

Development Management Report

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Summary of Application

Application Number: 16/03128/FUL	Parish:	Shifnal
Proposal: Erection of 1No dwelling and formation of vehicular access (revised resubmission)		
Site Address: Proposed Dwelling Adjacent 22 Park Lane Shifnal Shropshire TF11 9HD		
Applicant: Mr Tim Jordan		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 374980 - 306770



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Recommendation:- Permit, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This is a revised submission following the refusal of application 15/01497/FUL for the following reasons:

“1.The proposed development, by reason of its individual scale and design when compared with the uniformity of Lodge Close with which it would be visually associated, does not take account of the local character and context introducing an incongruous element which would detract from the street scene. The proposal is therefore contrary to Local Development Core Strategy Policies CS6 and CS17, SAMDev Policy MD2 and the Natural Planning Policy Framework.

2.The proposed division of the plot which significantly reduces the amount of rear garden provision to the enlarged dwelling at no. 22 Park Lane, Shifnal and allows for only limited outside amenity space for the new dwelling will result in two cramped plots which will not function well as a sustainable form of development. The proposal is therefore contrary to Local Development Core Strategy Policies CS6 and CS17, SAMDev Policy MD2 and the Natural Planning Policy Framework”.

This application is for the erection of 1 no. dwelling on garden land to the rear of no. 22 Park Lane, Shifnal. The dwelling is conceived as 2 interlinked elements, resulting in a 1” storey bungalow with accommodation over 2 floors. The ground floor is proposed to comprise a hallway, living room, kitchen/dining area WC and bedroom with ensuite, the first floor a bathroom and further bedroom. It is proposed with an irregular shaped footprint of approximately 106m², and a height of 6.5m to ridge, 2.3m to eaves. Design features include a centrally positioned chimney, 3 roof lights on the north west facing roof slope and 1 either side on the dual pitched roof above the living room, a triangular feature window on the south west facing elevation serving the upstairs bedroom, and a catslide porch over the front door on the south east facing elevation. The site measures approximately 16m wide x 20m in depth, the proposed outside amenity space therefore equating roughly to 200m².

1.2 The proposed dwelling would be of a similar form to that in the previous application, comprising of two interlinked elements, resulting in a dwelling where the first floor accommodation comprising of a single bedroom and a bathroom would be wholly contained within the roof space of the taller element. The ground floor accommodation would comprise of a hallway, living room, kitchen/dining area, WC and a bedroom with ensuite. The lower element of the proposed dwelling would be on its southern side and would contain the living room: This element would have a dual pitched roof, with an eaves height of some 2.4m and a ridge height of some

4.4m, with the latter on a northwest-southeast alignment. The other, larger element of the building would contain the rest of the accommodation and would have an eaves height of some 2.4m on its southern side, an eaves height of some 3.3m on its northern side and a ridge height (aligned on a southwest-northeast axis) of some 6.35m. The design would feature a centrally positioned chimney, three rooflights on the northwest facing roof slope and one either side on the dual pitched roof above the living room, triangular high level feature windows on the southwest (front) and northeast (rear) gable elevations to serve the first floor bedroom and bathroom in addition to the roof lights. The porch over the front door would be in the form of a cat-slide element to the main roof. External materials would comprise of facing brick with tile hanging to the triangular gable areas of the taller element of the dwelling, with the lower living room element rendered above a brick plinth. The roof tiles would be plain tiles. The proposed plot boundary treatments would comprise of the retention of existing boundary hedging with the addition of a close boarded fence to the rear. Foul sewage is proposed to be disposed of via the mains sewer, surface water to SUDs. A new vehicular and pedestrian access is proposed onto Lodge Close to the south west onto which the dwelling's frontage will face. Parking to accommodate 4 vehicles is shown to be provided within the frontage. No trees or hedges are affected by the development.

