

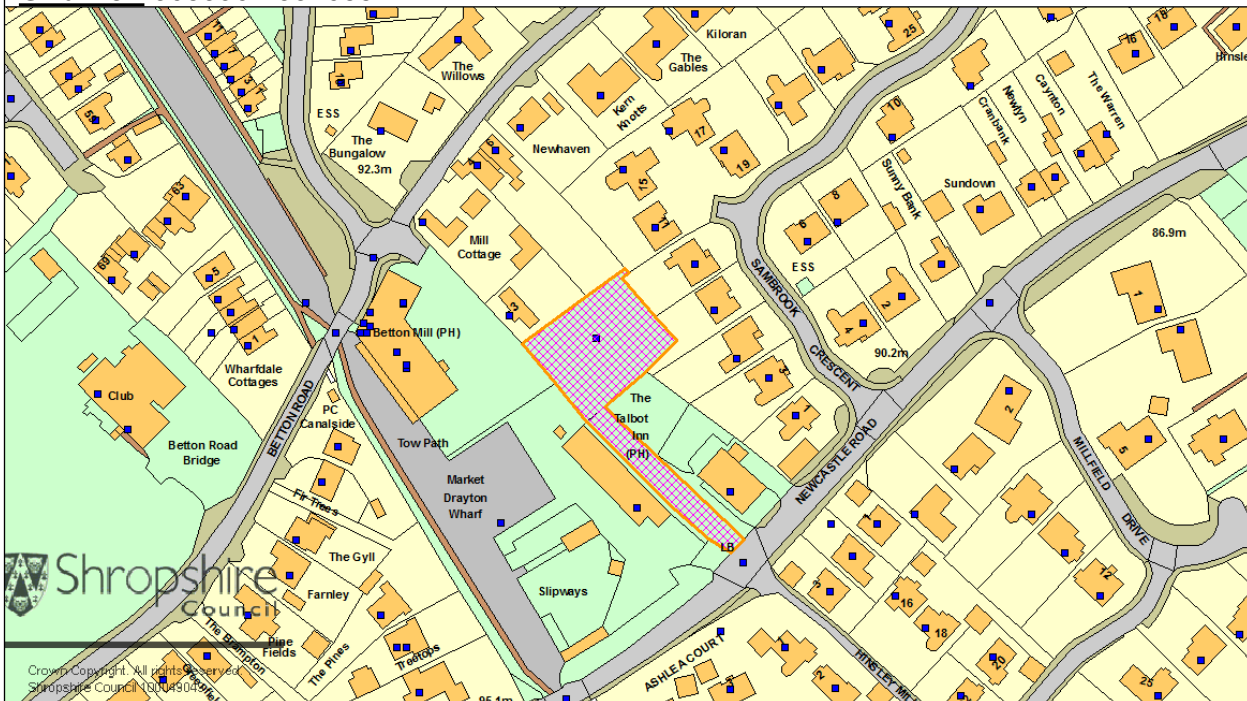
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 16/05408/FUL	Parish:	Market Drayton Town
Proposal: Erection of 5No dwellings and formation of vehicular and pedestrian access		
Site Address: Proposed Residential Development Land NW Of The Talbot Hotel Newcastle Road Market Drayton Shropshire		
Applicant: Meynell Developments Limited		
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk	

Grid Ref: 368396 - 334685



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

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

1.1 This application seeks planning permission for the erection of 5 dwellings on land to the North West of the Talbot Hotel. The proposal includes the creation of associated parking and access.

1.2 During the course of the application amended plans have been submitted for consideration following discussions with Officers and to respond to comments received. The latest plans will be considered as part of the application. The amendments include a reduction in the number of dwellings from 6 to 5.

2.0 SITE LOCATION/DESCRIPTION

2.1 The land that has been submitted for the application lies to the rear of the public house which has been left overgrown and fenced off from the car park for a considerable time. At the time of the case officer's visit the land had been dug over and stripped of all vegetation. A fence had been constructed along the boundary to the site and along the means of access to separate the remaining car park space from the residential development.

2.2 To the west lie business premises relating to the canal and to the north and east lie residential properties. An area of land behind the public house has been retained with the premises to provide parking facilities to enable the business to continue.

2.3 The western boundary of the application site adjoins the boundary for the neighbouring Market Drayton Canal Basin Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Member has requested that if this application were to be recommended for approval that it be presented to the Committee for determination. This is due to the objections from the Town Council and the number of representations received from the community opposing the scheme.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online**4.1 Consultee Comments****4.1.1 Town Council:**

Received 03.04.17

To object to this planning application on the grounds that it will look out of character in the area and over development, access issues with the humpback bridge being so close and the statement from The Canal and River Trust comments that the planning permission should not be granted for the following reasons:

- It has not been demonstrated that a satisfactory residential environment can be achieved without prejudicing the continued unfettered operation of the adjacent

boatyard contrary to Policies CS16 & 17 of the Shropshire Core Strategy and SAMDev Policies MD11 & S11.

- There is insufficient information to determine that the use of the existing access for residential vehicular and pedestrian traffic will not affect the continued and safe use of the access to the boatyard contrary to Policies VS6 & 9 of the Shropshire Core Strategy and SAMDev Policy MD3.

Received 08.02.17

To object to this planning application on the grounds that it will look out of character in the area and over development, access issues with the humpback bridge being so close and the statement from The Canal and River Trust comments that the planning permission should not be granted for the following reasons:

- It has not been demonstrated that a satisfactory residential environment can be achieved without prejudicing the continued unfettered operation of the adjacent boatyard contrary to Policies CS16 & 17 of the Shropshire Core Strategy and SAMDev Policies MD11 & S11.

