

Development Management Report

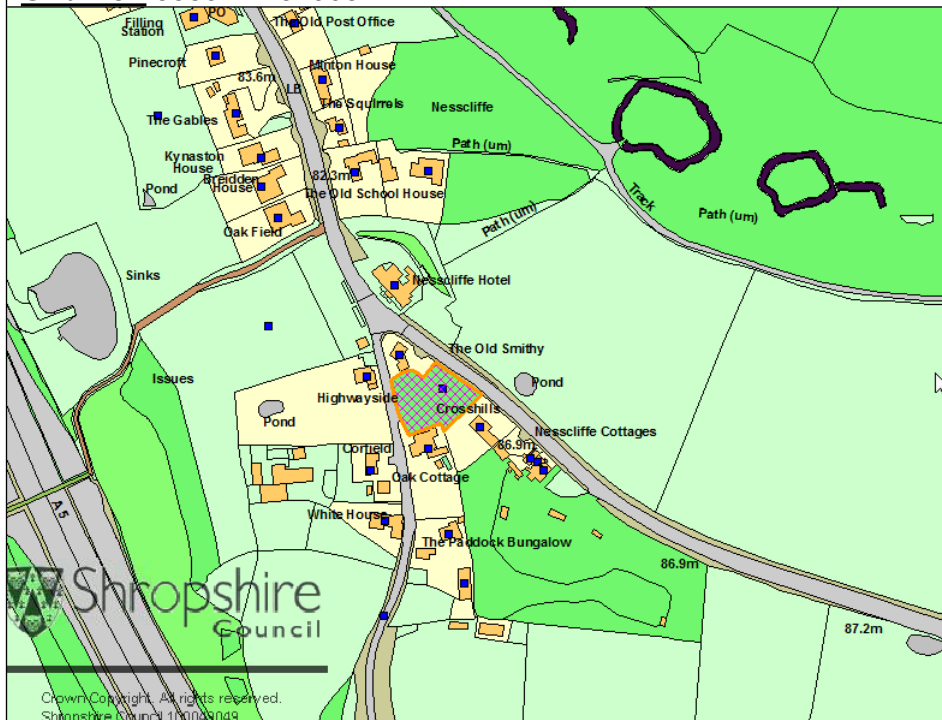
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 17/00282/FUL	Parish:	Great Ness
Proposal: Erection of 3No. dwellings including the formation of a new access (revised scheme)		
Site Address: Proposed Residential Development Land Adj Crosshills Nesscliffe Shrewsbury Shropshire		
Applicant: Mr D Jones		
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk	

Grid Ref: 338377 - 319082



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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 full planning permission for the erection of three detached dwellings including the formation of a new access, on land adjacent to a residential property, Crosshills, Nesscliffe. The proposed dwellings will be two-storey in design providing 4 and 3 bed accommodation. Plot 2 is shown to have a detached garage, with plots 1 & 3 providing integral garaging.
- 1.2 The proposed vehicular access to the site will be created on the eastern boundary and will be a shared access between the three dwellings.
- 1.3 Planning permission was previously granted by this local planning authority for the development of the site to provide three detached dwellings, planning reference 14/04067/FUL. The proposed scheme now proposes a revised site layout utilising identical house types to each plot as previously permitted.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The village of Nesscliffe is located approximately 5 miles south west of Baschurch and 9 miles north west of Shrewsbury. The development site is located towards the south end of the village and to the west of the road that leads through the village centre. The site comprises a parcel of land currently in the same ownership as the adjacent property to the south of the site, Crosshills. The site is also situated to the north west of Oak Cottage, a detached cottage situated on Wilcot Lane and to the south east of The Smithy, another residential property.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has raised objections to this application on planning grounds relating to the potential loss of privacy for the existing neighbours.

As such 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 and the Area Planning Manager and Chairs of the Central Planning Committee have discussed the application and planning

considerations and have agreed that the application should be determined by the Central Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

SC Ecologist – No objection

A Preliminary Ecological Appraisal was carried out on this site in May 2017 by Pearce Environment to update a previous survey in 2013. Conditions and informatives are recommended.

SC Affordable Housing – No objection

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.

SC SUDS – No objection

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

SC Highways – No objections

No Objection – subject to the development being constructed in accordance with the approved details, and the following conditions & informatives.

Planning Application 14/04067/FUL for the development of three dwellings on the site was approved on 17th June 2016. The current proposal seeks internal amendments to the site layout with the repositioning of all three dwellings. The proposed amendments are considered acceptable from a highways perspective.

