

Committee and date

Central Planning Committee

22 December 2016

Item**7**

Public

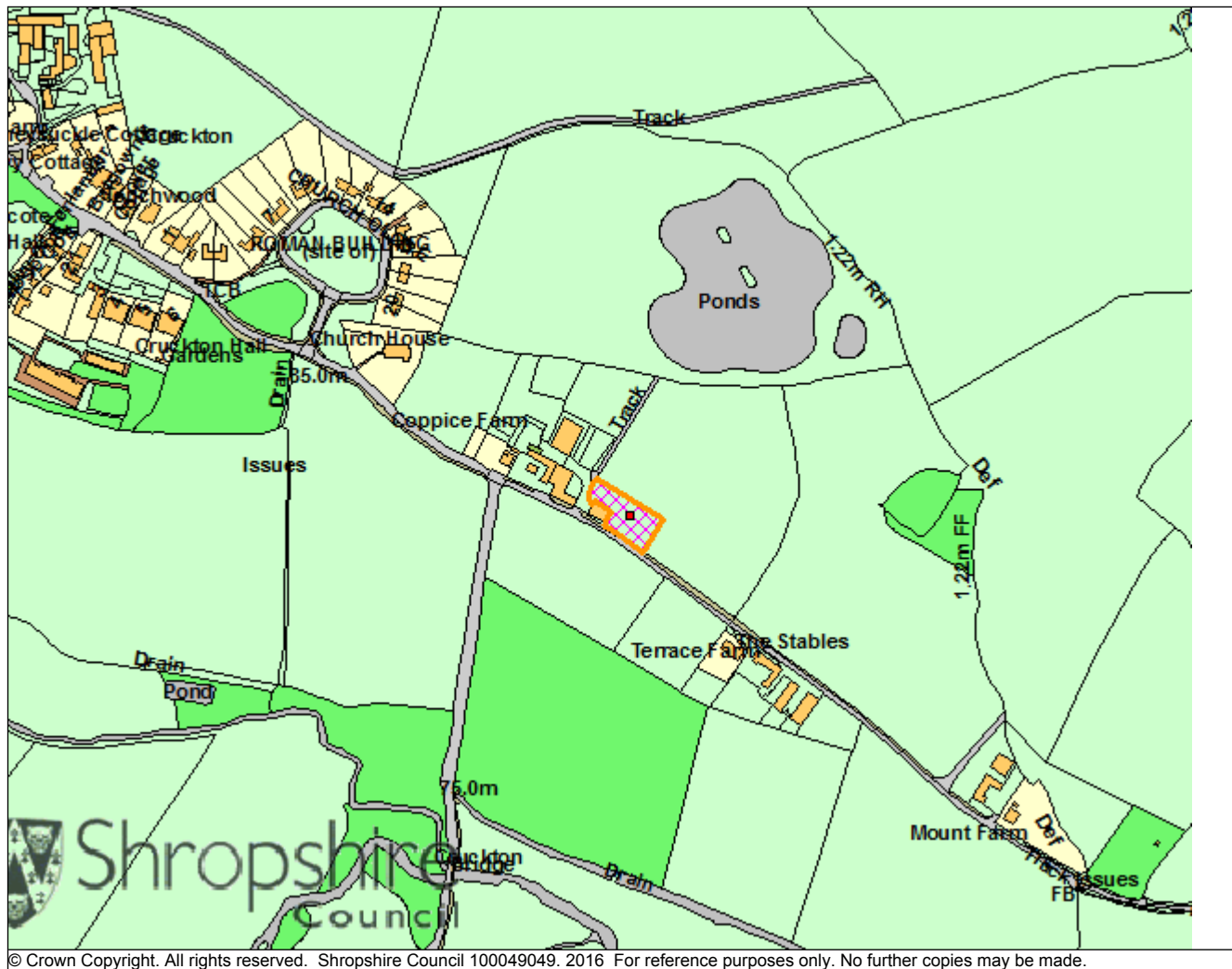
## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 16/03379/FUL	<b><u>Parish:</u></b>	Pontesbury
<b><u>Proposal:</u></b> Erection of 1No affordable dwelling and detached double garage		
<b><u>Site Address:</u></b> Proposed Affordable Exception Dwelling At Cruckton Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Mr Neil Robinson		
<b><u>Case Officer:</u></b> Aileen Parry	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 343428 - 310014		