- There is insufficient information to determine that the use of the existing access for residential vehicular and pedestrian traffic will not affect the continued and safe use of the access to the boatyard contrary to Policies VS6 & 9 of the Shropshire Core Strategy and SAMDev Policy MD3.

Received 21.12.16

To object to this planning application on the grounds that it will look out of character in the area and over developed. There is a possible protection order for the area by the canal, this needs to be checked. Soil samples need to be taken as the ground may be contaminated and access issues with the humpback bridge being so close.

4.1.2 **Affordable Housing**

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre 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 in this instance.

4.1.3 **Archaeology**

We have no comments to make on this application with respect to archaeological matters.

4.1.4 **Historic Environment – Conservation:** No objection

Received 05.04.17

-Additional information has now been submitted to support the application including height comparison plans, and an additional assessment of the impact on the character of the adjacent conservation area, and the Talbot Inn, a non-designated heritage asset.

-In addition, following negotiation and discussion with the applicant/agent, the design of the proposed terrace has been amended to slightly stagger the units, to slightly break up the continuous mass of the terrace.

-We do still have some reservations with the density of the proposed terrace, although the context of the surrounding site and pattern/density of existing development is acknowledged. It is felt that providing high quality materials and finishes can be utilised which are reflective of the local vernacular, and appropriate hard and soft landscaping is introduced and maintained, we are generally satisfied that the potential harm to the setting of the adjacent conservation area can to an extent be reduced and mitigated. In addition, staggering the terrace slightly will reduce its prominence within views from the south, reducing the impact on the setting of the Talbot Inn, a non-designated heritage asset.

-If consent is minded to be approved, we would recommend the following conditions, to ensure appropriate materials, finished and landscaping are utilised, and the proposed development makes a positive contribution to the character of the area:

Received 10.02.17

Background:

The boundary of the Market Drayton Canal Basin conservation area runs immediately to the west of the site, which includes two listed structures (a grade II listed pill box and grade II listed Canal Bridge) as well as a number of non-designated heritage assets associated with the canal wharf. The Talbot Inn is situated to the south of the site, an attractive and substantial early to mid C19 public house, which is considered a non-designated heritage asset (as defined within annex 2 of the NPPF). The site is bounded by later C20 housing to the east, and earlier, C19 dwellings to the north.

Detail:

-A Heritage Impact Assessment has been submitted with the application in order to satisfy the requirements of para 128 of the NPPF. Although the development site is located within the wider setting of both listed structures, we would broadly concur with this assessment.

-The assessment also considers the impact on the adjacent conservation area (although noted that the assessment is based on a now superseded proposal for a terrace of 6 dwellings orientated east-west, whilst the current proposal is for a terrace of 5 dwellings of an increased height orientated north-south). The assessment concludes that the development will not cause harm to the character or setting of the conservation area.

-The assessment does not identify or assess the impact of the development on the setting of the Talbot Inn to the south of the site, which is considered a non-designated heritage asset, which forms part of a cohesive historic group with the adjacent canal wharf.

- There are concerns with the layout and scale of development proposed. Care needs to be taken to ensure that any new development makes a positive contribution to the character of the area, and does not introduce an overbearing density and scale of development which harms the character of the conservation area.

- We do have concerns with the scheme as proposed, and in particular the height and massing of the single 2.5 storey terrace of 5 dwellings. The development as proposed

will introduce an overbearing form and appear out of character with the pattern of development within the immediate area. Therefore has potential to cause harm to the character and setting of the adjacent conservation area.

- In order to more fully assess the impact of the proposal, a height comparison plan/streetscape plan should be provided.

-In order to reduce the impact of the development, revisions could be made to the layout/design of the proposal to break up the terrace into smaller units orientated differently on the site-

-The architectural detailing of the dwellings proposed is considered to be generally acceptable, although finer materials/finishes/detailing should be subject to condition. In addition, as previously noted concerns are raised with the height of the units.

Recommendation:

Whilst in principle development of the site may be acceptable, currently there are concerns that the proposal may be overbearing in scale and form which has potential to harm the character and setting of the adjacent conservation area. In addition, further information is required to assess the impact on the nearby Talbot Inn, a non-designated heritage asset.

4.1.5 Public Protection

Received 31.01.17

I would be happy for a condition to be placed as there will be mitigation available should any noise issues be highlighted. A noise assessment taking into consideration internal amenity of rooms is all that will be required, no need for external area consideration as highlighted by the JMI.

Received 30.01.17

The houses now all face the general direction of the boat yard. As a result a noise assessment will be required to be carried out to state the noise climate in the area and ensure that a glazing specification is provided with suitable noise protection to the proposed properties.

Received 03.01.17

Having considered the potential for noise following concerns it is noted that there are residential properties already in close proximity to the canal boat yard. Having checked there have been no complaints made to the Council in relation to noise emanating from the boat yard. Although there is the potential for noise to impact on proposed residential dwellings the facade closest to the boat yard has no openings into habitable rooms and therefore noise ingress will be reduced. In addition, existing dwellings are likely to see a betterment in noise environment due to the proposed dwellings acting as a barrier.

Therefore a noise assessment is not required.

Received 13.12.16

Having considered the position of the housing in relation to the public house I do

not consider that noise is likely to be an issue specifically as the beer garden area will be significantly reduced in size to allow for car parking for pub patrons and moved as far as possible from the proposed houses.