- 1.3 The principle differences between the development as now proposed compared to that refused under reference 15/01497/FUL are a reduction in the depth of the proposed dwelling achieved by a smaller lounge area, which results in a corresponding lowering of the ridge height of the living room area, eliminating the 'top-heavy' appearance to this section of the dwelling and making it clearly subservient to the main body of the dwelling. There is a reduction in the footprint of the kitchen dining area to allow for an external door on the kitchen projection on the elevation facing the chimney stack, one as opposed to two kitchen windows in the north west side elevation; a re-orientation of the dwelling so that the dwelling would be positioned parallel to the south eastern site boundary. This re-orientation and reduction in the footprint of the proposed dwelling increases the size of the outdoor amenity area that would be available to the dwelling and also increases the size of the off-road parking area, giving a less cramped appearance in the streetscene.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within the development boundary for the Market Town of Shifnal close to the southern boundary and is surrounded by residential development. It is currently garden land to the rear of no. 22 Park Lane and accessed via that property, although there is a pedestrian gate through the rear boundary from Lodge Close. The properties in Lodge Close, a cul-de-sac, are predominantly two storey semi-detached dwellings of latter half 20th Century construction set back from the estate road with their own drives and integral garages. No. 22 Park Lane is of inter war construction with a typical 1930s design. It faces north east onto Park Lane and has been generously extended to the rear. The rear garden is currently laid to lawn with mature hedging around its perimeter and a detached outbuilding located in the western corner. No. 22 is the most southerly of a line of dwellings which form ribbon development along the western side of Park Lane, whereas the pattern of development on Lodge Close is less rigid although there is a parallel line of dwellings behind those on Park Lane. The proposed plot is approximately 1' down

the cul-de-sac, beyond the end of which to the south is agricultural land.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Shropshire Division Member has requested that the application be determined by the South Planning Committee. The Area Planning Manager in consultation with the Committee Chairman agree that the site in history in this case and the material planning considerations raised warrant the application being determined by Committee.

4.0 Community Representations

- Consultee Comments

- 4.1 Shifnal Town Council – Comment asking for the following points to be taken into consideration:

1. Vehicle parking in Lodge Close - is there sufficient room to allow for another dwelling? - will Fire engines and Ambulances be restricted?

2. Design - is the design sufficient in character for this area to comply with applicable policies?

3. Has the size of the property been reduced in the resubmission to make it acceptable?

4. Members agreed that "loss of light" complaints were not justified due to the proposed dwelling being part two storey and part single storey.

5. Members agreed the size of the site was large enough for the dwelling to be accommodated.

6. Can this application be decided by Shropshire Council Planning Committee?

- 4.2 SC Highways Development Control – No Objection:

The proposal is to build a dwelling in the rear garden, creating a vehicular access onto Lodge Close which will be in line with the houses which lead up to the rear of the property. This will entail having to apply for a change in pavement levels and a dropped kerb.

The hedge to the south of the proposed driveway should finish 2.4m back from the back edge of the footway to allow an emerging driver a view of any pedestrians and vehicles approaching from the south.

It should be noted that there is a telegraph pole on the south corner of the property with cables criss-crossing the site which will need to be taken into consideration during construction.

It is considered that it is unlikely that the addition of this dwelling will significantly adversely affect highway safety or local conditions.

Recommends condition that any gates to the proposed access be set back a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards.

- 4.3 SC Drainage - No Objection:

The proposed drainage details, plan and calculations should be conditioned if

planning permission
were to be granted.

1. On the planning application, it state that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection must not be made, as it can result in increased flood risk elsewhere. SuDS Applicability for the site is Infiltration. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface

water drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access/ driveway runs onto the highway.

3. 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. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site

are designed for any future extensions of impermeable surfaces.

4. Informative: As part of the SuDS, the applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

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

Attenuation

Greywater recycling system

Green roofs

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

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

4.4 SC Ecology – No Objection:

Recommend informative in relation to nesting wild birds.

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing 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.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

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

-Public Comments

4.5 8 Objections, which are summarised below. The full text of the comments may be viewed on the Council's website.

-In December 2003 application BR/APP/FUL/03/0767 for a single dwelling was withdrawn because he was advised by the Council that a single dwelling was not in keeping with the current style of houses already in Lodge Close. In its place an application for 2 semi-detached houses was submitted and approved (ref BR/APP/FUL/04/0220). Cannot therefore understand how the Council can approve this application.