**Recommendation:-** That planning permission is granted subject to the conditions set out in Appendix 1 and subject to an S106 Agreement to secure that the dwelling prescribing local occupancy criteria, size and also restricting any potential future sale value.

## REPORT

### BACKGROUND

This application was placed on the Central Planning Committee Agenda of 27<sup>th</sup> October 2016 with a recommendation for refusal for the following reason:

*The proposed development is considered to be on a site which is unsuitable for an affordable dwelling in the long term due to a combination of its distance from the settlement of Cruckton, its proximity to an agricultural building on an operational farmstead, and the use of a shared access off a private lane with the adjoining farm. Accordingly the proposal fails to accord with the requirements of adopted policies CS5 and CS11 of the Core Strategy, SAMDev policy MD7a, and guidance*

*within the 'Type and Affordability of Housing' Supplementary Planning Document.*

At the meeting the Area Planning Manager referred to the Schedule of Additional Letters and explained that the applicant had requested that the application be deferred to allow amendments to the application to try and overcome the concerns identified in the report.

It was RESOLVED by the Central Planning Committee that determination of this application be deferred to enable the applicant an opportunity to address the various objections and overcome the reasons for refusal.

Since the Central Planning Committee meeting the agent for the applicant has provided revised plans for consideration which indicate the removal of the existing agricultural shed and the formation of a new access off the private road to serve the proposed new dwelling and which will be separate from the existing access which leads into Coppice Farm.

All interested parties have been re-consulted.

This report is therefore primarily written in response to those revisions.

#### **RECOMMENDATION:**

That planning permission is granted subject to an S106 Agreement to secure that the dwelling prescribing local occupancy criteria, size and also restricting any potential future sale value.

## **1.0 THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of an affordable three bedroomed home providing 100 sq. m gross internal floor space, garage and associated curtilage space. The application site is 0.10ha.
- 1.2 The dwelling will consist of an entrance hallway, a utility, living room, kitchen / diner, bathroom, and three bedrooms one of which is en-suite.
- 1.3 In November 2015 pre-application advice was sought and provided by Officers. This advice was that Officers agree with the submitted comments that the proposal is sited away from the main cluster, but advised that on the information provided the proposed site has been assessed to be acceptable and in line with the spatial requirements of the Policy and was therefore considered to be acceptable in principle.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is located to the South East of Cruckton, adjacent to Coppice Farm which

largely dates from the 20th Century with some more modern farm buildings. The grade II listed Church of St Thomas and Roman Villa Scheduled Ancient Monument are located approximately 100 metres to the North West of Coppice Farm with other designated assets located further to the North West and some distance away to the South.

2.2 The site is accessed via a short stretch of private drive which is accessed off the C classified Cruckton Crossroads to Cruckmeole Road and is approximately 700 metres to the North West of the village of Hanwood.

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

3.1 It was RESOLVED by the Central Planning Committee on 27<sup>th</sup> October 2016 that determination of this application be deferred to enable the applicant an opportunity to address the various objections and overcome the reasons for refusal.

### **4.0 COMMUNITY REPRESENTATIONS – full comments can be viewed on the planning record**

#### 4.1 - Consultee Comments

##### 4.1.1

Drainage 17.08.16

No objection. Informative recommended.

Drainage 22.11.16

No objection. Informative recommended.

##### 4.1.2 SC Affordable Housing 06.09.16

Have confirmed that the applicant has demonstrated strong local connections to the administrative area of Pontesbury Parish Council. And after considering his housing needs and personal circumstances can confirm that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme has been satisfied.