It is noted that there may be noise from the nearby wharf and boat yard activities. However the elevation of the proposed housing facing the boatyard does not have any openings and is therefore protected from the majority of noise.

4.1.10 Canal and River Trust: Object

Received 29.03.17

The Trust has reviewed the amended information. The additional information submitted does not appear to include any detail to address the concerns raised previously. The Trust are concerned that no formal noise assessment has been carried out and therefore it cannot be established with any degree of certainty that the proposed residential use will be compatible with the existing boatyard. In addition, no further detail has been provided in relation to the proposed access to the site to demonstrate that the proposals would not compromise the existing access to the boatyard.

The Trust would therefore reiterate the concerns raised in our previous responses dated 22nd December 2016 and 6th February 2017 which have not been addressed by the amended plans.

Received 06.02.17

The Trust has reviewed the application. The Trust advises that **planning permission should not be granted** for the following reasons:

- It has not been demonstrated that a satisfactory residential environment can be achieved without prejudicing the continued unfettered operation of the adjacent boatyard
- There is insufficient information to determine that the use of the existing access for residential vehicular and pedestrian traffic will not affect the continued and safe use of the access to the boatyard

Impact on the operation of the boat yard

The Trust are concerned that no noise assessment has been carried out and therefore it cannot be established with any degree of certainty that the proposed residential use will be compatible with the existing boatyard.

The amended plans have altered the orientation of the proposed dwellings though no noise assessment has been undertaken. The front elevations of the dwellings now face directly on to the boundary with the boat yard. This results in sensitive, habitable room windows directly overlooking the boatyard which will increase the impact of any noise from the boatyard to residential amenities.

Received 22.12.16

The Trust advises that **planning permission should not be granted** for the following reasons:

- *It has not been demonstrated that a satisfactory residential environment can be achieved without prejudicing the continued unfettered operation of the adjacent boatyard*
- *There is insufficient information to determine that the use of the existing access for residential vehicular and pedestrian traffic will not affect the continued and safe use of the access to the boatyard*

Impact on the operation of the boat yard

The application site is located directly adjacent to an existing boatyard and the proposed dwellings will be within close proximity to the site boundary.

The Trust is concerned that no noise assessment has been carried out and therefore it cannot be established with any degree of certainty that the proposed residential use will be compatible with the existing boatyard.

The approval of residential dwellings in this location should not hinder the continued operation of the boatyard or be likely to result in future noise complaints in relation to the lawful activities being carried out at the boat yard.

The proposed access to the dwellings is shown to be from Newcastle Road. This access effectively merges with that of the boatyard and will also continue to be utilised by the public house. There could be conflict between these uses and the visibility splay shown towards the canal bridge also appears to be hindered by substantial trees. The use of this access by pedestrian traffic to the proposed dwellings could also lead to increased potential for conflicts.

It should be ensured that the access is appropriate and the boatyard access is not compromised or any future development / operation hindered by the use of this access by residential traffic.

Impact on the heritage, character and appearance of the waterway corridor

Whilst the site is outside the Market Drayton Basin Conservation Area the western site boundary adjoins the conservation area boundary and the proposed dwellings will be visible from within it. On the existing boundary are a number of mature trees and the proposals indicate these are to be retained.

The proposed dwellings will be side on to the western boundary with a blank gable end. The retention of existing landscaping will aid in softening the appearance of the

dwellings and their retention should be secured by condition.

The heritage information in the Design & Access statement is brief and it is inconclusive. The buildings surrounding the wharf, whilst some unlisted, all form part of the historic interest of the site and its use as a busy wharf in Market Drayton in the 19th and early 20th centuries including the warehouse, wharfingers cottages, and pub. Any new development should be viewed in this context.

Impact on the Natural Environment of the Waterway

The waterways have a rich biodiversity, with many areas benefitting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways and it is therefore important that this is considered and any impacts suitably mitigated.

Considering the adjacent boatyard, it is considered that there may be potential for contamination on the site from previous historical uses. Any contamination of the site should be thoroughly investigated and any necessary mitigation/ remediation details submitted for assessment.

Lighting can have an adverse impact on sensitive ecology and protected species along the canal corridor.

4.1.6 **Inland Waterways:** - Objection

Received 01.03.17

- The proposed residential development does not appear to be compatible with the existing boat yard. From our experience in other areas, such issues as noise could possibly cause conflict.
- Boaters, walkers and other visitors attracted by the waterway use the Talbot Inn as a lunch stop and are then encouraged to walk into town. Building on the car park would make it substantially more difficult for the inn to be viable, which would inevitably lead to proposals to close it permanently. The closure of the Inn would have a significant detrimental effect on Market Drayton's tourism trade.

Received 03.04.17

I refer to our earlier letter expressing our concerns regarding the proposed development.

IWA has reviewed the revised proposals submitted by the developers but these do not address our previous concerns regarding potential conflicts with the existing boatyard business over issues such as noise. Therefore we maintain our objection to the proposed development.

4.1.7 **Highways:** no objection - subject to the development being constructed in accordance with the approved details.

Observations/comments:

The application is seeking permission for the erection of 5 dwellings to rear of The Talbot Hotel on land that previously comprised part of the public house car park and beer garden.

Further additional comments and set of revised drawings have been submitted on 21.03.2017 following the third Highway Advice Note dated 16.02.2017. It is also noted that additional information contained within the agent's email of 07.02.2017 is now available to view; which was not the case at the time of the writing of the Highway Advice Note of 16.02.2017.