-Would change the character of the street and be detrimental to street scene.

- Out of keeping with the rest of the houses in the area.
- Overbearing for the size of plot.
- Narrow part of street where neighbours already park outside their houses along with visitors and proposed driveway entrance would cause a major problem for service and emergency vehicles.
- Would reduce the amount of safe and available on-road parking.
- Already insufficient parking in the street; not safe or beneficial to add to the existing situation.
- Access to the proposed dwelling should be from Park Lane.
- If application goes through it will open up a whole can of worms.
- Too many properties being built in Shifnal at the moment.
- Cul-de-sac will become a more dangerous place.
- Should visit cul-de-sac after 5.00pm to see the extent of congestion.
- How can a property in one street apply to build a house in their back garden bringing problems to the residences in another street?
- Would decimate the only greenery in the Close.

5.0 THE MAIN ISSUES

Principle of development
 Design, scale and character
 Affordable Housing
 Impact on neighbours/residential amenity
 Access/parking
 Drainage
 Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 A key objective of both national and local planning policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. Specifically, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within Market Towns, other 'Key Centres' and certain named villages ('Community Hubs and Clusters') as identified in the Council's SAMDev Plan.
- 6.1.2 Shifnal is identified within Core Strategy Policy CS3 as one of the Market Towns and other Key Centres in Eastern Shropshire which will maintain and enhance its role in providing a focus for development and for providing facilities and services to its rural hinterland. New housing provision of a scale and design that respects each town's distinctive character is one of the types of development potentially acceptable within the development boundary of a CS3 settlement. Levels of housing development in Shifnal are informed by CS3 and Settlement Policy S15 of the SAMDev. A number of specific sites are allocated to accommodate the majority of housing development required within Shifnal over the Plan period. As this proposal is not one of these, it would be regarded as a windfall site. Policy CS15 of the Core Strategy supports development which positively contributes to the delivery of wider investment, regeneration and town centre management and the

appropriate re-use or regeneration of land and premises.

6.1.3 Therefore, within the current policy framework there is a presumption in favour of the development as it is considered to be a sustainable location for new housing development, unless other material considerations indicate otherwise. The question for this application is rather if the site is appropriate, not whether the principle of residential development in this location is sound.

6.2 Design, scale and character

6.2.1 The 'appropriateness' of the site can be considered as the perceived interaction between the proposed and existing visual and physical factors involved. Both the National Planning Policy Framework and Policies CS6 and CS17 direct that a high quality development should be created to benefit for the lifetime of the development and provide positive improvements in people's quality of life. Policy CS6 states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved.

6.2.2 There are two main material considerations relating to this development as follows:

- 1) Its scale and design in relation to local character and context.
- 2) The relationship between no. 22 Park Lane and the proposed dwelling.

6.2.3 Consideration 2) is examined in the Residential Amenity section of this report below. With regard to 1) above, it is acknowledged that the revised proposal follows the same design concept as the original scheme, but to a reduced scale. It is considered that a re-appraisal of the impact of the scale and design in relation to the local character and context is therefore warranted.

6.2.4 The planning history of a nearby site referred to by neighbours has been reviewed. The withdraw of planning application 03/0767 for a detached dwelling on the opposite side of the turning head to this application site appears to have been influenced by a 1991 decision on an outline application for a detached dwelling on the land (ref. 91/0570), refused on the basis that it would be detrimental to the open plan character of the street scene and to the amenities of adjacent properties. The semi-detached dwellings subsequently permitted on that land and built (ref. 04/0220) were permitted on the basis that they matched the size and closely reflected the appearance of the existing houses on the Close. These decisions were made in the context of the Planning Policies applicable at that time.

6.2.5 The National Planning Policy Framework (NPPF) at paragraph 60 advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds, however, that it is proper to seek to promote or reinforce local distinctiveness. At paragraph 65 the NPPF advises that local planning authorities should not refuse applications for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have

been mitigated by good design, unless there would be material harm to a heritage asset or its setting which outweighs a proposals economic, social and environmental benefits.