SC Affordable Housing 22.11.16

Comments remain unchanged from 6th September 2016.

##### 4.1.3 SC Archaeology (Historic Environment) 05.09.16

Have no comments to make with respect to archaeological matters.

SC Archaeology (Historic Environment) 29.11.16

Have no comments to make with respect to archaeological matters.

##### 4.1.4 SC Conservation (Historic Environment) 07.09.16

No objection.

SC Conservation (Historic Environment) 23.11.16

No further comments to make in conservation terms.

4.1.5 SC Highways 29.09.16

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

SC Highways

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

4.1.6 SC Rights of Way 26.10.16

The application proposes access over a route that is recorded as a public bridleway (Pontesbury Bridleway 85) and does not appear to carry public vehicular rights. Advice regarding right of access has also been provided. Informative recommended.

SC Rights of Way 21.11.16

No further comments to add.

4.2 - Parish Council 05.09.16

Pontesbury Parish Council supports this application. The proposed position of the dwelling is such that it will enable the proposed occupant to supervise his adjacent business. The bungalow design fits in with the adjacent single storey farm buildings.

4.3 - Public Comments

Three neighbours have been consulted and a site notice forwarded for display. No public comments have been received at the time of writing this report.

## 5.0 THE MAIN ISSUES

Principle of development

Design, Scale and Character

Impact on Residential Amenity

Drainage

Archaeology

Conservation

Affordable Housing

Highways

Rights of Way

## **6.0 OFFICER APPRAISAL**

### **6.1 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 Type and Affordability of Housing Supplementary Planning Document (SPD) has been brought into place with regard to affordable housing within Shropshire and details the policy criteria in relation to affordable plot exception sites. As an exception to normal policies controlling new housing development in rural areas the Council will allow the development of dwellings within and adjoining recognised settlements in the rural areas, including outside designated development boundaries, providing the relevant criteria in respect of suitability of the location, strong local connections and housing need are met and the dwellings remain affordable to subsequent occupiers in perpetuity through a section 106 agreement.

6.1.3 In considering the proposal due regard has also been paid to policies CS6 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' of the Shropshire Core Strategy, policy MD13 of SAMDev as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012 and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.1.4 Policies CS5, and CS6 and the SAMDev Plan Policy MD7a are all relevant and seek to ensure an appropriate design of affordable plot dwellings with minimal impact on surrounding open countryside. The National Planning Policy Framework is a further policy consideration and aims to deliver a wide choice of quality homes and to widen opportunities for home ownership whilst creating sustainable communities. It further states that local planning authorities should be responsive to local circumstances in rural areas, particularly for affordable housing, including through exception site policies.

6.1.5 In addition CS Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. SAMDev Policy MD13: The Historic Environment In accordance with Policies CS6 and CS17 and through applying the guidance in the Historic

Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.1.5 The area is identified in SAMDev as being open countryside and outside any defined development boundary. In these areas Policy CS5 strictly controls development to only allow exception housing either for a rural worker or for a single plot exception affordable dwelling. The SPD on the type and Affordability of Housing further supports the principle of exception plots provided it complies with the requirements of the policy.

6.1.6 CS11 is closely related to the Type and Affordability of Housing SPD and seeks to meet the housing needs of local residents including permitting exception sites for local needs affordable dwellings on suitable sites subject to the criteria referred to above. In addition, exception sites are generally in locations that would not normally obtain planning permission for new housing development. CS11 allows for affordable housing in or and adjoining recognised named settlements, and subject to them being suitable in scale, design, tenure and prioritisation.

6.1.7 In terms of location exception sites must be demonstrably part of or adjacent to a recognisable named settlement. The current SPD provides guidance on what constitutes a named settlement and whether sites should be considered to be within or adjacent a settlement. Sites that do not lie within or adjacent to a settlement will be considered to be isolated or sporadic development that would adversely affect the landscape, local historic or rural character and would not be considered acceptable. However the SPD advises that each case is considered according to on its own merits.