The proposed details of the residential development of the site have been revised during the consultation period. The number of properties have been reduced, the layout of the site repositioned and improved parking and turning facilities for the new houses have now been indicated.

One of the important elements as result of the development was whether the remaining parking provision for the public house is satisfactory to accommodate the parking demand of the public house and not lead to unwarranted parking on the adjoining Class III road. Further information on this was requested in the Highway Advice Notes. The agent's email of 07.02.2017 appears to have now indicated a status quo in terms of the parking provision.

The termination of the lateral boundary fence as shown on the site plan provides the full width of the access to be used by both the public house and the new dwellings. In reality this provides a mutual benefit for both parties enabling the easy entry and exit of vehicles. It is noted that the revised site drawings published on 21.03.2017 have now however removed the blue line and the adjoining land in the applicant's control casting doubt on the availability of the width of the access as originally submitted and also the validity of the application.

4.1.8 Drainage – No objection

The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

4.1.9 Trees

As part of the final design process for this scheme it will be necessary for a qualified Arboriculturalist to undertake an Arboricultural Implications Assessment (AIA), prepared in accordance with BS 5837: 2012 to identify, evaluate and possibly mitigate the extent of direct and indirect impacts on existing trees. This will include identifying the requirements for tree works (either felling or pruning) to

facilitate construction of the scheme and temporary protective fencing to protect all trees to be retained during the construction works.

4.1.10 **Ecology:** No objection

Habitats

Habitats on the site consist of improved grassland, hardstanding, tall ruderals, scattered scrub, semi-mature trees and a fence.

The landscaping scheme should include native species of local provenance.

Bats

‘If there is due to be any loss of any of the trees on site that is covered with ivy, it would be recommended that a site supervision during tree removal should be conducted by a licenced bat ecologist.’

The site may be used by foraging and commuting bats.

Bat boxes should be erected on the site to enhance the roosting opportunities available for bats.

New lighting on the site should be sensitive to bats and follow the Bat Conservation Trust’s guidance.

Reptiles

The tall ruderals and scrub provide potential habitat for reptiles.

Areas of long and overgrown vegetation should be removed in stages to allow animals time to move away from the area.

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

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

Birds

The trees and scrub provide potential nesting opportunities for birds.

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

Bird boxes should be erected on the site to enhance the nesting opportunities available for birds.

Other species

There are records of water voles along the canal to the west of the site but the adjacent boat yard acts as a barrier to dispersal and so water voles are unlikely to be present.

No evidence of any other protected or priority species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

4.2 **Public Comments**

4.2.1 72 letters of representation have been received from 35 different addresses. The following concerns have been raised:

Principle

- The property is listed as a Community Asset and therefore should not be split nor developed to allow the public house to be viable and provide a facility for the area.
- Insufficient notice is being taken of the views of local residents and businesses.
- Development must not be granted because of its impact on the ACV.
- There is no right for development to be approved and they cannot get compensation for a refusal.
- Too many dwellings are proposed
- This is not an appropriate site for starter homes.
- Starter homes are not required in Market Drayton,.
- Better locations for housing development are available.
- Developing this site will lead to the redevelopment and loss of the public house
- The land is not brownfield but garden land and therefore development is contrary to government policy.
- The land is not identified in SAMDev for housing
- Shropshire Council has a 5 year housing land supply therefore no additional housing is required.

Impact on Public House

- The Public House must not be demolished.
- Development will impact on the potential viability of the public house.
- The loss of the car park will affect its viability
- There are discrepancies in the information in relation to existing and proposed parking spaces for the public house.
- The loss of the public house will have an effect on tourism in the area.
- Insufficient parking has been retained with the public house.
- 7 public houses in Market Drayton have closed in the last 10 years.

Design

- Does not reflect the character of the area.
- The development is cramped and the site overdeveloped.
- Insufficient amenity space has been provided to the dwellings.
- Look cheap in comparison to existing development.
- It should be reduced to one or two bungalows at the most.

Impact on Conservation Area

- It does not complement the conservation Area.

Residential

- The light and noise from the dwellings will have a detrimental impact on neighbouring residents.
- Neighbouring drainage systems drain into this land
- Noise assessments should be provided to protect existing residents from the noise of construction works
- Development will cause a loss of light to neighbouring properties
- Noise from additional vehicles will be unacceptable
- The development will cause unacceptable levels of air pollution
- Additional streetlighting and car headlights will cause light pollution.
- Loss of privacy and light to neighbouring properties.
- Development of this site will disrupt residential amenities.
- Parking adjacent to a neighbouring property could cause a fire risk with an existing oil tank.

Effect on Tourism

- There is little to encourage tourists in the area. To close the public house will reduce this more.
- There are no other facilities within close proximity of the canal.
- Developing tourism for the town will broaden the employment base. The canal would enable this but the proposed dwellings would not.

Contaminated Land

- There are drainage systems on the land which will cause contamination if disturbed.
- Soakaways from neighbouring properties extend on to the land
- Ground surveys should be provided to determine what is under the ground.
- Potential that land was used for the burial of foot and mouth infected animals
- Air vents to the septic tank that serves the public house have been covered over. This will lead to problems in the future.

