

Development Management Report

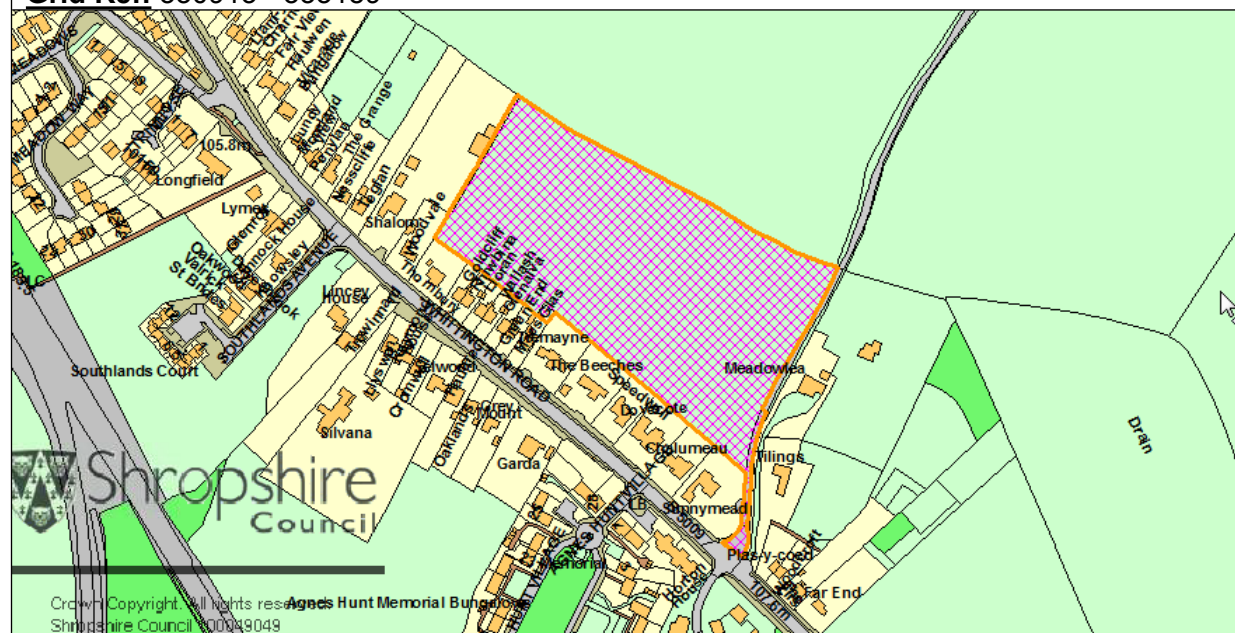
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 15/04473/REM	<u>Parish:</u>	Selattyn And Gobowen
<u>Proposal:</u> Approval of Reserved Matters (access, layout, appearance, scale and landscaping) pursuant to permission 13/02217/OUT for residential development; formation of open space; alterations to existing vehicular access		
<u>Site Address:</u> Proposed Development Land On North Side Of Whittington Road Gobowen Shropshire		
<u>Applicant:</u> Mr M Evans		
<u>Case Officer:</u> Mark Perry	<u>email:</u> planningdmnw@shropshire.gov.uk	