6.1.8 The SPD advises the following:

*Because a settlement is a relationship between different properties, the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a number of factors. For example, a site a short distance from a loose-knit settlement may be considered "adjoining" while a similar distance in a tightly clustered settlement would not be.*

6.1.9 Cruckton is a small close knit settlement the limits of which are considered to 'peter out' at 'New House Farm', 'Home Farm' and 'Cruckton School' to the North West and at the grade II listed Church of St Thomas to the South East. Coppice Farm House is a short distance of approximately 100 metres to the South East of the church and the proposed site is to the South East of the Farm. In order to strictly comply with the policy the proposed site should be located on the other side of the farm and adjacent to the church. However in this location any proposed dwelling has the potential to adversely impact on the setting of this Grade II listed building and the nearby Roman Villa Scheduled Ancient Monument.

6.1.10 Although the proposal is on the South East side of the farm and therefore not technically adjacent the settlement in this instance and in order to preserve the setting of the listed church the proposed site is considered acceptable.

Furthermore it is considered that a dwelling in this location would be seen as part of the group of farm buildings and will not appear as an encroachment into the countryside or as 'isolated' or 'sporadic' development .

- 6.1.10 Officers were initially concerned that due to its location immediately adjacent to a farm building and due to its access through the farm the site although acceptable to the applicant might not have been appropriate or suitable for an affordable dwelling in perpetuity. However to overcome these concerns the applicant has submitted amended plans which indicate the removal of the agricultural shed and the formation of a separate access off the private road. It is considered that these amendments overcome officers' initial concerns and that on balance the proposal is acceptable in this location and meets the spatial aims and objectives of the policy.
- 6.1.11 The proposal also meets the size criteria of the policy as it is for a three bedroomed home providing 100 sq. m gross internal floor space, a detached garage and associated curtilage space within an application site area of 0.10ha.
- 6.1.12 With regards to meeting the local needs criteria the applicant is currently residing with their family at Coppice Farm Cruckton, but this is not considered suitable for their long-term housing need. Due to issues of availability and affordability within the local parish the applicant is unable to meet their own housing need without assistance through the policy. The applicant also assists their parents with support and assistance on the farm.
- 6.1.13 The Council's Housing Enabling Officer has assessed the proposal to ensure that the applicant meets the need criteria of the application. They have confirmed that the proposal satisfies the requirements of the SPD in relation to the build your own affordable home scheme. The applicant has also demonstrated housing need, strong local connections and a need to live in the local area.
- 6.1.14 In addition the application and applicant has the support of Pontesbury Parish Council.

## 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.

In addition, Policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.



- 6.2.2 As this is for an affordable exception single plot dwelling it is also necessary to ensure the scale and size of the dwelling meets the strict criteria imposed on such dwellings in the SPD.
- 6.2.3 The proposed dwelling will measure approximately 13.5 metres wide, 10.2 metres deep at its maximum with a ridge height of 6.1 metres eaves of 2.5 metres. The internal floor space will be 100 sq. m gross. The garage will measure approximately 7.0 metres wide, 6.0 metres deep with a ridge height of 5.5 metres eaves of 2.0 metres.
- 6.2.4 The proposed site plot is situated on land to the south east of Coppice Farm means it will be a substantial distance from the listed building of Church of St Thomas and Scheduled Ancient Monument to the north west, and will be well screened by existing buildings, tree cover and vegetation, and is a rural location which can be identified on OS maps.
- 6.2.5 The scheme has been supported by both the Parish Council and Councils Housing Enabling Officer.
- 6.2.6 No objections have been received from the Councils Conservation Officer who has provided that the proposal is not considered to have an adverse impact on the nearby heritage assets, or those further into the settlement of Cruckton. They have also provided that it is not therefore considered that the proposal would be detrimental to the character or setting of the designated assets within Cruckton, and is therefore considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as local and national policies with regard to heritage assets.
- 6.2.7 The bungalow is simple in its design and provides an entrance hallway, a utility, living room, kitchen / diner, bathroom, and three bedrooms one of which is en-suite. Its total gross internal floor area is 100 sq metres which is within the 100 square metre allowance contained within the policy. The height of the building will not exceed 6.1 metres.
- 6.2.8 The scale and design of the proposed dwelling is considered to accord with CS6 and MD2.
- 6.2.9 Both the site location plan and the block plan show that the existing farm building to the front of the proposal site is to be demolished and that a separate access is to be provided. The nearest farm building to the proposed dwelling will be in excess of approximately 30 metres distant and screened by a new native species hedge and tree planting and the proposed garage. The front of the site will be screened by an existing hedge and new native tree planting providing privacy and improved site amenity as well as screening of the bridle way.
- 6.2.10 Overall the proposed design and scale of the dwelling is considered acceptable and is considered to accord with the SPD and relevant parts of policies CS5 and CS6 of