6.2.6 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 says that developments should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policy MD2 provides further guidance in relation to Core Strategy policy CS6. The proposed development would be a structure of traditional, dual pitch roofs construction employing a materials palette to be found in existing residential developments across Shifnal. While the architectural form would be different to the semi-detached dwellings found on Lodge Close, it would not be incompatible with the more varied mix of architectural styles found in the wider locality. The removal of the hedge on the site boundary with Lodge Close did not form part of the refusal reason in January 2016 and, as a garden boundary hedge, could be removed at any time by the applicant. It is considered that this hedge does not make a significant positive contribution to the character of the area.

6.2.7 The Shifnal Neighbourhood Plan has been approved by the local referendum and is to be formally adopted by Shropshire Council in December 2016 as part of the Development Plan. It has therefore reached an advanced stage and can be attached significant weight as a material planning consideration. Policy HG1 seeks to ensure that, where residential development is permitted in line with policy SL1 (Which allows the principle of development within the Town's development boundary), that a number of criteria be met. It seeks high quality design that is in keeping with the scale and character of buildings and layout in the area, but also seeks to provide variety in house design and elevation treatment. This aspiration is applicable to infill plots as well as larger housing sites. This proposal is not out of scale with the surrounding properties, would have a plot size comparable in area to other plots in the locality and would introduce variety into the street scene. Policy HG2 of the Neighbourhood Plan has identified a need to increase the supply of one and two bedroomed properties in Shifnal and this two bedroomed dwelling proposal would assist in addressing that identified need, and would thus satisfy this social dimension of sustainability.

The application site does not fall within a conservation area and is not part of the setting to either a designated or non-designated heritage asset. In the present national planning policy and Development Plan policy context, with the latter reinforced by the soon to be adopted Shifnal Neighbourhood Plan, and taking account of the revisions made to the scheme since the January 2016 refusal, it is considered that a refusal on the grounds that the design of the dwelling is different to the semi-detached form of other dwellings on the close could not be sustained at appeal.

6.3 Affordable Housing

6.3.1 In order to meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities, Policy CS11 seeks to ensure that all new open market housing makes appropriate contributions to the provision of local needs affordable housing having regard to the current

prevailing target. However account must now be taken of the Written Ministerial Statement relating to affordable housing contributions and smaller developments.

- 6.3.2 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.
- 6.3.3 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.
- 6.3.4 The Government challenged this decision through the Court of Appeal which overturned Mr Holgate's decision on the 11th May 2016. Consequently the WMS still applies and is reflected in amended NPPG of 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.
- 6.3.5 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 automatically require an Affordable Housing Contribution for applications for 10 or less dwellings and less than 1,000m² floor area in the majority of cases where the site is not located in a designated rural area.
- 6.3.6 This development proposes a provision of one dwelling. A significant number of new affordable dwellings are being delivered through the large housing developments currently underway in Shifnal. Therefore it is considered that no Affordable Housing Contribution could be justified in this case, having regard to the material change in national policy discussed above.

6.4 Impact on neighbours/residential amenity

- 6.4.1 Core Strategy Policy CS6 seeks to safeguard residential amenity. The design of the proposed dwelling has been formulated to minimise any overlooking, overshadowing and overbearing impacts on neighbouring properties, and it is considered that in this respect its configuration and scale would be acceptable. Daylight analysis drawings were submitted with the previous application to demonstrate the potential overshadowing impacts on nearby dwellings which demonstrate that due to the relatively low profile of the building, its position and orientation, that any such impacts would be minimal. These impacts would be further reduced with the smaller massing and revised orientation of this amended proposal. The shadow of the proposed building would be mainly overlaid by the larger two storey dwelling to the south.
- 6.4.2 The proposals show that the existing high hedges on the northern and southern site

side boundaries would be retained. The proposed dwelling has been designed to ensure that there would be no mutual loss of privacy for neighbours and the occupants of the proposed dwelling in terms of the fenestration, but the maintenance of a high means of enclosure on these boundaries to the rear of the line of the proposed front elevation would be beneficial to ensure this privacy. The triangular plot shape to 13 Lodge Close is unusual in terms of the limited frontage direct onto the highway. It is considered therefore that any planning permission granted in this case should be conditioned to ensure that the side boundary hedges are maintained at a minimum height of 1.8metres and, in the event of the hedges being removed, that they are replaced by fencing to a design and height which has been approved in writing by the local planning authority.

