

## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 16/02931/FUL	<b><u>Parish:</u></b>	Uffington
<b><u>Proposal:</u></b> Erection of detached dwelling with associated hard and soft landscaping and creation of new access		
<b><u>Site Address:</u></b> Land Adj Manor Field Uffington Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Mr & Mrs Miller		
<b><u>Case Officer:</u></b> Jane Raymond		<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 352924 - 313557



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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 detached dwelling and the formation of new access.

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is within the village of Uffington located off Church Road approximately 1 mile from Harlescott and less than 3 miles from the centre of Shrewsbury. The site is currently an open agricultural field situated between a newly built large detached house to the North (Manor Field) and two pairs of semi detached dwellings to the South (3 and 4 Top Cottages). Opposite the site is a pair of semi-detached houses.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application does not comply with the scheme of delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the Area Planning Manager in consultation with the Committee Chairman agree that the application should be determined by committee.

## 4.0 Community Representations

### 4.1 - Consultee Comments

- 4.1.1 **SC Ecology:** An ecological survey was carried out on this site in January 2016 by Arbor Vitae.

Habitats on the site consist of an improved grassland field and a recently-planted beech hedgerow which forms the eastern boundary.

No evidence of any protected or priority species was observed on, or in close proximity to, the site.

Any hedgerow removal should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check should be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animals which become trapped have a means of escape.

To enhance the ecological value of the site, it is recommended that the landscaping scheme includes some hedgerow, tree and shrub planting using native species of local provenance.

It is recommended that bird boxes are erected on the new building to enhance the nesting opportunities for birds in the local area.

4.1.2 **SC Drainage:** Suggests an informative regarding designing a sustainable drainage scheme for the disposal of surface water.

4.1.3 **SC Highways:**

Recommendation

No objection – subject to the development being constructed in accordance with the approved details and the suggested conditions and informatives.

Observations/Comments:

The site is located at the southern end of the village, on the western side of the Class III road within the local speed limit of 30 mph with a footway along the site road frontage that provides pedestrian connectivity with the village. The current application site for a single dwelling previously formed part of a larger outline approval which would have had three dwellings erected in the same area. The Highway Authority raised no objection to the principle of that previous development with its proposal of a series of separate accesses serving each of the dwellings. The highway conditions have not fundamentally changed in the intervening period of time and it is considered the erection of a single dwelling served via two accesses is unlikely to result in adverse highway implications on the adjoining Class III Road.

4.2 **- Public Comments**

4.2.1 Uffington PC: Strongly object to this application for the following reasons:

- Paragraph 17 of the NPPF encourages effective use of land.
- After careful consideration and consultation the Parish Council became a cluster to bring forward much needed housing. The site in question in the SAMDev (Plan attached) is for 5 dwellings, one having already been built. Therefore if planning is to be genuinely led to empower local people and their decision making process there should be four homes on this site and not one. The provision of four homes would promote and support the community and cultural facilities in the village by bringing in four new families not just one.
- The provision of four homes (as stated in adopted Core Strategy S16) instead of one would enhance the vitality of the community, this is a rural village and provision

of four homes not one would promote opportunities for local families to live near their place of work.

- This is a very large home and does not fit into the street scene. It does not reflect or represent the rural cottages adjacent or opposite the site.

- This large home does not address the connection between people and place. The development would not integrate within the natural environment of the village.

- The development does not fit in with the Villages aspirations in terms of appearance and place.

- The adopted policy (CS16) clearly states the provision of five homes on this site. When there is a need for more housing why is Shropshire Council even considering a site adopted for four homes only being occupied by one single very large dwelling?

- The Parish Council took considerable time and effort over the SAMDEV period to find sites for new homes that satisfied the aspirations of the local community. The development flies in the very face of their wishes.

#### 4.2.2 Five letters of objection summarised as follows:

- ☐ It is important that future developments, including the current proposal, have more appropriate boundary structures.

- ☐ The size and visual impact of the dwelling would be out of scale in comparison to surrounding properties, would be overbearing and would not be in keeping with and would detract from the current character of the village.

- ☐ The proposal will obstruct the view from existing properties.

- ☐ The proposed ineffective use of land is unjustified and would, unnecessarily, mean additional plots having to be sought to meet previously agreed housing numbers.

- ☐ The social and community development of the village would be much better advanced by the provision of four more affordable homes than the current proposed single dwelling.

- ☐ The proposed dwelling would be contrary to Samdev and the previous efforts by local residents and the Parish Council to find a satisfactory solution to the development of Uffington should not be ignored.

- ☐ Concern about the two entrances onto what is already a very busy road.

## 5.0 THE MAIN ISSUES

Principle of development  
Scale, Design and Visual Impact  
Residential Amenity  
Landscaping  
Highways  
Affordable Housing

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 The site as amended forms part of the allocated site (UFF006/10) for Uffington within SAMDev settlement policy S16.2(xiii) which states the following:

*‘Uffington is a Community Cluster Settlement with a housing guideline of approximately 5 additional dwellings over the period to 2026. This will be delivered through the development of the site allocated for housing, leaving scope for limited infill development/conversions of buildings which may be acceptable on suitable sites’.*

The development guideline for the site allocation is for the provision of ‘up to five dwellings’ and that ‘development should front the road’.