the Shropshire Core Strategy.

### 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 Overall it is considered that the proposals impact on neighbouring amenity will be minimal and acceptable. It is also noted that no public comments have been received regarding the proposal.

### 6.4 **Affordable Housing**

6.4.1 The Council's Housing Enabling Officer has assessed the proposal and has confirmed that the applicant has demonstrated strong local connections to the administrative area of Pontesbury Parish Council. And that after considering his housing needs and personal circumstances they can confirm that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme has been satisfied.

### 6.5 **Drainage**

6.5.1 The Councils Drainage Engineer has been consulted and has not objected to the proposal but has provided an informative for inclusion on any planning permission that may be granted.

### 6.6 **Archaeology**

6.6.1 The Councils Archaeologist has been consulted and has provided that they have no comments to make with respect to archaeological matters.

### 6.7 **Conservation**

6.7.1 The Councils Conservation Officer has been consulted and has provided comment that the location of the proposal to the south east of the farm means it will be a substantial distance from the Church of St Thomas and the Scheduled Ancient Monument to the north west of the site. It will be well screened by existing buildings, tree cover and vegetation. As such the proposal is not considered to have an adverse impact on these heritage assets, or those further into the settlement of Cruckton. It is not considered that the proposal would be detrimental to the character or setting of the designated assets within Cruckton, and is therefore considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as local and national policies with regard to heritage assets.

### 6.8 **Highways**

6.8.1 The application has been amended so that the site will have its own separate access to the private lane that is a short distance of approximately 69 metres away from the highway. The Councils Highways Engineer has been consulted and has confirmed they have no objection to the proposal subject to the development being

constructed in accordance with the details submitted and have provided a condition and informatives for inclusion on any planning permission that may be granted to ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

## 6.9 **Rights of Way**

- 6.9.1 The Councils Rights of Way Officer has been consulted and has provided comment that the application proposes access over a route that is recorded as a public bridleway (Pontesbury Bridleway 85) and does not appear to carry public vehicular rights. They have also provided advice that the applicant is very strongly advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal.

The Rights of Way Officer has also provided informatives for inclusion on any planning permission that may be granted.

- 6.9.2 Officers note that Coppice Farm itself is accessed from the Bridleway as is Terrace Farm and Mount Farm to the south east of Coppice Farm and the proposal site; and that a right of vehicular access may be required for the application site, but this is outside of the scope of Planning legislation and policy and therefore officers will as requested by the Councils Rights of Way Officer include informatives on any planning permission that may be granted for the applicant to pursue their right of vehicular access as appropriate outside of the planning process.

## 7.0 **CONCLUSION**

Although not within or directly adjacent to the named settlement of Cruckton the proposed site is considered by officers to be on balance an appropriate location where a building would have no adverse impact on the listed church when compared to a location immediately adjacent the church.

The proposal complies with the SPD in terms of the housing need criteria and size and it is considered to be an appropriate scale and design that would have no adverse impact on the character and appearance of the locality.

Officers consider that the proposal is in accordance with policies CS6, CS17 and CS18 in terms of highways, conservation and drainage issues.

