

Development Management Report

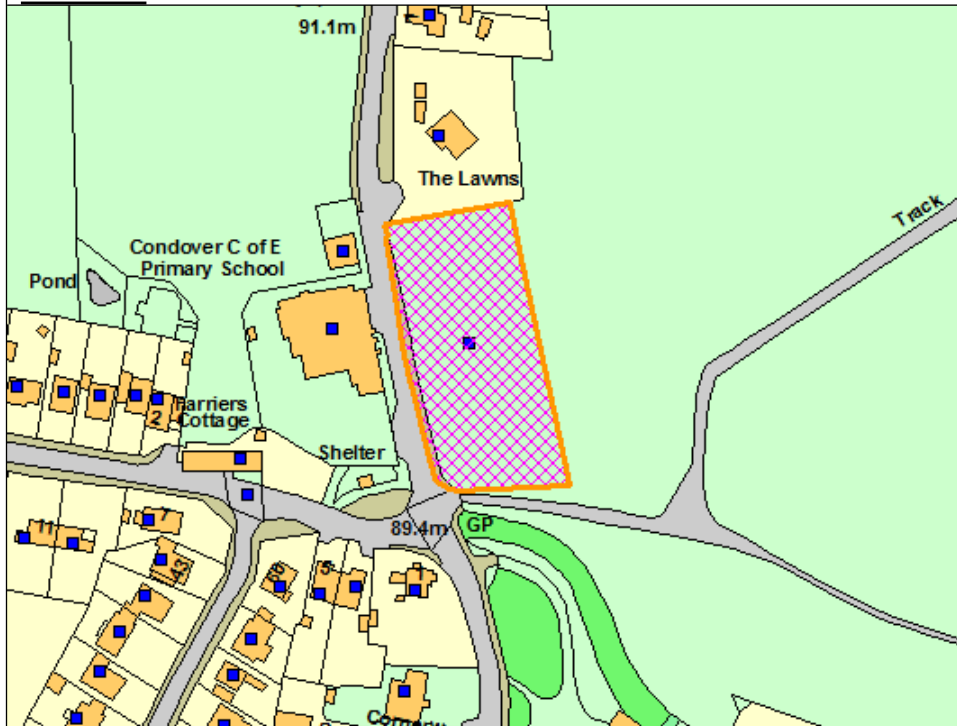
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Summary of Application

<u>Application Number:</u> 17/00863/OUT	<u>Parish:</u>	Condover
<u>Proposal:</u> Outline application for the erection of 5 detached open market dwellings to include means of access		
<u>Site Address:</u> Proposed Residential Development Land Condover Shrewsbury Shropshire		
<u>Applicant:</u> Mrs Wendy Maddox		
<u>Case Officer:</u> Frank Whitley	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 349402 - 306188



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks Outline application for the erection of 5 detached open market dwellings to include means of access only.
- 1.2 The indicative layout proposes five dwellings facing, though set back from the road, with a single access from the highway to serve all five dwellings. Parking and turning space is proposed to the front of each dwelling
- 1.3 The application has been submitted alongside 17/00862/OUT which relates to a parcel of land 100m to the north. That application for three dwellings was approved under delegated powers on 20 April 2017.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a rectangular parcel of unmanaged land extending to 3,300sqm approx., situated immediately opposite Condover CofE Primary School. There is evidence of an old hard surface covering much of the site under existing vegetation.
- 2.2 The site is allocated for housing under the SAMDev Plan under ref CON0006 with a provision for 5-10 dwellings, subject to satisfactory access, layout and design.
- 2.3 The site lies adjacent to the highway, bordered by a mature hedgerow. There are generally unrestricted views across the site towards open farmland and the Wrekin to the east.
- 2.4 The northern boundary is marked by a line of trees but are just outside of the application site.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers

4.0 Community Representations

Consultee Comments

4.1 Public Protection- no objection

Having considered the details contained within the applicaiton I have no objection

in principle and no conditions to recommend. Should planning permission be granted and a reserved matters application be received I would recommend the applicant keeps properties positioned to the rear of the site away from the road to remove noise impacts from the road on any future residents of the proposed properties.