Grid Ref: 330913 - 333159



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

REPORT

1.0 THE PROPOSAL

- 1.1 This proposal involves the construction of 41 two storey dwellings on a site on the outskirts of Gobowen. Outline planning permission was granted by the planning committee in October 2014 (13/02217/OUT) where appearance, landscaping, layout, scale and access were all reserved for later approval. The outline planning consent therefore only established the principle of a residential development on the site. This application is therefore to consider the outstanding reserved matters. The outline planning permission was granted at a time when the Council did not have a demonstrable 5 years supply of housing land.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is 2.96 hectares in size and is an area of agricultural land that sits behind the linear pattern of development along Whittington Road. The site is accessed by an existing private driveway which provides access to Little Fernhill, this is a former farm which has an established business use for the manufacturing of timber products. To the east of this driveway there is another private driveway providing access to two existing dwellings and an area of paddock land. This site has recently obtained planning permission for the erection of 15 dwellings (16/05552/REM).
- 2.2 The site is located in an area of countryside with the development boundary for Gobowen running along the southern edge of the site. The land gently slopes downwards in a north easterly direction with just under half of the site falling within flood zone 2 and has an annual probability of flooding of 0.1% or greater from rivers but with an annual probability of flooding of less than 1%.
- 2.3 The application site is currently an area of agricultural land which has been used for growing crops previously. The site contains a single mature tree near its centre. Beyond the northern boundary is further agricultural land.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The minutes of the committee meeting in August 2014, when the outline planning application was considered, it states in the resolution that, "All Matters reserved for later approval be determined by this Committee".

4.0 Community Representations

4.1 - Consultee Comments

Parish Council (16/9/16)- Neither objecting to or supporting the Planning Application. Still no bungalow provision.

Parish Council (19/11/15)- made comments neither objecting to or supporting the Planning Application. Councillors expressed concerns regarding the safety of the

students at the Derwen College in relation to the proposed exit onto the main Whittington Road. Immediately adjacent to the entrance to the site is a bus stop that is used daily by Derwen students as part of their life skills education. Propose that altering the speed limit from 40mph to 30mph would be appropriate.

- The council expressed their disappointment that the provision for solar panels has not been incorporated into the designs, as the site is well positioned to capture sunlight.

- The housing mix does not accurately reflect the needs of the demographics of the community.

- Planting - more variety of shrubs and tree species needed.

- Land been farmed intensively so there is little goodness in the soil this could result in rainwater not being retained and carrying soil with it into the river Perry.

Concerns about the intenuation measures not in place

- Councillors noted that developments smaller than this are served by roundabouts.

- At present the junction to the site is used by articulated vehicles visiting an existing business.

The junction will serve this application and another development site immediately adjacent which will require access at the same point.

- The Council raised concerns about Gobowen being referred to in the application as low end.

4.2 Highways- No objection following the submission of amended plans. Officer comments on some aspects of the scheme but these concern details regarding the formal adoption of the road; this would be covered in a section 38 agreement.

4.3 Environment Agency- no objection subject to conditions.

4.4 Seven Trent Water- No objections to the proposals subject to the inclusion of the following condition:

4.5 Affordable Housing- The attached proforma shows the correct level of affordable housing provision on site.

4.6 Drainage- The surface water proposals are acceptable.

4.7 Ecology- No objection as the existing field tree is shown as being retained.

4.8 - Public Comments

Objections received from 17 individual addresses commenting on the following issues:

Increased traffic

Highway safety

Conflict with Derwen College entrance

Conflict with adjacent to site.

Increased pressure of services and facilities

Impact on ecology

Loss of countryside

Maintenance of green space.

No dwellings have solar panels.

Density of development not in-keeping

Impact on sewage system

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Highway Safety
Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Outline planning permission was originally granted in October 2014 which established the principle of a residential development on the site. Whilst outline planning permission was granted on the whole site, condition 8 of the outline consent requires that no development, including the gardens of the dwellings, shall be located within the area defined as being flood zones 2 and 3. The scheme has been designed on this basis with only the open space falling within flood zones 2 and 3.

6.1.2 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 and ensure sustainable design and construction principles are incorporated within the new development.

6.1.3 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) 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 and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.

6.2 Siting, Sale and Design

6.2.1 The original outline application provided an indicative layout. The layout has been amended significantly since this original scheme although the point of access with the adopted highway remains approximately the same.

6.2.2 The scheme includes a mix of 4x 2-bed terraced dwellings, 6 x 3-bed semi-detached, 5x 3-bed detached and 6x 4-bed detached dwellings. Their sizes range from 60 sqm to 186 sqm.

