge before they realise it is there; the 30 mph signage on the A488 is currently inadequate; Access to the site would be dangerous as the speed limits are not adhered to or enforced in this part of the village; vision to the west and east is limited and traffic leaving the estate will be at risk from unseen vehicles when joining the A488 Construction and resident traffic will also reduce the views to the west from Caradoc View and Oaklands Lane and so increasing the risk to these residents

## 5.0 THE MAIN ISSUES

**Principle of development**

**Appearance, landscaping, layout and scale**

**Open Space**

**Highway and Access**

**Drainage**

**Ecology**

**Residential Amenity**

**6.0 OFFICER APPRAISAL**

**6.1 Principle of development**

6.1.1 The principle of residential development of this site has been accepted with the grant of outline planning permission ref:13/04967/OUT. The point of access onto the A488, a 30mph road that runs through Hanwood accords with that shown on the illustrative site layout and approved access details as set out in the previous outline consent. The precise surface water drainage details, the provision of the site access and landscape management plan of open spaces other than private gardens are all matters covered by conditions on the outline consent requiring the approval of details by the local planning authority. Condition 4 of the outline consent also required details of the number of units, means of enclosure of the site and drainage of the site to be submitted concurrently with the first submission of reserved matters. The matters for consideration in this reserved matters application are solely those relating to the layout, appearance, scale, landscaping and access.

**6.2 Appearance, landscaping, layout and scale**

6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. This is reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

**6.2.2 Layout -**

The submitted scheme has been amended with the total number of dwellings reduced from 21 to 20 dwellings. This total now corresponds with that stated on the approved outline consent. The layout consists of small cul-de-sacs and shared driveways leading off one central site access taken from the adjacent road, the A488. Most of the proposed dwellings will face south towards the A488. The proposed area of public open space is now shown to be located within a central position within the site. It is considered that the proposed site layout is acceptable.

### 6.2.3 Design and Scale –

The proposed dwellings are two storeys in height and would reflect the scale of the predominately two storey dwelling set to the east and south of the site. The proposed designs for each plot do vary in their detailing across the site and reflect the more modern elements found within the existing housing in Hanwood. It is considered that the designs proposed are suitable for this location. Final details of the bricks, tiles and render for the houses have been requested from the agents, but these details can be required by condition if needed.

### 6.2.4 Landscaping-

The submitted site plan indicates proposed planting details for the site, including native mixed species hedging to the site boundaries and specimen tree planting around the edges of the site including silver birch, hornbeam, crab apple and plum trees. Open spaces to the road frontage will contain some of this planting whilst the central open space would be laid to grass. It is considered that the proposed landscaping around the site would be acceptable.

## 6.3 Open Space

6.3.1 A site plan indicating and confirming the proposed open space for the development (an area of 1991.1sqm) has been submitted, with the open area provided to be located along the road frontage with the A488 and also within the central area of the site. The agents for the application have confirmed that this area will be offered for adoption to Shropshire Council or remain private, the details for which will be secured and submitted for approval by the requirements of condition 8 of the outline planning consent. This condition requires a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens to be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The condition also requires that the landscape plan shall be carried out as approved and retained thereafter.

## 6.4 Highway and Access

6.4.1 The means of the access to the site were considered as part of the outline planning consent. Condition no. 6 of the outline consent requires that prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycle ways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority. It also requires that the works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

## 6.5 Drainage

6.5.1 SC Drainage/SUDs officers have confirmed that the submitted FRA and outline drainage details are acceptable. They confirm that detailed surface water drainage details, plans and calculations should be submitted for approval as required by condition 7 of the outline consent and have also raised the following queries

seeking confirmation:

- Confirmation that percolation tests have been carried out and their results;
- That appropriate allowances for urban creep have been considered;
- Confirmation that the gullies will be able to convey the 100 year plus 30% storm to the proposed surface water drainage system;
- Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be provided.
- Calculations should be provided demonstrating that the appropriate adjustment for climate change has been built in to the surface water network design.
- Using the cover levels shown on drawing T17800/15/115 Rev D as a guide, it would appear that exceedance generated by the 100 year plus 30% storm will flow from the site via the development access. Confirmation is required where exceedance will flow to or how it will enter the attenuation system.

6.5.2 In response the agents have confirmed that .....

- Calculations of percolation rates have been provided;
- 100% allowance for urban creep has been included within the surface water drainage calculations for roof and parking spaces;
- The roads have not yet been designed with details of any vertical profile or contours to enable a full design the highway drainage to be confirmed. Road and drainage design will comply with the Shropshire Design Guide as below:
  1. Gullies will be provided so that a maximum area of 200 sqm drains to each gully.
  2. The spacing between gullies will be less than 50m.
  3. Gullies will be provided upstream of road junction and pedestrian crossings.
  4. Maximum length of gully connections will be 20m.
- The surface water drainage system will be offered for adoption to Severn Trent who will maintain the system. Gullies and gully connections will be offered for adoption to highways.
- The surface water system has been designed to store surface water up to the 1 in 100 year return period with a 30% allowance for climate change. A weir wall is set in the final manhole with the top of the wall set at the maximum water level. Rainfall events beyond 1 in 100 years + 30% climate change will overtop the weir wall and not flood the site.

The agent has been asked to confirm where the exceedance will flow to or how it will enter the attenuation system.

6.5.3 The final surface drainage plans have not been confirmed as the layout plans for the development not yet been approved as part of this planning application. Full details of the final drainage scheme will be submitted under the requirements of condition 7 of the outline consent for the site, so that SC drainage officers can approve these details prior to the development taking place.

## **6.6 Ecology**

6.6.1 An ecological report was submitted as part of the outline planning consent application and no objections were raised by SC Ecologists as part of that application. Informatives were added to the outline consent advising applicants about potential presence of wild birds and badgers.

## **6.7 Residential Amenity**

6.7.1 Officers are satisfied that due consideration has been given to siting, scale, design, orientation, and separation distances such that the scheme will not give rise to any unacceptable consequences to future residents in terms of amenity issues; with the provision of adequate private garden areas and parking provision to serve each individual dwelling.

## **7.0 CONCLUSION**

7.1 The principle for residential development has been agreed. The Appearance, Landscaping (Including Open Space), Layout and Scale of the proposed development are considered to conserve and enhance the natural and built environment and is appropriate in scale, density, pattern and design taking into account the sites location within Hanwood. Accordingly it is considered that proposal is in compliance with the development plan and can be made acceptable by the attachment of conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the

principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
NPPF

Core Strategy and Saved Policies:  
CS4, CS6, CS9, CS11, CS17, CS18  
MD3, MD7a, MD12

### RELEVANT PLANNING HISTORY:

13/04967/OUT Outline planning application for up to 20 dwellings (indicative) to include access  
GRANT 10th February 2015

## 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)

Planning file 15/04119/REM

Cabinet Member (Portfolio Holder)  
Cllr M. Price

Local Member  
Cllr Roger Evans

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. 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.

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

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. No burning shall take place on site including during clearance of the site.  
Reason: to protect the amenity of the area and protect the health and wellbeing of local residents.

### **Informatives**

1. This planning permission notice must be read in conjunction with the outline decision notice reference 13/04967/OUT granted 10th February 2015 where additional conditions are attached.
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990 that is attached to outline planning permission ref: 13/04967/OUT.
3. In order to make the properties ready for electric vehicles, charging point installation isolation switches must be connected so that a vehicle may be charged where off road parking is provided. The following condition is therefore proposed should this application be granted approval:  
An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point.

The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

4. 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](mailto: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.
5. In arriving at this decision the 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.