4.2 Ecology- no objection, conditions and informatives only

4.3 Conservation- no objection

In considering this planning application, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance. As the proposal is immediately outside of and on a main approach road into the Condover Conservation Area, special regard to Section 72 of the Planning (Listed Buildings and Conservations Area) Act 1990 is also required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area.

A Design and Access Statement has been submitted with this proposal but this does not appear to address or recognize the position of this site directly across from and immediately north of the northerly arm of the Conservation Area boundary. As noted in our recent comments on a similar application north of this site (17/00862/OUT) the site is located on the main approach road from the north into the historic settlement of Condover, much of which is designated as a Conservation Area, and the position of the Conservation Area is relevant to this proposal and should be addressed accordingly in the application and in the Design and Access Statement. There are also heritage assets located in close proximity to the subject site, including the Grade II listed former Smithy on Station Road, the Grade II listed timber framed Old School House at the highway junction with Station Road, and the current Condover Primary School which is evident on historic mapping. Other listed buildings are located to the south of the property within and at the edge of the settlement. The impact of this development on these heritage assets should be addressed by this application and should inform the development pattern and built form on these lands.

As we similarly commented on application 17/00862/OUT, the subject site forms a very wide gap between the modern dwelling known as The Lawns and the edge of the settlement to the south and this generous gap in the built form currently allows for views across rural/agricultural fields to the east; this affords and establishes a visual relationship between the edge of the settlement and the agricultural lands adjacent which is a characteristic feature of this part of Condover. The hedging running along the frontage of the site also contributes to a sense of enclosure to the property.

The indicative pattern of development presented in the current scheme is very suburban in form and layout and this may not be appropriate for this site. As noted in our comments on application 17/00862/OUT, our mapping indicates a particular pattern of development that has been established along the east side of the approach road into the settlement which consists of a series of mostly semi-detached dwellings or three-unit dwellings such as Pyepit Cottages that allow for decent gaps between the built forms along this row, and results in an established visual relationship with the agricultural fields to the east, which is desired to be retained. While it is understood that this is an indicative proposal, a less suburban pattern and form of development would likely be more appropriate in this location and would better accord with the relevant policies, guidance and legislation referenced above in terms of the historic environment.

We would again note that the built form should represent an appropriate set back, layout and pattern as well as architectural detail, materials and finishes which retains the edge of settlement context of the area and which follows the existing overall development pattern and vernacular detail of the existing built form making up the area. Should this application be approved we would ask that our Team is consulted at the Reserved Matters stage so that these matters as well as hard surfaces and landscaping, and boundary and enclosure details can be fully assessed and agreed.

4.4 **SC Highways- no objection, conditions and informatives only**

The proposal is an outline application for 5 dwellings with approval for the means of access and all other matters reserved for future approval.

The site is located at the southern end of a row of dwellings in a linear grouping along the Class C road through Condover which has a 30 mph speed limit. The proposal is for five dwellings served by a single point of access from the Class C road. A single point of access is required at this location which is directly opposite Condover C of E Primary School and was requested by highways officers who were approached for an informal talk prior to the application being submitted. Adequate parking and turning can be provided for each dwelling and vehicles will be able to exit in a forward gear. It is considered that the proposal would be acceptable from a highways perspective.

Further comments received:

Further our recent conversation regarding multiple accesses being formed along the site frontage, it is highly unlikely that visibility requirements would be met, particular towards the northern end of the site. The visibility splay shown from the central point of access shown on the block plan affords 2.4 x 43 metres, which is in accordance with Manual for Streets.

4.5 **Archaeology- no objection**

We have no comments to make

4.6 **Parish Council- object**

At its meeting on 4th April 2017, Condover Parish Council resolved to object to this planning application on the following grounds:-

1) Village Sustainability - Provision of footpath.