6.2.3 The scheme proposes a single estate road leading from the point of access with Whittington Road which then leads to a number of small cul-de-sacs. The scheme also includes a small area of public open space around the existing mature tree plus a large area of public open space on the eastern side of the site. This larger area is the part of the site that falls within flood zones 2 and 3, this area will also include the provision of the necessary pumping station, this will have its own access track

leading to it for maintenance.

- 6.2.4 The application site is positioned behind the dwellings fronting onto Whittington Road. The proposed dwellings on the southern side of the site would have their boundaries backing onto the rear gardens of the neighbours to the south.
- 6.2.5 The scheme does propose a varied mix of dwelling types, sizes and these are spread out across the site; all are two storey. The scheme includes a mix of materials such as facing brick, render and some dwelling have areas of timber cladding. It is considered that there is sufficient mix throughout the development to provide visual interest to the development. There is no clearly defining character that the proposed development needs to integrate with given the style of the two existing dwellings and the varied mix of dwellings along Whittington Road.
- 6.2.6 Views of the proposed development are limited with views from Whittington Road predominantly obstructed by the existing dwellings, although there will be glimpses of the dwellings through the small gaps in the existing street scene. Views of the proposed development will be visible from the agricultural land to the north and from the public footpath which crossed the fields to the north west. Although any views would be at a distance with the nearest part of the footpath being 112m from the corner of the application site. The footpath then heads off in a north easterly direction away from the application site.
- 6.1.7 It is considered that the proposed development is of an appropriate design and scale and would preserve the appearance of the site and its immediate surroundings.

6.2 Impact on Neighbours

- 6.2.1 The nearest neighbours are those to the south that have their rear boundaries backing onto the application site. These dwellings currently have their rear elevations and gardens looking out onto agricultural land. The smallest garden depth for the proposed dwellings would be 7.6 metres but because the neighbour's have long rear gardens there would be around 24 metres between facing windows. It is considered that the amount of separation is acceptable to preserve residential amenities.
- 6.2.2 The estate road traffic speeds would be low and whilst there would be some noise from the slamming of car doors and general activity this is not considered to be significant. Any noise created needs to be balanced against the noise that is already generated by the vehicles using Whittington Road which has a 40 mph speed limit. It is considered that the new estate road, the dwellings and the activity it would generate would not be likely to cause disturbance to such an extent where it detrimentally impacts upon the amenities of neighbouring occupiers.

6.3 Public Open Space

- 6.3.1 Policy MD2 of SAMDev requires landscaping and open space to be provided holistically as part of the whole development. The policy states that only developments of more than 20 dwellings does open space need to be provided as a formal play/ recreational space. The application site utilises the part of the site identified as being within flood zones 2 and 3 for this purpose. Whilst this open area may on rare occasions be flooded by shallow, slow water flowing down the hill it is

considered that this would be infrequent and would not, for the vast majority of the time, compromise the enjoyment and use of the open area.

- 6.3.2 Condition 6 of the outline planning permission requires details of the future maintenance and management of the open space to be approved prior to the occupation of any dwellings. This will ensure that the open space remains suitable for use by the residents and the wider community.
- 6.3.3 All of the dwellings do have large gardens and the provision of open space is further enhanced by the large open area. The open space is unlikely to be of benefit to anyone else other than those living on the estate given the site's location on the periphery of the village.