- 6.4.3 The second reason for refusal of application made reference to that proposal significantly reducing the amount of rear garden provision for the existing dwelling at 22 Park Lane. This matter has been re-appraised and in this proposal the depth of the rear garden to 22 Park Lane would remain comparable to that of other Park Lane properties immediately to the north of it. The reduced footprint of the dwelling now proposed, together also with the adjusted positioning on site compared to the refused scheme, would also provide the two bedroomed accommodation with an adequate area of outdoor amenity space that would not be cramped. It is considered that a refusal on the grounds of creating two cramped housing plots could not be sustained at appeal.

6.5 Access/parking

- 6.5.1 Core Strategy policy CS6 seeks to secure safe developments and the soon to be adopted Shifnal Neighbourhood Plan policy HG1 relating to the design of residential development includes a criterion that traffic generation and parking should not adversely affect road and pedestrian safety. The proposal demonstrates how sufficient parking and turning space could be provided within the plot for 4 vehicles. A new access is proposed from the plot onto Lodge Close to serve the new dwelling to which SC Highways raise no objection.
- 6.5.2 With regard to neighbour concerns about the loss of on-road parking space, it would be possible for an access to be formed onto the unclassified Lodge Close to serve a hardstanding for use by the existing dwelling without the need to obtain planning permission. (Schedule 2, Part 2, Class B of the GPDO 2015), which would have the same impact if obstruction of the new access is to be avoided. Any obstruction caused to the highway is a police matter. The National Planning Policy Framework (NPPF) at paragraph 32 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is considered that there would not be such severe impacts in the case of this cul-de-sac. The proposal would have off road parking and the traffic generation and parking associated with an additional dwelling served by Lodge Close would not warrant a refusal on road or pedestrian safety grounds.

6.6 Drainage

- 6.6.1 Core Strategy Policy CS18 requires all new development to integrate measures for sustainable water management to reduce flood risk. The development will connect to the mains sewer for the disposal of foul drainage. SC Drainage have raised no

objection to the proposal as suitable surface water drainage can be secured through the agreement of further details, plans and calculations obtained through appropriate conditions.

6.7 Ecology

6.7.1 Core Strategy policies CS6 and CS17 seek to protect, conserve and enhance the natural environment. SC Ecology are content that ecological interests can be safeguarded satisfactorily in this case by an informative relating to nesting wild birds for the applicant's information.

7.0 CONCLUSION

7.1 The site falls within the development boundary of Shifnal where there is no in-principle planning policy objection to the erection of open market housing on appropriate sites. The application proposal follows the same design concept approach to the dwelling in refused application 15/01497/FUL, but with changes that include a reduction in the size/massing of the dwelling. It is considered that, with the changes made, a re-appraisal of the impact of the scale and design in relation to the local character and context is warranted. The policies set out in the soon to be adopted Shifnal Neighbourhood Plan are also now at the stage where they can be attached significant weight in appraising the material planning issues.

7.2 It is acknowledged that in considering planning applications on Lodge Close some 13 to 15 years ago a new housing proposal was required to conform to the semi-detached form of all other dwellings on the Close. However different planning policies applied at that time and account must be taken of current Development Plan policies and national planning policy guidance. The NPPF advises at paragraph 60 that planning policies and decisions should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The site is not within a heritage asset conservation area and, while the architectural form would be different to the semi-detached dwellings found on Lodge Close, it would not be incompatible with the more varied mix of architectural styles found in the wider locality. The materials palette proposed may be found in existing residential developments across Shifnal. The Shifnal Neighbourhood Plan policy HG1 contains a number of criteria, including one which seeks to provide variety in house design and elevation treatment, and this is applicable to infill plots as well as larger housing sites. The proposal is not out of scale with the surrounding properties, would have a plot size comparable in area to other plots in the locality and would introduce variety into the streetscene. It would be a two bedroomed dwellings and policy HG2 of the Neighbourhood Plan has identified a need to increase the supply of one and two bedroomed properties in Shifnal.

