

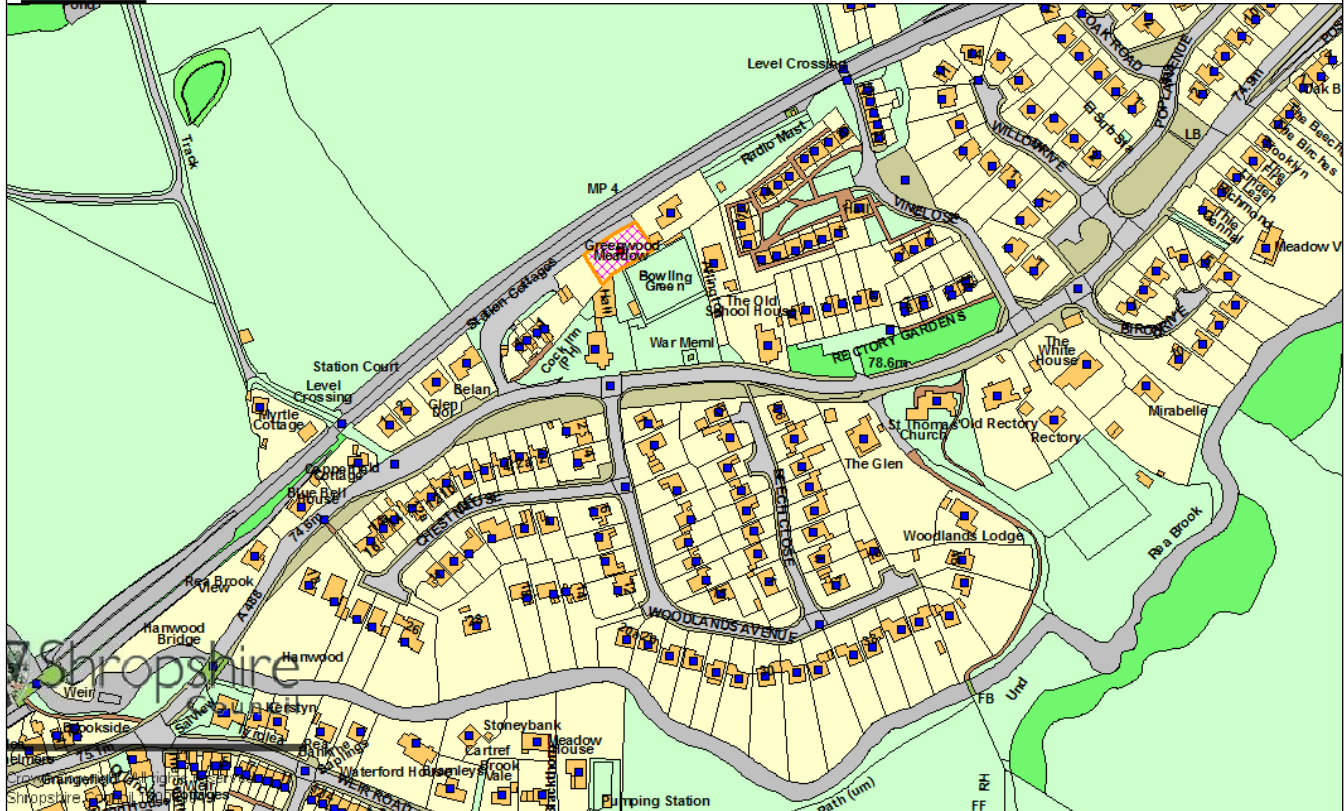
Development Management Report

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

Summary of Application

Application Number: 16/04092/OUT	Parish:	Great Hanwood
Proposal: Outline application for the erection of detached dwelling and garage (to include access)		
Site Address: Proposed Dwelling West Of Greenwood Meadow Hanwood Shrewsbury Shropshire		
Applicant: Mr And Mrs K Phillips		
Case Officer: Aileen Parry		email: planningdmc@shropshire.gov.uk

Grid Ref: 344201 - 309694



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of a single four bedroom dwelling with detached garage. The access arrangements are to be considered as part of the outline application with the matters of appearance, landscaping, layout and scale being reserved matters for later approval.
- 1.2 It is proposed to utilise an existing access which currently serves five existing residential properties.
- 1.3 In response to an objection comment received regarding drawing 01 location plan not representing the correct land ownership (blue line), the agent has provided the Land Registry Title plan and revised drawing 01 Rev A and B location plan with blue and red lines correctly marked as per the title plan which have been placed on the planning record.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site of the proposed dwelling is west of Greenwood Meadow, north east of Station Cottages and to the rear (north) of The Cock Inn public house and hall.
- 2.2 The agent has provided within the D&A that the submitted site plan indicates the position of the proposed dwelling and garage with footprints of 113sq metres and 56sq metres respectively.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Great Hanwood Parish Council have submitted a view contrary to Officers recommendation for approval based on material planning reasons where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and vice chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 - Consultee Comments

4.1.1 Drainage

No objection. Informative recommended stating that a sustainable drainage scheme for the disposal of surface water from the development should be designed

and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document.