Great Ness Parish Council – Objection

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

The applicant has ignored the requirement to respect the 'residential amenity' of the adjacent properties, as detailed in the decision to grant planning permission. Below is the relevant extract from The Development Management Report, relating to this application that led to the inclusion of the following condition in the decision notice

(condition 8. No windows or other openings shall be formed above ground level in the north, south or west elevations of any dwelling hereby permitted without the prior consent of the Local Planning Authority. Reason: To preserve the amenity and privacy of adjoining properties)

6.4 Residential Amenity

6.4.1 The proposed designs of properties in terms of layout and window arrangement have been carefully arranged in order to minimise any potential for overlooking between the new and existing properties adjacent to the site. It is noted that Oak Cottage to the west of the site has main windows located on its side (north) elevation that will look out over the rear garden of Plot 2 but the window arrangement and layout for Plot 2 does allow for some private amenity space that would not be directly overlooked. It is considered that any planning decision notice granting planning permission could include a condition that requires further consent from the LPA for insertion of all new windows and openings above ground floor level in the north, south and west elevations of each dwelling in order to protect the privacy of both the occupants of existing and the new properties.

The Parish Council would require the applicant to return the application to the original layout before giving its support to this application.

4.2 - Public Comments

One public representation has been received summarised as follows:

Access for neighbours to maintain their property and renew their oil tank will be required.

5.0 THE MAIN ISSUES

Principle of development
Visual impact and landscaping
Residential Amenity
Drainage
Ecology
Highway Safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Applications for planning permission must be determined in accordance with the adopted development plan (Section 38(6) of the Planning and Compulsory Purchase Act 2004). 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.

- 6.1.2 The adopted development plans for Shropshire are the Local Development Framework (LDF) Core Strategy, the Site Allocations and Management of Development Plan (SAMDev) and the Supplementary Planning Document (SPD) on the Type and Affordability of Housing. Significant weight is also to be attributed to the National Planning Policy Framework (NPPF) in the determination of planning applications.
- 6.1.3 The application site is located within the parish of Nesscliffe. It does not lie within any identified development boundary under SAMDev policies. It is therefore considered to be within open countryside to which Core Strategy Policy CS5: 'Countryside and the Green Belt' applies. This policy does not support the provision of new open market residential development in the countryside. Policy MD7a also requires that new market housing be strictly controlled outside of the main towns, key centres and community Hubs and clusters. This policy lists acceptable types of housing that would be found to be acceptable but this does not include open market housing.
- 6.1.4 However, Policy CS4 also states that development in rural areas should be focused in Community Hubs and Community Clusters, and should be of a scale that is appropriate to the settlement and should accord with CS6. Policy CS6 also states that development should be appropriate in scale, density, pattern and design to its surrounding environment and should also safeguard residential and local amenity. Policy MD2 of SAMDev also requires that development proposals respond positively to local design aspirations in terms of both visual appearance and how a place functions as well as contributing to and respecting local distinctive or valued character and amenity for the surrounding area.
- 6.1.5 As set out in the SAMDev documents (Policy S16.2 (vi) Nesscliffe is identified as a Community hub where development by allocation, infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the village, with a housing guideline of approximately 30 additional dwellings over the period to 2026. Further to The Nesses Parish Plan (2004) and subsequent Housing Needs and Development Survey (2011), developments of a maximum of 10 houses and predominantly 2 and 3 bedrooms are sought by the Parish Council. This figure of 30 dwellings has been taken up already by the identified/allocated site (whose final numbers of houses have not yet been determined and will not be until reserved matters approval has been granted) and by those other smaller sites that have also been granted approval within the village in recent years. Whilst this application is for three new dwellings the previous planning permission granted (14/04067/FUL) previously concluded that 3 dwellings in this location within the village would be acceptable and would have little proportional cumulative impact on the settlement. Nesscliffe village is a sustainable settlement and is in a position where additional housing development could be accommodated.
- 6.1.6 The Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG in regards to affordable housing. At the time of writing, affordable housing contributions are not sought for developments of less than 10 dwellings. Therefore, national planning

policy prevails in this instance and an affordable housing contribution would not be sought for this application.

6.2 Visual impact and landscaping

6.2.1 The proposed development would be seen as infill between three existing properties within the village. These properties are located close to a road junction and each is orientated so that their main/front elevations face in different directions looking towards the adjacent roadways and road junction. It is considered that due to the varied arrangement of existing adjacent properties to the site the proposed siting of properties is acceptable. It is also considered that the proposed designs are satisfactory in this part of the village where there is a mixture of properties in terms of both design and materials.