7.3 The residential amenities of adjacent dwellings would not be unduly harmed by the proposed development and the adjustments made to the design compared to that refused (15/01497/FUL) have ensured that it would have adequate outdoor amenity space. A re-appraisal of the outdoor amenity space that would remain with 22 Park Lane has established that this would be comparable with that of other Park Lane properties to the north.

- 7.4 The site is in a location where the dwelling occupants would not be dependent upon the car to access services. The proposed access arrangements onto Lodge Lane would not be detrimental to road and pedestrian safety. Drainage and ecological interests can be safeguarded through planning conditions and informatives.
- 7.5 Assessed against the three dimensions of sustainable development set out in the NPPF, it is considered that the proposal would satisfy the environmental role for the reasons set out in sections 6.2 to 6.7 above. The social role would be fulfilled particularly through the proposal delivering a two bedroomed dwelling in line with a priority identified by the Shifnal Neighbourhood Plan. The economic role would be satisfied through the creation/sustaining of employment during the build process and the subsequent use of local services/facilities by the occupants. It is considered that the revisions made in comparison with that in application 15/01497/FUL are cumulatively significant and sufficient to overcome the previous refusal reasons.

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 three months after the grounds to make the claim first arose.

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

8.2 Human Rights

Article 8 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:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy:
CS3 Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

SAMDev Plan:
MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD12 Natural Environment
S15 Shifnal Area

Shifnal Neighbourhood Plan

SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

15/01497/FUL Erection of 1No dwelling and formation of vehicular access REFUSE 7th April 2016
 BR/APP/FUL/04/0341 Erection of a two storey rear extension GRANT 4th June 2004
 BR/APP/FUL/02/0077 Erection of first floor rear extension REFUSE 5th March 2002
 BR/APP/FUL/01/0849 Erection of a first floor rear extension REFUSE 8th January 2002
 BR/APP/FUL/07/0136 ERECTION OF A SINGLE STOREY REAR EXTENSION GRANT 16th April 2007

Appeal

BR/APP/FUL/02/0077 Development Appeal DISMIS 12th December 2002

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Design and Access Statement
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Stuart West
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.
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. Before above ground works commence details of the proposed finished ground floor level of the dwelling relative to existing site ground levels shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to safeguard neighbour amenity.
5. Before the dwelling hereby approved is first occupied the garden area shall be enclosed in accordance with details which have first been approved in writing by the Local Planning Authority.

Reason: To safeguard neighbour amenity.
6. The existing hedges to the northern and southern site side boundaries shown on the approved block plan shall, for the extent of the boundaries to the rear of the line of the front elevation closest to the highway, be maintained at a minimum height of 1.8 metres. In the event of this hedging dying or being removed, it shall be replaced by walls or fencing to a design and height, and in accordance with a timetable, all of which shall have been approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard neighbour amenity.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 classes A to E ; shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and visual amenities.

8. The access and parking area shall be constructed and surfaced in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwelling. The parking area shall thereafter be kept available for the parking of vehicles. No gates shall be provided to the access without the prior written approval of such gates by the Local Planning Authority.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

9. No development shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

10. Construction (and/or demolition) works shall not take place outside the following times:
- Monday to Friday 07:30hrs to 18:00hrs
 - Saturday 08:00hrs to 13:00hrs
 - Nor at any time on Sundays, Bank or Public Holidays

Reason: In the interest of the amenity of the occupants of surrounding residential properties.

11. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

Informatives

1. 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 by 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 £97 per request, and £28 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. Mud on highway: 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.

No drainage to discharge to highway: 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.

4. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing 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 and egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

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

5. 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.

6. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy:
CS3 Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

SAMDev Plan:
MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD12 Natural Environment
S15 Shifnal Area

Shifnal Neighbourhood Plan

SPD on the Type and Affordability of Housing