6.4 Highway Safety

- 6.4.1 The proposed means of access to the site was not approved as part of the outline planning consent as it was left as one of the reserved matters. However there is only one realistic point of access to the site and this is the one shown on the submitted plans. Just 9 months before outline planning permission was granted for the development, the adjacent site (The Tilings, 13/01005/OUT) also received outline permission for a residential development, this did include approval of the access. The Tilings site has recently obtained reserved matters approval for 15 dwellings. The access for the Tilings development, two existing dwellings adjacent to the Tilings site, the existing commercial use at Little Fernhill all emerge onto the same section of highway. As such the existing uses and the extant permissions are all material planning issues in terms of the traffic movements that they would collectively generate. Ideally there would be a single shared access serving all the existing and proposed developments rather than the two accesses running parallel to one another. There have been discussions between the interested parties but there has been no agreement between them to create a shared access arrangement. It is therefore necessary to consider the proposed access which solely serves 41 dwellings on its individual merits and whether it can safely sit alongside the other accesses.
- 6.4.2 The application has been considered by the Council's Highways officer who raises no objection to the scheme having considered the proposed development in connection with the vehicle movements that would be associated with the neighbouring developments. It is considered that for planning purposes the applicant has demonstrated that a satisfactory level of visibility is available given the speed of the traffic that would be turning into the site from Whittington Road. It is considered by the Highways Officer that the works necessary to form the junction can be determined under an appropriate Highway agreement or licence prior to implementation in conjunction with both development accesses.
- 6.4.3 Neighbours have commented on pedestrian and vehicle movements from the Derwen College. It is considered that the additional vehicle movements generated by the proposed development does not compromise the safety of those accessing and leaving the college either on foot or by vehicle.

6.5 Affordable Housing

- 6.5.1 The S106 attached to the outline planning permission requires affordable housing to be provided at a rate that is in accordance with the prevailing target rate at the

time of submission of the last reserved matters application. In accordance with the S106 the applicant will need to provide a scheme for the affordable dwellings detailing location, tenures etc prior to the commencement of development.

6.6 Ecological Impact

- 6.6.1 The application site has little in the way of distinctive ecological features, at the time of the outline application the Council's Ecologist considered that it was not necessary for an ecological assessment to be submitted. The only feature of the site is a lone mature tree located centrally within the field. The proposed layout for the development shows that this tree will be retained as part of the development and will be one feature of the smaller areas of public open space. It is considered that the proposed development would not detrimentally impact upon the limited ecological value of the site.

6.7 Drainage

- 6.7.1 Condition 5 of the outline planning consent required full drainage details to be submitted to the Council prior to the commencement of development. This will be done via a discharge of condition application at a later date. A number of residents have made reference to the drainage of the site and how this may impact upon the existing sewage system.
- 6.7.2 As part of this reserved matters submission the applicant has provided details showing that surface water will be discharge to soakaways and that foul water will discharge to an on-site pumping station where it will be pumped up to the existing foul water system located in Whittington Road.
- 6.7.3 The drainage details submitted with the application have been considered by the Council's Drainage officer and Severn Trent Water and neither raise any objection to the scheme proposed. This is subject to providing a detailed drainage scheme as part of a later discharge of condition application.

7.0 CONCLUSION

- 7.1 The principle for residential development on this site has already been agreed as part of the outline planning consent, the proposed design and layout will respect the rural character of the area and not detrimentally impact upon the amenities of any neighbours. The proposed access will provide adequate visibility in both directions for emerging vehicles and will not result in highway conditions detrimental to motorists or pedestrians. It is also considered that the access can function satisfactorily in conjunction with other existing and proposed accesses. Flooding and drainage matters are also considered to be addressed satisfactorily. It is therefore considered that the proposed development complies with policies CS6 and CS17 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:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree

with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

13/02217/OUT Outline application for mixed residential development; formation of open space; alterations to existing vehicular access GRANT 20th October 2014

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 Robert Macey Cllr Mark Thomas Jones
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. 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

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

2. 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.

3. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. 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, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

4. Prior to first occupation details of all boundary treatments shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

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

5. Prior to the occupation of no more than 50% of the dwellings hereby approved the footpath link to Fernhill Lane, as shown on the approved plan (dwg no. 03 Rev D) passing between plots 33 and 34 shall be made available and clearly defined. The route shall thereafter remain unobstructed, maintained and available for the lifetime of the development.

Reason: To reduce the reliance on the use of the car.

6. No ground clearance, or construction work shall commence until the tree protection measures set out in the submitted Arboricultural report shall be fully implemented and retained in place for the duration of 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.

7. The surface water drainage for the site shall be carried out in accordance with drawing no. WR-GA-100 Rev D.

Reason: To ensure the satisfactory surface water drainage of the site.

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