4.1.2 Affordable Housing

Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, national policy prevails and no affordable housing contribution would be required in this instance.

Highways

4.1.3 No Objection – subject to the development being carried out in accordance with the approved details. An informative regarding works on, within or abutting the public highway has been recommended for inclusion on any planning permission that may be granted.

4.2 -Parish Council

The Parish Council objects to this application for the following reasons:

1. Overdevelopment of this small lane
2. Insufficient access
3. Inconsistent with refusals to neighbouring landowners in recent years

4.3 - Public Comments

Five neighbours have been consulted and a site notice displayed by officers. Four objections have been received at the time of writing this report. The concerns raised include the following:

- Insufficient information regarding height of proposed dwelling and the garage
- Land ownership incorrect
- A previous planning application on the land to the west of the proposed property (08/0251/F) was rejected
- Overlooking and privacy – direct views onto verandah and first floor bedroom and living room
- Proposal is in addition to the two properties already granted planning permission at the Cock Inn. Density of property in the centre of the village would therefore be increased significantly reducing amenity value of village centre and neighbours property
- Noise – property already affected by noise from social housing at end of drive, the Cock Inn and bowling green. In addition there will be a noise issue from the two additional properties with recent planning permission. The proposal will impose additional noise levels considered unreasonable
- Highway safety – access off A488 is a concern
- Loss of light / overshadowing reducing light to upstairs living areas
- Increase in traffic along lane and current lack of turning space from division of lane by metal railings

5.0 THE MAIN ISSUES

Policy & principle of development
Design, Scale and Character
Impact on Residential Amenity
Drainage
Affordable Housing
Highways and access
Loss of light / overshadowing
Noise
Other - previous refusal (08/0251/F)

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The development plan includes SAMDev adopted 17 December 2015, the Councils Core Strategy and the Supplementary Planning Document (SPD) on the Type and Affordability of Housing. Significant weight is also to be attributed to the National Planning Policy Framework (NPPF) in the determination of planning applications.

6.1.3 In Policy CS1, The Core Strategy indicates a strategic approach to the provision of residential development in Shropshire, with Shrewsbury as the focus for approximately 25% of Shropshire's residential development over the plan period 2006 to 2026. Market towns and other key centres will be the focus for approximately 40% of residential development during this period and rural areas will accommodate the remaining 35% primarily in settlements identified as Community Hubs and Community Clusters. Outside of these areas, development will primarily be for economic diversification and to meet the needs of local communities for affordable housing.

- 6.1.4 Policy MD1 of SAMDev sets out the Council's policy regarding the scale and distribution of development. This identifies that sustainable development will be supported in Community Hubs and Clusters as set out in policy CS4 of the Shropshire Core Strategy, and policies S16.2 and MD3 of SAMDev.
- 6.1.5 S16.2(x): Hanwood and Hanwood Bank
Hanwood and Hanwood Bank are a Community Cluster in Great Hanwood Parish with a housing guideline of around 30 additional dwellings over the period to 2026. This will be delivered through the development of the site allocated for housing, together with development by infilling, groups of houses and conversions of buildings which may be acceptable on suitable sites within the development boundary, as identified on the Policies Map.
- 6.1.6 Within the Core Strategy Policy CS4 sets out the principles for development in the Community Hubs and Community Clusters. This requires development be focussed into these areas and not allowing development outside these settlements unless it meets policy CS5. It is also a requirement that development rebalance rural communities by providing for the community development that is appropriate in scale for the settlement.
- 6.1.7 Policy MD3 relates to the delivery of housing development. This supports the principle of sustainable development as required by policy CS4.
- 6.1.8 In this case the site lies within the defined development boundary for Hanwood and Hanwood Bank and therefore the principle of development would be in accordance with policies MD1, S16.2(x), CS4, MD3 and CS11 of SAMDev of the Shropshire LDF. Other issues relating to the access and residential amenities will be discussed further in this report.
- 6.1.9 The application for outline planning but will not though be subject to an s106 Legal Agreement even though Policy CS11 requires all new open market housing to provide an appropriate contribution towards the provision of local needs affordable housing. Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, national policy prevails and no affordable housing contribution would be required in this instance.
- 6.1.10 Officers consider that with reference to the above policy that the proposal for the erection of a detached open market dwelling and garage meets the relevant criteria within the above policy.
- 6.2 Design, Scale and Character
- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential

and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

- 6.2.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6, providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development. MD2 also deals with the issue of sustainable design.
- 6.2.3 As detailed above, this application is for outline planning permission where the details of the appearance, layout, scale and landscaping will be dealt with as reserved matters. Therefore these are not for consideration as part of this application. However, having noted the type and scale of dwellings found in this area, there is scope for an appropriate design of dwelling to be drawn for submission as part of the Reserved Matters application.
- 6.2.4 The proposal site is on land to the rear of the Cock Inn and is within the Hanwood and Hanwood Bank Development Boundary. To the north, north west is a railway line; to the south east a bowling green, the south the Cock Inn and Hall; and to the south west Station Cottages. The site is proposed to utilise the existing access which currently serves five existing residential properties.
- 6.2.5 The agent has stated within the D&A that the submitted site plan indicates the position of the proposed dwelling and garage with footprints of 113sq metres and 56sq metres respectively, and of a similar in size and scale to the adjacent dwelling and garage of Greenwood Meadow.
- 6.2.6 Overall taking into account the requirements of the above policy and that the site is within the development boundary of Hanwood and Hanwood Bank, it is considered that with good design and layout there will not be an unacceptable impact on the residential amenities of the area, the proposal is therefore considered to be in accordance with policy CS6 of the Shropshire Core Strategy and MD2 of SAMDev.
- 6.3 Impact on Residential Amenity
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 Local residents have raised objections that the proposed dwelling could have a detrimental impact on the privacy of neighbouring properties and density of housing.
- 6.3.3 The site of the proposed dwelling is west of Greenwood Meadow, north east of

Station Cottages and to the rear (north) of The Cock Inn public house and hall.

6.3.4 An indicative layout for the proposed dwelling has been submitted with this application which indicates that a dwelling can be accommodated on this site. The plot size is comparatively larger than those sited along the main A488 and nearby residential areas. The details of the proposal will be assessed at a later date as part of a Reserved Matters application. It is considered that through good design and layout any potential loss of privacy can be minimised for both existing neighbouring residents and future residents of the proposed new dwelling.

6.3.5 Local residents have also raised objections that the proposed dwelling will result in a loss of light.

6.3.6 Approximate measurements using the indicative layout provide that the site of the proposed dwelling is west of Greenwood Meadow (16m distant), north east of Station Cottages (>35m distant) and to the rear (north) of The Cock Inn public house and hall and the Bowling Green(3.6m distant). To the east is Allington (>34m distant) and Vine Close (> 50m distant). To the north is a rail line.

6.3.7 Officers consider that the distances between the indicative site layout and that apart from Greenwood Meadow, other nearby residents are in excess of 30 metres which is over the minimum separation distance guideline used to ensure privacy can be maintained. As such it is considered that any new dwelling would have minimal impact on the potential for reducing privacy and that a single dwelling is unlikely to result in an increase of the effects of impacting on the density of housing.

6.3.8 Natural light or right to light is dealt with differently under Planning Regulations. A "right to light" is an easement that gives landowners the right to receive light through defined apertures in buildings on their land. From a Planning perspective planners work to Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy under which officers consider the height and the proximity to other properties/buildings and whether or not a proposal would have an unacceptable impact on the local amenities. Officers consider that the proposal complies with CS6 and is therefore acceptable in principle.

6.3.9 In addition, and as stated in section 6.2.3 above, this application is for outline planning permission where the details of the appearance, layout, scale and landscaping will be dealt with as reserved matters.

6.3.10 Overall it is considered that with good design and layout there will be no unacceptable impact on the residential amenities of the area. Therefore the proposal is in accordance with policy CS6 of the Shropshire Core Strategy.

6.4 Drainage

6.4.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.

6.4.2 No objection has been raised to the surface water drainage of the site. However an informative has been recommended by the Councils Drainage Engineer for inclusion on any planning permission that may be granted to ensure that appropriate systems are considered as part of the proposed development.

6.4.3 It is therefore considered that an appropriate surface drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

6.5 Affordable Housing

Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, national policy prevails and no affordable housing contribution would be required in this instance.