Highways

- The development does not comply with the Vehicular Access Standards (The Planning Service August 1999 or PPS 3 (2005))
- Increased traffic and additional access will cause highway issues
- Vehicles speed along this road
- Children in these dwellings will be at risk on the main road
- Insufficient visibility for pedestrians to cross the road.
- Insufficient visibility as trees obscure the view shown on the submitted plan.
- No guarantee that the visibility splays can be maintained as they are not in the ownership of the developer
- Parking has not been given enough consideration
- Insufficient number of parking spaces
- Bin collection will cause problems for traffic
- Access to the public house will affect its viability
- Access is too narrow for emergency vehicles and will not allow cars to pass
- Access to the neighbouring businesses must be maintained at all times.

- As existing businesses may expand this could lead to more traffic
- Parking provision retained for the public house is insufficient. Errors have been made on the submitted plan including omitting a third weeping willow.
- Construction traffic will cause more problems for the highway.
- Insufficient parking has been provided for the occupiers and their visitors
- The applicants have created the vehicular access prior to the application being determined.
- There is no public footpath on the Talbot side of Newcastle Road towards town.
- The lack of parking with the public house will result in parking on neighbouring streets.
- Additional traffic could cause damage to Listed monuments in the area.

Ecology

- Light and noise from the dwelling will affect wildlife.
- No account has been taken of existing wildlife on the site.

Drainage

- There are drainage systems used by the existing dwellings which use this land as part of the system. Protection of these should be ensured.
- Development would contravene Building Regulations as the dwellings would be too close to Septic Tanks.

Other Matters

- Out of date location plans have been provided
- Inaccuracies in the red line edging on the various plans.
- Works have been carried out on the site when PD rights were none existent due to the property being registered as an ACV
- Will these be sold as buy-to-let or people who will reside in them
- Comments include that land has been incorporated that is not within the ownership of the applicant.
- Loss of value to existing dwellings.
- Recycling Centre at the Public House will be lost.

4.2.2 A petition has also been received containing 266 signatures. The matters raised include the following:

- The pub should remain as an important asset to the area.
- The small car park left to the public house will not attract customers
- It is a scheme where pubs are being sold off to developers without taking into account the feelings of local community.
- Too many pubs are being lost to housing.
- The pub could thrive again in the right hands
- The public house is within walking distance of many residents and boat users.
- This is the only canalside pub in Market Drayton
- The land should be retained with the public house as there is other more suitable land for development in Market Drayton.
- Public Houses should not be asset stripped for private gain.
- The public house could encourage new business to the town
- There is enough new building being undertaken in the town

- The proposal is overdevelopment of the site.
- The design is not in keeping with the surrounding properties.
- The road is busy and will be dangerous for additional pedestrians.
- Further bin collections will be dangerous
- Heritage in the area should be retained.
- The development does not respect the historic character of the town.

5.0 THE MAIN ISSUES

- ☐ Principle of Development
- ☐ Design, Scale and Character
- ☐ Impact on Residential Amenity
- ☐ Impact on Existing Public House
- ☐ Impact on Conservation Area
- ☐ Contaminated Land
- ☐ Impact on Canal and Associated Businesses
- ☐ Highways
- ☐ Drainage
- ☐ Trees
- ☐ Ecology
- ☐ Other matters

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 Council's 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 Some comments made in connection with the application state that the site is not a housing development site as identified in SAMDev and that as the council has a five year housing land supply that the site does not need to be developed. Comments have also been made that the site is garden and Government guidance is that this type of land should not be developed.
- 6.1.3 Market Drayton is identified in policy CS3 of the Shropshire Core Strategy as a Market Town where substantial development will be undertaken which balances housing and business development. It is also a requirement of the policy that development should enhance the town's infrastructure and facilities. Within SAMDev Policy S11 further expands on Policy CS3. This indicates that a housing guideline of 1200 new dwellings should be provided within the town and that this will be achieved not only through the allocated housing sites but also through windfall sites. The policy S11 also refers to new development recognising the importance of safeguarding and where possible enhancing the landscape and historic character and amenity value of the Shropshire Union Canal.

- 6.1.4 The land that is the subject of this application was once part of the Talbot Hotel. The houses are to be constructed on a parcel of land which has not been used for many years. It had been fenced off from the car park and left to become overgrown. This land lies within the development boundary for Market Drayton and so should be considered a potential windfall site for development to help maintain the five year housing land supply required by national planning policy.
- 6.1.5 In regard to building on garden land this is clearly set out in the NPPF that it is residential gardens the policies refer to. In addition it does not prevent any development of domestic gardens merely that they should be appropriate developments which would not cause harm to the local area. As this is land associated with the Public House it cannot be described as a residential garden land and therefore the policy is not applicable.
- 6.1.5 Therefore in principle it is suggested that the site is appropriate for some form of residential development and would be in accordance with the NPPF and policies CS3 and S11 of the Shropshire LDF.
- 6.1.6 Other issues relating to specific matters such as highways, design etc will be discussed in more detail further in this report.
- 6.2 **Affordable Housing**
- 6.2.1 Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre date the Court of Appeal decision and subsequent changes to the NPPG, meaning that on balance and at this moment in time, National Policy prevails and consideration will be made in light of the above details.
- 6.3 **Design, Scale and Character**
- 6.3.1 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.
- 6.3.2 In addition policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.
- 6.3.3 A number of concerns have been raised that the development proposed is inappropriate for this location. This includes the amount of development and its design.
- 6.3.4 Newcastle Road and its environs encompasses many different designs and sizes of dwellings as the area has developed over time. These do include the more historic buildings alongside the canal as well as The Talbot Hotel to the much more modern dwellings opposite the Talbot Hotel and along Sambrook Crescent.