- 6.1.2 Outline planning permission (13/00334/OUT) has already been granted for four dwellings on a slightly larger site area than the site allocation. A separate full application (13/03503/FUL) for a single dwelling (Manor Field) has subsequently been approved and constructed on one of the four plots approved at the outline stage. The remaining three plots therefore could have been the subject of a Reserved matters application for three houses but the LPA cannot require that a Reserved matters application is made.
- 6.1.3 The current landowner has made an application for full planning permission and it is considered that the development of the remaining part of this allocated site for a single dwelling meets the development guideline of the both the site allocation and the settlement policy S16.2(xiii).
- 6.1.4 It is acknowledged that the provision of three or four smaller homes on this part of the allocated site would contribute to the housing need of approximately five dwellings identified for Uffington within the SAMDev settlement policy. However the settlement policy allows for approximately five dwellings to be delivered on this site and/or on other suitable sites within the village up to 2026. Full planning permission has already been approved for two dwellings (Manor Field already

constructed and land adjacent to Vine Cottage for a single dwelling (14/02116/FUL)). If this application is approved this leaves scope for two additional homes within the village to come forward in the next ten years.

## 6.2 Layout, Scale, Design and Visual Impact

- 6.2.1 Uffington is a linear village that has developed with a variety of housing styles and sizes which predominantly face Church Road that runs through the centre of the village. The development guideline for this site allocation is that *'development should front the road'*. The most recent developments are the large executive type homes that have been built to the North of the site including the recently built 'Manor Field' which is adjacent to 'Manor Court'. 'Manor Field' was considered to be acceptable in scale and size due to its location adjacent to 'Manor Court' which is a substantial house situated within a large plot. Manor Field is a more modern design compared to the more traditional and pastiche design of the adjacent housing, but given the variety of housing in Uffington that has evolved over the years it was not considered that this more modern design would appear out of place or would have an adverse impact on the character and appearance of the locality.
- 6.2.2 The properties adjacent the site to the South are a pair of semi-detached houses (3 and 4 Top Cottages) and immediately opposite the site is another pair of semi-detached houses (1 and 2 Top Cottages). No.3 (the house immediately adjacent the site) has been extended and doubled in size by a large two storey side and rear extension. The two storey part of the proposed dwelling although large is similar in scale and bulk to the adjacent pair of semi-detached properties. The dwelling has been designed to reduce its scale and bulk and visual impact by the first floor of accommodation being partly in the roof, by including front facing gables and dormer windows and variations in heights of the roof which break up the frontage rather than the proposal appearing as one large block. Accommodation is also proposed underground at basement level which will not be visible apart from the protective fencing.
- 6.2.3 It is considered that the design and scale of the proposal is acceptable in the context of the large detached houses to the North and the scale and bulk of the extended and combined pair of semi-detached houses to the South. There are a variety of building materials within Uffington including predominantly brick but with some rendered properties and some black and white timber framed. The newly constructed house adjacent is constructed of brick but has partial horizontal timber cladding to the upper floors. This proposal includes stone at ground floor with timber boarding at first floor beneath a slate tiled roof. The timber boarding of the upper floors will be in keeping with the adjacent house and whilst the proposed Haughmond stone for the ground floor is a local stone it is not in use within Uffington and it may be more appropriate for the dwelling to be constructed of brick. A condition can be imposed to require the submission of materials for approval.
- 6.2.4 The size of the plot has been reduced and the red line amended to be wholly within the remaining part of the SAMDev allocation. The footprint of the main house

excluding the garages to the side is broadly the same as the adjacent pair of semi-detached houses and although the plot size is generous it is considered appropriate given the size of the dwelling. It is considered that the plot size and siting of the dwelling is in keeping with the density of surrounding properties and the ribbon development that is characteristic of Uffington and is appropriate for this rural setting.

### **6.3 Residential Amenity**

- 6.3.1 Nearby residents have raised concern that the proposal will affect their view. Although it is understandable that the view of open fields and distant hills may be preferred to a view of a house and garden there is no right to a view and it is considered that the proposed dwelling would not appear overbearing or obtrusive to the occupiers of properties opposite. The proposal originally included a small tower which would have created the feeling of being overlooked and therefore had the potential to impact on privacy. This aspect of the proposal has been omitted from the design. Due to the distance between the proposal and the houses on the opposite side of the road it is not considered that the remaining first floor windows in the front elevation would result in overlooking or a loss of privacy for the occupiers of 1 and 2 Top Cottages opposite. The windows in the roof of the garage do not serve usable attic space but are incorporated into the design as an architectural feature and to give light to the garage space below. There are two small windows in the South facing side elevation but these serve bathrooms and can be obscure glazed.