The proposal on balance accords with the relevant parts of the SPD and policies CS5 and CS6 of the Shropshire Core Strategy and the application is recommended for approval with the requirement of a Section 106 Agreement to ensure that the dwelling prescribing local occupancy criteria, size and also restricting any potential future sale value is provided in perpetuity.

## 8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

- 8.1 Risk Management

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

- ② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than 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:

National Planning Policy Framework  
 CS5 - Countryside and Greenbelt  
 CS6 - Sustainable Design and Development Principles  
 CS11 - Type and Affordability of housing  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD2 - Sustainable Design  
 MD7A - Managing Housing Development in the Countryside  
 MD13 - Historic Environment

### Relevant Planning History:

PREAPP/10/00043 Proposed excavation of a lake. PREAIP 27th January 2010  
 PREAPP/10/00722 Development at lake at Coppice Farm PREUDV 7th April 2010  
 10/04255/FUL Construction of angling lake and wildlife pool with car parking area and associated landscaping works GRANT 20th December 2010  
 11/00107/DIS Discharge of conditions 9 and 10 (Landscaping and method statement) attached to planning ref. 10/04255/FUL DISAPP 28th February 2011  
 PREAPP/15/00493 Single Plot Affordable Exception Site 20th November 2015

## 11. ADDITIONAL INFORMATION

### View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member  Cllr Roger Evans
Appendices APPENDIX 1 - Conditions

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

1. The development 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. The dwelling hereby permitted, shall not exceed 100 square metres gross internal floor area, including any future extensions. No further internal habitable space shall be created within the dwelling by internal alterations.

Reason: To ensure that the dwelling is of a size appropriate to the local affordable housing market.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

4. No above ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

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

5. The internal access drive, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan drawing no.SA21767/01 Rev A 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.

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

6. The new dwelling hereby permitted shall be constructed to an equivalent to the Code for Sustainable Homes, Level 3 star rating for energy and water efficiency.

Reason: To ensure the dwelling is constructed with a view to reducing its carbon footprint and ensuring environmental sustainability, in accordance with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy and SPD Type and Affordability of Housing.

7. The detached garage included in the development hereby permitted shall only be used for purposes in connection with and ancillary to the enjoyment of the new dwelling as a single dwelling unit, but shall not be converted into or used as habitable accommodation, or used for commercial or business purposes.

Reason: To ensure that the outbuilding is not used as a separate dwelling and that the property as a whole remains of a size which is 'affordable' to local people in housing need, in accordance with Policies CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

8. Notwithstanding the provisions of Schedule 2 part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order modifying, revoking or re-enacting that Order), no garage, carport, extension or other building shall be erected within the curtilage of the dwelling hereby permitted.

Reason: To enable the Local Planning Authority to retain control of the siting and external appearance of any buildings to be erected in the interest of visual amenity and to maintain the future affordability of the dwelling.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, B and C shall be erected, constructed or carried out.

Reason: To ensure that the dwelling remains of a size which is "affordable" to local people in housing need in accordance with the Council's adopted affordable housing policy.

**Informatives**

1. 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/](http://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.

2. 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.
3. 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. 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 Councils Street works team. This link provides further details  
<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

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

5. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
6. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.
7. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
8. The application proposes access over a route that is recorded as a public bridleway (Pontesbury Bridleway 85) and does not appear to carry public vehicular rights. The applicant is very strongly advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of planning permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles. It is a road traffic offence to drive a motor vehicle on a public footpath, bridleway or restricted byway without lawful authority and a property that is not able to demonstrate a lawful right of access with vehicles may be



unsaleable. No works must be carried out that might affect the footpath without prior approval of the Rights of Way Officer.

9. Furthermore, whilst development works take place the applicant must be aware of the following:
- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
  - Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
  - Building materials, debris, etc must not be stored or deposited on the right of way.
  - There must be no reduction of the width of the right of way.
  - The alignment of the right of way must not be altered.
  - The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
  - No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.
-