Along the canal there is also a combination of styles of development again the more historic to the more modern. As such there is no particular vernacular design for this area of Market Drayton.

- 6.3.4 Initially the proposal was for six dwellings constructed with their rear elevations facing the north western boundary. This was considered unacceptable as it was overdevelopment of the site, the dwellings would directly overlook the adjacent property at a distance that was too close, and insufficient turning space for cars. As a consequence the number of dwellings was reduced to five with frontages facing the south western boundary.
- 6.3.5 The design of the proposed dwellings has been kept relatively simple so that they will not detract from the older buildings nearby. The five dwellings will be constructed as a staggered terrace comprising 3 x 2 bedroom and 2 x 3 bedroom properties. The 3 bedroom properties will have bedrooms created in the roofspace and light provided with dormer windows. The ground floors will be similar in layout providing open plan living/dining/kitchen area on the ground floor and 2 bedrooms on the first floor. Plot 5 will have the benefit of a small office on the first floor. Externally no materials for the cladding of the buildings have been provided. Therefore should planning permission be granted it is recommended that a condition be included for these to be submitted for approval by the Local Planning Authority.
- 6.3.6 There are gardens to be provided to the rear of each dwelling with a minimum length of approximately 11.5 metres. To the front there will be a small strip of land to provide appropriate access with parking and turning space to the front. A bin store is proposed to the side of plot 5.
- 6.3.7 While this may seem cramped particularly when compared to the neighbouring property at 3 Betton Road, as detailed above there is no specific vernacular style in this area and therefore they will not look out of place. Furthermore there has been development carried out further along the Canal at Waterside Close which is similar in its density. This does not detract from the historic character of the area. In terms of floor space the two bedroom dwellings are approximately 73 square metres with plot 2 having approximately 99 square metres of floor space and plot 5 measuring approximately 122 square metres. Each proposed dwelling will have approximately 60 square metres of rear garden space. As each plot is different this is only an approximate figure.
- 6.4 **Impact on Residential Amenity**
- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.4.2 A number of concerns have been raised that the proposed development will have a detrimental impact on residential amenities of the area. This is in terms of loss of light, loss of privacy and noise and light pollution from the dwellings.
- 6.4.3 At its closest, Plot 1 will be approximately 1.4 metres from the north western boundary of the site. There will at least 11.5 metres from the rear wall of the proposed dwellings to the fence line of the dwellings to the rear.

- 6.4.4 The distances to the rear walls of the dwellings on Sambrook Crescent extend to at least 24 metres which is in excess of the advisory guideline of 21 metres uninterrupted views of the habitable room windows. In regard to overlooking to 3 Betton Road the houses are set forward enough, approximately 3 metres from the rear wall of the property so as to make it extremely difficult for people to directly overlook.
- 6.4.5 In terms of loss of light the distances from the dwellings on Sambrook Crescent would minimise any loss of light. Although located to the south east of 3 Betton Road it is not likely that the development would cause a loss of light to all the garden for the whole of the day and therefore this is thought by Officers to be to an acceptable level.
- 6.4.6 With regard to light and noise pollution there may be some during the construction works and therefore if planning permission is granted it is recommended that the hours of operation of the site be restricted. However once occupied this would be no more that would be expected from any other dwelling in the area. It could possibly be less given that these are smaller to many in the area and therefore fewer potential occupiers in each unit.
- 6.4.7 For the future occupiers of the dwellings, it is appreciated that the boatyard is in close proximity and any future purchaser would need to be aware of this. However the Council's Public Protection Officer has agreed that a condition can be imposed on any planning permission requiring a noise assessment to be undertaken and the appropriate mitigation measures put in place. This may be the inclusion of appropriate glazing to the windows on the front elevation. Noise to the rear gardens will be limited by the barrier of the dwellings.
- 6.4.8 Concerns have been expressed that the drainage to neighbouring properties may be affected by the development. This is a civil matter between the landowner/developer/ neighbour. If there are legal rights to the drainage this is a matter that would override any planning permission granted. As such it is not possible for the Local Planning Authority to intervene in this matter.
- 6.4.9 Reference has been made by a neighbour that the development could cause a fire risk with their oil tank. It is possible to build close to oil tanks as they are by their very nature located close to residential properties. However if the neighbour considers more protection is required for the oil tank it should be taken up with the developer.
- 6.5 **Impact on Public House**
- 6.5.1 A large proportion of the comments raised relate to the loss of the public house as a result of the development. This ranges both in terms of the demolition of the building, the loss of the public house as it may change its use, or that the new housing development will cause the public house to never re-open as it will cause the premises to be unviable.
- 6.5.2 The Talbot Hotel is included on the Register of Community Assets and while the Planning Officers are aware of this, it does not stop planning permission being granted. Whether it is possible to implement that consent in the future is a matter

for the developer. However the Agent has made it known that the public house, part of the car park and a part of the existing access has been sold to another party. Whether or not this is in breach of the Regulations relating to Community Assets is a matter for the Community Rights Section of the Council and not the Planning Authority.