6.3 Residential Amenity

6.3.1 Whilst the house designs remain the same as previously approved the site layout in terms of the positioning of the dwellings has been amended as part of this proposal when compared to the previously permitted scheme. For Plots 1 & 3 located closest to the sites access this amendment moves only slightly with the footprints largely remaining in the same location. Plot 2 has been significantly set back further within the application site so that its east facing front elevation would be sited approximately where the rear part of the house would have been from the previous permission. Great Ness Parish Council has raised their objections to this application on the basis of their concerns relating to loss of privacy between the existing and proposed properties.

6.3.2 Officers note that the repositioning of Plot 2 does move the proposed house closer to the side elevation of the adjacent property, Oak Cottage that has windows on its side elevation facing towards the site at ground and first floor levels. The dwelling to Plot 2 is shown to be sited 4.5 metres from the sites boundary at its closest point, with the side elevation also being stepped so that the rear section of the building is set further away from Oaks Cottage. Only one ground floor window is shown for the south (side) elevation facing towards Oaks Cottage and the insertion of any new openings on this elevation could be controlled by condition if planning permission was granted. It is considered that whilst views could be taken between the two sites, the windows to Oaks Cottage are not sited on any main elevation of the property, being set on its side elevation and close to the boundary. It is considered that the window arrangement and layout for Plot 2 does also allow for some private amenity space that would not be directly overlooked.

6.5 Drainage

6.5.1 Council Drainage Officers have raised no objections to the application subject to conditions requiring details of surface water drainage to be submitted before development commences.

6.6 Ecology

6.6.1 The Council's Ecologist has noted the recommendations made in the Ecological Survey Report conducted by Pearce Environment Ltd (October 2014) and the

subsequent updated report also conducted by Pearce Environment Ltd (May 2017) and has made no objections to the proposals, subject to the attachment of relevant conditions and informatives in respect of badgers, bats and nesting birds.

6.7 Highway Safety

6.7.1 Highways officers have made no objections to the granting of consent.

7.0 CONCLUSION

The application site is currently 'countryside' in planning policy terms. However Nesscliffe is also identified as a Community Hub under the provisions of the adopted SAMDev Plan and adopted Core Strategy Policy CS4. Whilst it is acknowledged that the application form is for three dwellings, which when considered with other housing applications that are resolved for approval within Nesscliffe clearly exceeds the indicative figure included SAMDev and the Parish Council's aspirations, Nesscliffe is considered to be a sustainable settlement which could accommodate this level of additional housing and the granting of this application would not further exceed the total numbers of new dwellings that have already been granted permission in the village. The proposal is considered to represent a sustainable form of development and the adverse impacts of granting permission for higher housing numbers would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

It is also considered that the proposed siting, scale and design of the proposed dwellings is acceptable and will have no adverse impact on the visual amenity of the locality or neighbouring properties. A safe means of access and adequate parking spaces will be provided and accords with the requirements of policy CS6 of the adopted core strategy.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with

the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than 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:

NPPF

Core Strategy and Saved Policies:

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

MD2 - Sustainable Design

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the
Countryside

MD12 - Natural Environment

Settlement: S16 - Shrewsbury

RELEVANT PLANNING HISTORY:14/04067/FUL Erection of 3No. dwellings including the formation of a new access GRANT 17th
June 2016

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)

Planning File 17/00282/FUL

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Ed Potter

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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

4. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Planting plans

Written specifications (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 timetables

Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

5. No development shall take place until a scheme of surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

6. Prior to the commencement of development on site details of the means of access, including the location, layout, construction and sightlines, shall be submitted to and approved in

writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied (whichever is the sooner). Reason: This detail is required prior to commencement to ensure a satisfactory means of access to the highway.

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

7. 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.

A minimum of 2 artificial nest², 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

8. 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 booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

9. No windows or other openings shall be formed above ground level in the north, south or west elevations of any dwelling hereby permitted without the prior consent of the Local Planning Authority.

Reason: To preserve the amenity and privacy of adjoining properties.

10. All development, demolition, site clearance, landscaping and biodiversity enhancements shall occur strictly in accordance with the Updated Preliminary Ecological Appraisal (Pearce Environment, May 2017), unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of and enhancements for badgers.

11. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking 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.

Informatives

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. Informative: As part of the SuDS, the applicant should consider employing measures such as the following:
Water Butts; Rainwater harvesting system; Permeable surfacing on any new access, driveway, parking/paved area; Attenuation; Greywater recycling system; Green roofs.
Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.
6. Consent is required from the service provider to connect into the foul main sewer.
7. 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.

8. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs. The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife. All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife. Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

9. 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.

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

- o construct any means of access over the publicly maintained highway (footway or verge)
- or
- o carry out any works within the publicly maintained highway, or
- o authorise the laying of private apparatus within the confines of the public
- o highway including any new utility connection, or
- o 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.

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.

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