This development fronts directly onto the main route for traffic into and out of the village. We want to see provision of a footpath included in this application from the proposed new properties to the school as per discussions with Shropshire Council Highways Department (Dan Sims 22/9/16) and as per the Condover Place Plan (CIL 1/2/3 list) which was submitted to Shropshire Council on 28/10/16 (David Fairclough).

2) Village Sustainability - Cumulative development.

SAMDEV which was adopted on 17/12/15, covers the period up to 2026 and includes the provision of between 20-25 new houses for Condover. In the 15 months since approval, the village of Condover has seen the addition of 19 new houses (7 at The Coppice, 10 in Brook Close and 2 in the conversion of Condover House), with the 20th currently under construction (at Condover House).

Whilst this site is within the village development boundary, recent cumulative development is out of scale with both the size of the Village and with the wishes of the community as consulted in the preparation of the "Condover Village Design Statement (May 2010)" which specifically calls for the provision of housing to be phased over the period up to 2026.

3) Design

The number of car parking spaces proposed for each property needs to be increased as there is no overflow parking possibility in the vicinity. Additionally the layout of the driveways needs to be rethought such that vehicles are guaranteed to exit the properties driving only in a forward direction.

4.7 **Public Comments- three representations received**

☐ One neutral representation requests that the development should incorporate affordable housing suitable for first time buyers.

☐ One objection has been received on the grounds of highway safety, particularly due the primary school opposite and the volume of traffic and parked cars at drop off/pick up times.

☐ One objection has been received from the Condover pre-school which states that the layby, bus stop and parking area outside the school are not clearly shown on the plans, therefore parking issues have not been fully taken into account in the application. An alternative access to the south of the plot

should be an alternative.

5.0 THE MAIN ISSUES

Principle of development

Character and Appearance

Affordable Housing

Highways and Access

Trees

Other matters

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.

6.1.2 Since the adoption of the Shropshire Council Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states 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'.

6.1.3 Shropshire Council Site Allocations and Management of Development (SAMDev) Plan was adopted in December 2015. The SAMDev Plan document sets out Development Management policies which provide specific guidance to meet national policy requirements principally in the NPPF or to provide more detailed guidance to supplement those policies already adopted in the Core Strategy. The Inspector's report on the SAMDev Plan (October 2015) found that a five year housing supply (5YHLS) was in place and the vast majority of appeals where the 5YHLS has been considered as a main issue, have decided in the Council's favour.

6.1.4 The Council has published a revised 5YHLS Statement on 26 August 2016 which has confirmed 5.97 years supply of deliverable housing land.

6.1.5 The application site lies in a countryside location under Core Strategy CS5 where open market residential development would not normally be supported. . However the Parish of Condover has opted to be a Community Cluster settlement in the adopted SAMDev Plan where, under CS4, some residential development is supported.

6.1.6 CS4 refers to SAMDev plan to identify Community Hubs and Clusters and is dealt with by MD1 (Scale and Distribution of Development) and MD3 (Delivery of

Housing Development).

- 6.1.7 Policy S16.2(vii) (Dorrington, Stapleton and Condover) states:
Dorrington, Stapleton and Condover are a Community Cluster in Condover Parish where development by infilling, groups of houses and conversions of buildings may be acceptable on suitable sites within the development boundaries for the villages identified on the Policies Map, with housing guidelines of around 30-35 additional dwellings in Dorrington, 5 in Stapleton, and 20-25 in Condover. There are allocated housing sites in Dorrington and Condover which are identified on the Policies Map. The Parish Council's Village Design Statement seeks phasing of the two sites in Condover and stresses the need for the sites to include an element of affordable housing.
- 6.1.8 The site has been allocated for 5-10 dwellings according to the Master Policy Map of the adopted SAMDev Plan under reference CON006, though is subject to satisfactory access, layout and design.
- 6.1.9 Having regard to the requirements of Shropshire Council settlement strategy, S16.2 (vii), CON006, the principle of development is established.

6.2 **Character and Appearance**

- 6.2.1 The indicative plans submitted do not include elevation drawings, though it can be concluded from the plans that in principle, five dwellings fit comfortably within the site in accordance with CS6. Whilst not amounting to an objection, SC Conservation team has commented that the indicative layout has a suburban appearance and potentially in conflict with the historic setting of the nearby Conservation Area. Conservation has also noted the value of views to the east between gaps in existing dwellings further north, which the indicative plans do not replicate.