- 6.5.3 As detailed earlier in this report the land that is being built upon was left as unkempt land separated from the car park by a fence. A new boundary fence has been constructed around the site to the point level with the rear elevation of The Talbot which now splits the access in to two and removed some of the parking spaces that were available along the boundary line to the south west. It is recognised by Officers that there has been a reduction in the number of parking spaces. However the Council has no adopted policy on parking provision and therefore cannot insist on the number of spaces to be provided. In addition as the land is no longer in the ownership of the applicant he cannot impose how the car park is laid out in the future. The plans provided indicate the possible number of parking spaces that could be provided. This issue will be dealt with further in the Highways Section of this report.
- 6.5.4 In terms of the operations of the public house there are other dwellings off Sambrook Crescent which are closer to the public house than the proposed development. Therefore the potential for complaints regarding the use of the public house are more likely from these than the future occupiers of the new dwellings.
- 6.5.5 From the evidence available to Officers there is no justification to suggest that the construction of the new dwellings will prevent the public house from re-opening. If an application is submitted for its demolition or change of use the matter will be considered in regard to the adopted planning policies at that time.
- 6.6 **Impact on the Conservation Area**
- 6.6.1 In relation to the design of the development concerns have been raised that the proposal is inappropriate in its design and does not enhance the historic character of the area or the Conservation Area.
- 6.6.2 Policies CS17 and MD13 of the Shropshire LDF require consideration to be given to the impact of development on the historic environment. Also development has to be considered against national policies and guidance: National Planning Policy Framework (NPPF), published March 2012, and also with part 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.6.3 The site lies adjacent to but outside the Market Drayton Canal Basin Conservation Area. It is noted that the site is also adjacent to non-designated heritage assets and therefore the application has been referred to the Council's Historic Environment Team.
- 6.6.4 No objection has been raised to the final layout as the staggered terrace reduces the visual impact of the building. However it will be necessary to ensure that high quality materials and finishes are utilised with appropriate hard and soft landscaping. Overall the design helps to lessen its impact on the adjacent conservation area and the setting for the Talbot Inn. If planning is granted the

Historic Environment officer has recommended that a number of conditions be included to ensure that not only the right materials are used but also details such as joinery and landscaping are carefully considered to enhance the proposal.

6.7 Contaminated Land

- 6.7.1 Many concerns have been raised regarding the issue of contaminated land. Most relate to existing drainage systems that are located on the land and others that the site was used for the burial during foot and mouth outbreak.
- 6.7.2 The application has been referred to the Council's Public Protection Officer. No concerns regarding contaminated land have been raised. The site is too close to residential properties to have been used for the burial of infected livestock, indeed it would have now been so long ago that any potential contamination would no longer be present.
- 6.7.3 In terms of drainage systems, it is dependent on the developer to deal with these matters direct with any user of the drainage system. It is not a matter that the Local Planning Authority can be party to as it is a civil matter between the landowner and the users. If there are legal restrictions which prevent the systems from being interfered with, these would override any planning permission that may be granted.

6.8 Impact on Canal and Associated Businesses

- 6.8.1 Comments have been received that the development of this site for housing will have a detrimental impact on the Canal, the existing boat yards and tourism in the area. Noise from the boat yards will be a nuisance to future occupiers and the loss of the public house will deter people from stopping in Market Drayton. Also it is alleged that the development will prevent future enhancements to the canal and expansion of existing businesses.
- 6.8.2 This site is separate land from the canal basin and in separate ownership. As such its role in any future development of the canal or tourism is limited. The application does not affect the ability of the public house to operate nor the ability of people from the canal walking to the premises as they do now. It would still be a public house in the locality with some, although more limited parking available than previously available.
- 6.8.3 Given the concerns expressed the application has been referred to the Public Protection Officer. No noise assessment has been requested as the applicants have agreed to install appropriate glazing to the front elevation windows to limit noise from the neighbouring businesses. The rear gardens would be no more affected by them than the existing gardens of dwellings on Sambrook Crescent or Betton Road.
- 6.8.4 As there are no applications under consideration for the development of the canalside it is not possible to assess the potential implications. However, any such application would be referred to the Public Protection Officer as with this one for comment, and their findings acted upon. Should planning permission be granted a condition is recommended for inclusion requiring the appropriate glazing to be installed.

6.9 Highways and Parking

- 6.9.1 A large number of comments have been received regarding the highway and parking implications of the proposed development. These include highway safety, the safety of pedestrians, the access arrangements to the site and bin collection.
- 6.9.2 The existing access where it meets the highway will remain as it currently is with no alterations proposed. . This access currently serves the public house and the boatyard. The separation to create an access for the residential development is defined by the new fence located at a position level with the rear elevation of the public house
- 6.9.3 An indicative plan has been provided by the applicant to demonstrate that it would be possible to create 18 parking spaces at the rear of the public house. However as this is no longer in the applicants control, it is up to the new owner to determine how they wish to lay the car park out. There is no adopted policy to indicate how many parking spaces need to be provided and while it may not accommodate coaches and mini-buses, not all public houses do.
- 6.9.4 As stated previously the actual access onto the highway is not changing and therefore would not prevent larger vehicles from accessing the neighbouring boatyard as they currently do. The public house could be open during the day now and in the future and using the access to the public house and the new houses would not change this. The bins would have to be collected and provision for this has been made at the end of the driveway as close as possible to the highway without causing any obstruction. Comments regarding visibility are difficult to sustain as for the public house to remain as such and the boatyard to remain operational, both would need to ensure appropriate visibility splays for themselves and as such would maintain it for the housing development.
- 6.9.5 It is appreciated that there is less visibility from the bridge and that crossing the road may at times be difficult. However this is no more a risk to the occupiers of the dwellings than pedestrians accessing the public house or the boatyard.
- 6.9.6 No objection to the proposal has been raised by the Council's Highways Development Control Officer following the receipt of additional information and plans. The proposal provides adequate parking spaces and turning space for the new dwellings. They also confirm that the lateral boundary fence finishing where it does at the rear of the public house allows both the new dwelling and the public house to have full use of the existing access point .
- 6.9.7 Whether sufficient parking has been allocated to the public house is a subjective matter as there are no defined principles as to what is or is not acceptable. However, there is some parking provided and as the land has now been sold separate from the public house it is unlikely that the land will be brought back to one unit. If it did, there is still a possibility that the land would be developed for housing and use the existing access and land from the car park to achieve this.
- 6.9.8 It has been noted that representations have been made referring to PPS3. This policy is no longer current as it has been superseded by the NPPF. In addition the Manual for Streets is also the current guidance from Government in relation to highway design.