### **6.4 Landscaping**

- 6.4.1 The application indicates that the proposal will include soft and hard landscaping but a detailed landscaping proposal has not been submitted. One resident has commented that the two metre high boundary walls on more recent developments in Uffington have adversely affected the appearance of the village and that this development should have more appropriate boundary treatments. The site layout plan does indicate a boundary fence to the front and also a timber fence to 'guard' the excavated land that is required to provide a window to the South elevation of the proposed basement level swimming pool. It is considered that a boundary fence and native species hedgerow or a low brick or stone wall would be appropriate boundary treatment and this in addition to the landscaping of the site will be considered as part of a discharge of conditions application if this planning application is approved.

### **6.5 Highways**

- 6.5.1 Concern has been raised by residents regarding the proposed two entrances onto what they consider to be an already very busy road. However three additional individual accesses were approved at the outline stage and Highways have no objection to this proposal for two. Adequate garaging, parking and turning areas will be provided to allow vehicles to enter and leave the site in a forward gear.

There is good visibility in both directions, the speed limit is 30mph and it is not considered that the proposal would result in a significant increase in traffic or the speed of traffic on this road.

## 6.6 Affordable Housing

- 6.6.1 The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on the 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sqm), or 5 units or less in designated protected rural areas. Reading and West Berkshire Councils sought to challenge the WMS at the High Court and on 31st July 2015 Mr Justice Holgate quashed the WMS and the Government subsequently withdrew relevant commentary from the National Planning Practice Guidance. From this point Shropshire Council continued to apply its affordable housing policy.
- 6.6.2 The Government challenged this decision through the Court of Appeal which over turned Mr Holgate's decision on the 11th May 2016. Consequently the WMS still applies and the National Planning Policy Guidance was amended on the 19th May 2016. In addition to this the Housing & Planning Act gained Royal Assent on the 12th May 2016 and this gives power to Government to make secondary legislation to achieve the same result i.e. set minimum thresholds for affordable housing contributions.
- 6.6.3 At this juncture, in accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not require an Affordable Housing Contribution for applications for 10 or less dwellings and less than 1,000sqm floor area in the majority of cases.
- 6.6.4 This proposed development consists of the provision of a single dwelling and will create less than 1,000sqm floor space. Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre date the Court of Appeal decision and subsequent changes to the National Planning Policy Guidance, meaning that on balance and at this moment in time, National Policy Prevails.
- 6.6.5 The application is therefore recommended for approval without the need for a Section 106 agreement to secure an affordable housing contribution.

## 7.0 CONCLUSION

- 7.1 Residential development of the remaining part of this allocated site is acceptable in principle and the provision of a single dwelling that fronts the road is in accordance



with the site allocation and settlement policy. It is considered that the siting, scale, design and appearance is acceptable and would have no adverse impact on the character and appearance of the locality or the residential amenity of nearby properties. A safe means of access and adequate parking will be provided and it is considered that the proposal would have no highway safety implications. The proposal therefore accords with Shropshire Council Local Plan Policies CS4, CS5, CS6 and S16.2(xiii).

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- ⑦ 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.
- ⑦ 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

Local Plan Policies: CS4, CS5, CS6 and S16.2(xiii)

### RELEVANT PLANNING HISTORY:

09/02280/FUL Erection of 6, two bedroomed and 4, three bedroomed affordable dwellings and creation of new vehicular and pedestrian accesses (amended description) GRANT 23rd November 2009

13/00334/OUT Outline planning application for the provision of four open market dwellings to include access and layout GRANT 30th August 2013

13/03503/FUL Erection of one open market dwelling and associated access in connection with outline planning application reference 13/00334/OUT GRANT 22nd January 2014

## 11. Additional Information

List of Background Papers: 16/02931/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr John Overall
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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

3. Visibility splays shall be provided at each of the new access points at a point measured 2.4 metres back from the adjoining carriageway edge along the centreline of the access extending 43.0 metres in both directions from the accesses along the highway. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level and shall be fully implemented prior to the dwelling being occupied.

Reason: To provide a measure of visibility from the access in both directions along the highway in the interests of highway safety.

4. The accesses, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

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

5. The access apron shall be constructed in accordance with the Council's specification for a residential access and shall be fully implemented prior to the dwelling being occupied.

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

6. Prior to the above ground works commencing 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.

7. Prior to the first occupation of the buildings hereby permitted, 2 woodcrete artificial nesting boxes suitable for house sparrows, house martins, or swifts shall be erected on the site.

Reason: To ensure the provision of nesting opportunities for birds in accordance with section 11 of the National Planning Policy Framework.

8. Prior to the above ground works commencing full details of both hard and soft landscape works including boundary treatments shall be submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved details prior to the dwelling being occupied. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, 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.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved design

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

9. The first floor windows in the South facing elevation shall be permanently formed with a top opening light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed above ground floor level in either side elevation.

Reason: To preserve the amenity and privacy of adjoining properties.