6.6 Highways and access

6.6.1 Local residents have raised objections that the proposed dwelling including that there will be a substantial increase in traffic using the lane and also the increase and speed of traffic on the A488.

6.6.2 The Councils Highways Engineer has been consulted on the scheme and has stated that they have no objection to the proposal subject to the development being carried out in accordance with the approved details and have provided informatives for inclusion to any planning permission that may be granted.

6.6.3 The Councils Highways Engineer in their comments has also stated that the access is onto the A488 is existing, although not ideal and that the proposal is to erect a detached house with detached garage on a plot of land where the private driveway serves one other house beyond it and possibly a small, commercial site.

They have also stated that although the house driveway does not access the highway directly, highway safety rules should still be applied in order to obtain the best access possible with good parking and turning area so that any vehicle can leave the site in a forward gear. And that it is considered that it is unlikely that the addition of a detached house here, will significantly adversely affect highway safety or local conditions.

6.6.4 It is therefore considered by officers that from a Highways perspective the proposed scheme for one additional dwelling is acceptable in principle.

6.7 Noise

6.7.1 Local residents have raised objections that the proposed dwelling will impose additional noise levels which are considered unreasonable.

6.7.2 The site is situated within a predominantly residential area of the village, although the site is also located close to the Cock Inn Public House, the A488 main road that passes through Hanwood and a railway line (Mid Wales to Shrewsbury). Officers do not consider that the erection of one new dwelling in this location and sited from neighbours at the distances stated in paragraph 6.3.6 would result in any significant detrimental impact on existing local residents through noise and disturbance, either by vehicles travelling to and from the property or from use of the dwelling itself.

6.8 Other

6.8.1 Over development

Local residents have raised objections that the proposed dwelling will result in over development.

The site currently forms part of an area of land the rear of the Cock Inn and to the west of the dwelling known as Greenwood Meadow.

Officers consider that the plot size is comparatively larger than some of those sited along the main A488 and nearby residential areas. The details of the proposal will be assessed at a later date as part of a Reserved Matters application, but as provided above in section 6.2.6 officers consider that with good design and layout there will not be an unacceptable impact on the residential amenities of the area, the proposal is therefore considered to be in accordance with policy CS6 of the Shropshire Core Strategy and MD2 of SAMDev.

6.9.2 Previous planning applications

Both local resident and the Parish Council have raised objections that a previous application on land to the west of the proposed dwelling – planning reference 08/0251/F, was refused. This application was according to planning records for a detached double garage and not a dwelling or dwellings.

A proposal for two four bedroomed detached dwellings – planning reference SA/05/0046/F, on land at the Old Goods Yard was refused in February 2005 on grounds including that the proposed development would be likely to lead to conditions detrimental to highway safety and contrary to the then Joint Structure Plan Policy P15 and Borough Local Plan Policies GP1 and HS3. An appeal to the Planning Inspectorate was dismissed in December 2005.

The 2005 proposal was for two four bedroom dwellings to be sited on the proposal site and assessed against the policies in existence at that time. This proposal is for one four bedroomed dwelling.

Part of the access lane has a bituminous macadam surface and that behind Station Cottages is loose chippings. The access from the A488 highway is coarse bituminous macadam.

As stated in 6.6 above the Councils Highways Engineer has been consulted on the

current scheme and has provided their expert opinion on its acceptability.

7.0 CONCLUSION

It is considered that an appropriately designed dwelling could be constructed on this site without detriment to the character and appearance of the area.

Furthermore it is considered that it will also be possible to design the building so that it has minimum impact on the residential amenities of the surrounding area. As such the development is in accordance with the NPPF and policies CS4, CS6, CS11, and CS18 of the Shropshire Core Strategy and policies MD1, MD2, MD3 and S16.2 (x) of SAMDev.

Officers therefore recommend that outline planning permission is granted.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

First Protocol Article 1 requires that the desires of landowners must be balanced

against the impact on residents.

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10. BACKGROUND

Relevant Planning Policies:

National Planning Policy Framework

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

Settlement: S16.2 (x) – Shrewsbury Hanwood and Hanwood Bank

Relevant Planning History:

11. ADDITIONAL INFORMATION

View details online:

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

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Roger Evans

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

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

The number of units

The means of enclosure of the site

The drainage of the site

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

5. 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.

Informatives

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £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. You are obliged to contact Shropshire Council's Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the residential 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://www.shropshire.gov.uk/streetnamingandnumbering>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

4. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

5. This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Council's Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

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