6.10 **Drainage**

- 6.10.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.
- 6.10.2 No objection to the proposed development has been raised by the Council's Drainage Engineer. However to ensure an appropriate scheme is installed a condition should be imposed requiring full details to be submitted for approval by the Local Planning Authority prior to its installation if planning permission is granted.
- 6.10.3 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

6.11 **Trees**

- 6.11.1 The council's Tree Officer has requested that an Arboricultural Impact Assessment be undertaken to protect any remaining trees on or adjacent to the site. When the site was visited by the Case Officer it was noted that the land had been stripped and virtually all trees removed. However some do remain along the boundary with the boatyard. Therefore in order to protect these remaining trees and hedgerow, should planning permission be granted a condition should be included requiring such a survey to be undertaken with the necessary mitigation and protection identified.

6.12. **Ecology**

- 6.12.1 Policies CS17 and MD12 of the Shropshire LDF require consideration to be taken of the natural environment when determining planning applications.
- 6.12.2 Comments have been received from local residents in relation to the presence of wildlife on the site.
- 6.12.3 An Ecology survey has been submitted with the application and this together with the details of the development has been assessed by the Council's Ecologists.
- 6.12.4 They have raised no objection to the proposal subject to the inclusion of the recommended conditions and informatives should planning permission be granted. This will include new bat and bird boxes to be installed together with a restriction in terms of external lighting to protect bats.

6.13 **Other Matters**

- 6.13.1 An issue has been raised that part of the application site is not in the ownership of the applicant. It has been confirmed that the location plan is a copy of the title plan for the property and the red line edging accurately follows the boundary. The Agent has also signed a legal certificate on behalf of the applicant identifying that the ownership is correct. In the circumstances it is not possible for the Local Planning Authority to contradict the ownership is with the applicant.

7.0 **CONCLUSION**

- 7.1 The proposal is for development within the recognised development boundary for Market Drayton where some windfall developments would be permitted. The land

has now become severed from the public house and it is unlikely that the two will be brought back as one unit. The Public House is currently closed, but the new owners could re-open this without an issue nor be affected by the new development. While the concerns expressed are appreciated on balance it is the recommendation of officers that planning permission be granted with the recommended conditions and informatives included. The design is simple and the finishing details will ensure that it is of a high quality. Parking to both the public house and the new development can be achieved and the Highways Development Control Officer has raised no objections in terms of visibility or highway safety.

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.

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 - written representations, a hearing or inquiry.
- ❑ The decision is 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 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 give 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 1970.

9.0 **FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

Settlement: S11 - Market Drayton

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

16/05408/FUL Erection of 5No dwellings and formation of vehicular and pedestrian 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) Cllr R.Macey
Local Member Cllr Roy Aldcroft
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. No construction (and/or demolition) works shall take place before 07:30 am on weekdays and 08:00 am on Saturdays nor after 18:00 pm on weekdays and 13:00 pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

5. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

6. No Development approved by this permission shall commence until there has been submitted and approved by the Local Planning Authority a scheme of landscaping and these works shall be carried out as approved. The submitted plans shall include:

Means of enclosure, hard surfacing materials, , planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, implementation timetable.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, and to protect the special character of the heritage assets.

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

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

8. Prior to any works commencing on site an Arboricultural Implications Assessment (AIA), prepared in accordance with BS 5837: 2012 to identify, evaluate and possibly mitigate the extent of direct and indirect impacts on existing tree and submitted in writing for approval by the Local Planning Authority. This will include identifying the requirements for tree works (either felling or pruning) to facilitate construction of the scheme and temporary protective fencing to protect all trees to be retained during the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

9. No development shall take place until a noise assessment shall be submitted in writing to the Local Planning Authority for approval. The approved scheme for noise attenuation shall be fully completed prior to the first occupation of the building and shall thereafter be retained and maintained.

Reason: To protect the amenities of occupiers of nearby properties from potential noise nuisance. The information is required prior to the commencement of the development to ensure that the noise insulation is installed in the development from the commencement for the reasons give above.

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

10. Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory preservation of the Heritage Asset.

11. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

12. 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 on the site:

- A minimum of 2 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species
- A minimum of 2 artificial nests of either integrated brick design or external box design, suitable for swifts.
- 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.

13. The development hereby permitted shall not be brought into use until the areas shown on the approved overall site plan published on 21.03.2017 for bin collection, parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

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

14. The boundary fence on the lateral boundary between the site access drive and the public house shall terminate in line with the rear building line of the public house as shown on the site plan published on 21.03.2017. It shall thereafter be maintained and retained.

Reason: In the interests of highway safety.

15. 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.

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

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