Having regard to the indicative plans, it is considered on balance that Conservation concerns do not amount to a reason to refuse the application as there is scope to address them at the Reserved Matters stage.

6.3 **Access**

- 6.3.1 CS6 seeks to ensure that all development is designed to be adaptable, safe and accessible to all.
- 6.3.2 The application proposes a single access point mid-way along the road frontage of the site. Notwithstanding the fact that this access has raised no objection, SC Highways team has re-visited the site to assess whether an alternative could be provided which would accommodate the views of the Parish Council and Conservation.

6.3.3 SC Highways has confirmed that multiple accesses along the road frontage would not achieve the required visibility in both directions. In doing so, representations made by the Parish Council and School have been taken into account.

6.3.4 It should also be noted that the existing field gate into the site from the south is accessed from a track which is outside of the applicant's control.

6.4 **Affordable Housing**

6.4.1 Condover is not a designated rural Parish, therefore the threshold for affordable housing contributions is 10 dwellings and 1000sqm floor area.

6.4.2 The Council's 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, then national policy prevails and no affordable housing contribution would be required.

6.5 **Trees**

6.5.1 There are no trees within the application site though it is noted that there is a line of existing trees along the northern boundary, albeit outside of the boundary. It is recommended by way of information that an AIA is submitted at the reserved matters stage to demonstrate how rooting zones will be protected.

6.6 **Other Matters**

6.6.1 The Parish Council has raised concern about the impacts of cumulative development in Condover. In this case the application is allocated for housing as per the adopted SAMDev Plan. It is not considered reasonable to refuse an application, even if housing number guidelines according to S16.2(vii) may already have been exceeded.

7.0 **CONCLUSION**

7.1 Overall the principle of development is established as per SAMDev Plan policies S16.2(vii) and CON006. Access arrangements are considered acceptable. In other respects the indicative plans submitted are considered to comply with the relevant sections of the NPPF, CS4, CS5, CS6, MD1, MD3 MD12 and MD13. Outline planning permission is recommended.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

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

⑦ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

⑦ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

MD1 - Scale and Distribution of Development

MD3 - Managing Housing Development

MD12 - Natural Environment

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

17/00863/OUT Outline application for the erection of 5 detached open market dwellings to include means of access PDE

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)
Local Member
Cllr Dan Morris
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, access arrangements, 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall take place until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

5. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access to the highway.

6. No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

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

7. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

Reason: To minimise disturbance to bats, which are European Protected Species

8. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the great crested newt RAMMS, as set out in section 6.3 of the Phase 1 Environmental Survey (Greenscape Environmental, July 2014).

Reason: To demonstrate compliance with the great crested newt RAMMS.

9. Prior to first occupation / use of the buildings, details for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected:

- A minimum of 2 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site.
- A minimum of 2 artificial nests of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).
- A minimum of 2 artificial nests of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in accordance with the latest guidance and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

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

10. Notwithstanding the provisions of the Town and Country General Development Order 1995 (or any order revoking or re-enacting that order with or without modification), Any fence or other means of enclosure at the road junction/access of the site shall be set back to a point 3 metres from the adjoining carriageway and no obstructions placed or allowed to remain above 150mm. Those areas shall thereafter be kept free of any obstruction at all times.

Reason: In the interest of highway safety

Informatives

1. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains 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 and scrub removal should be carried out outside of the bird nesting season which runs from mid-March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

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

2. 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.

Works on, within or abutting the public highway

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 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.

3. The application form state that the surface water drainage from the proposed development is to be disposed of via soakaways. However no details and sizing of the proposed soakaways have been supplied. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval at the reserved matters stage. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

4. It is recommended that an Arboricultural Impact Assessment (AIA) is submitted at the Reserved Matters stage to demonstrate that adjacent trees outside the northern boundary of the site can be safeguarded.