



Committee and date

South Planning Committee

26 September 2017

Development Management Report

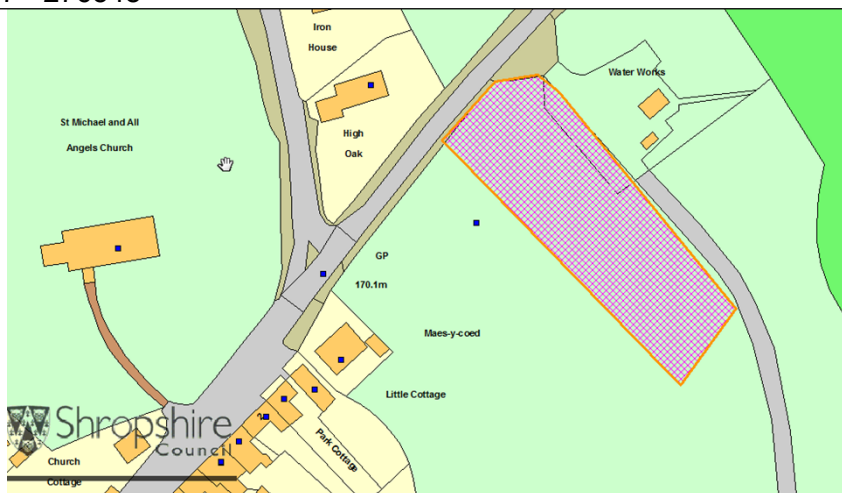
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 17/00766/FUL	<u>Parish:</u>	Hopton Wafers
<u>Proposal:</u> Modification to previously approved (13/05064/FUL) to allow for the erection of one dwelling with single storey rear extension and roof terrace and re-positioning of approved garage (plot 3 only)		
<u>Site Address:</u> Land West Of Water Works Hopton Wafers Shropshire		
<u>Applicant:</u> Mr K Parkes		
<u>Case Officer:</u> Vincent Maher		<u>email:</u> vincent.maher@shropshire.gov.uk

Grid Ref: 363817 - 276548



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

REPORT

1.0 THE PROPOSAL

- 1.1 Planning permission was granted in February 2015 for three detached x two storey dwellings on land to the north of Maes y Coed and the Water Works at Hopton Wafers (refer 13/05064/FUL), granted in 2015. The site has been fenced off ready for construction. The current proposal seeks to vary the original permission at it relates to Plot 3, the northernmost of the three houses.
- 1.2 Relative to the approved dwelling, the main changes to the proposal are as follows:
- The dwelling would have a full width single storey rear extension (4m in depth) and a first floor balcony that runs the width of the house and would project 1.2m above the main building line of the ground floor of the dwelling.
 - There would be full floor to ceiling windows at the first floor rear of the house.
 - The proposed porch would now be glazed rather than open and is slightly wider.
 - The garage associated with the approved dwelling has been altered marginally.
- 1.3 The site plan for the purpose of this application is the same as that shown on the original 2013 permission. The applicant has also shown a further line that appears to extend the curtilage of all three dwellings. This application has not sought to extend the curtilage of the dwellings and so this apparently extended boundary has not been considered as part of this application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a cleared area of land bordering the Water Works at Hopton Wafers. There is a house at High Oak to the north west of the site. Plots 2 and 1 of the approved scheme are located to the south west. The site backs onto open countryside to the south east.
- 2.2 While not in Conservation Area (CA), there is a cluster of listed buildings to the south west of the site screened from the proposed dwelling by the house. Further afield, the St Michael and All Angels Church to the west is a Grade II* listed building and there are listed gravestones and other designated heritage assets within the church graveyard. High Oak is not a listed building.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council view is contrary to the Officer recommendation. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, acknowledge the local sensitivities in this case and consider that the material planning considerations raised warrant consideration by the South Planning Committee.

4.0 Community Representations

Consultee Comments

Hopton Wafers Parish Council: Objection.

Balcony and porch out of keeping with rural area.

Garage block may block visibility due to proximity to property and the road.

Unresolved issues with the planning boundary and impact on neighbours.

No CIL money has been paid to the community.

Amendments offer little improvement on original scheme.

SC Drainage: Surface and foul water drainage consistent with 2013 planning permission.

SC Affordable Housing: s106 contribution still applies.

SC Highways: Re-siting of garage to enhance parking area does not have detrimental effect on the highway. Other modifications not relevant to highways.

SC Archaeology: No archaeology comments

Public Comments

Objections have been submitted from 3 neighbours raising the following matters.

- Site area at odds with earlier permission. Unresolved boundary issue needs to be resolved.
- Front entrance porch not in keeping with rural setting.
- Rear extension not in keeping with others. Terrace would cause overlooking. Reduced size terrace still unacceptable.
- The original two year permission on the start of build has expired so needs a fresh application.
- Local people oppose this development.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of development

Visual impact

Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of the development is not in dispute. The site has an extant planning permission for three houses and permission was granted following the adoption of the Core Strategy. Hopton Wafers - along with Doddington - is identified as a Community Cluster (refer SAMDev S6.2(ii)) where limited new housing development is supported. It reinforces the acceptability of new housing that is sensitively designed in this village.

6.2 Siting, scale and design of development

6.2.1 The property is not in a CA and the revisions sought to the front façade are minor and do not materially alter the overall scale and massing or materials of the new home. Officers have carefully reviewed concerns about the proposed changes in the porch. The introduction of a glazed porch is acceptable in these circumstances as it would not adversely affect the setting of any nearby listed building.

6.2.2 The only significant change is the proposed first floor balcony. No other such form was observed in the village. The balcony is of a modest depth and is such that it is unlikely to be extensively used. Moreover, the proposed balcony is set back from the rear building line of Plot 2. In these circumstances, it is submitted that the development would not result in serious levels of overlooking that would seriously affect the living conditions of neighbouring residents.

6.3 Visual impact and landscaping

6.3.1 The dwelling has an outlook onto open countryside. It is submitted that the rear alterations to the rear elevation proposed would not result in any material change when viewed from this land or from the Water Works to the north east. It would not conflict with Core Strategy Policy CS6 or SAMDev Policy MD2. Conditions to secure landscaping will reduce any impact on the surrounding area.

6.4 Other matters

6.4.1 The original application remains subject to a s106 agreement to deliver affordable housing on the site. This has now been triggered with the starting of works on site. An informative to this decision makes clear that the application relates to the site boundaries marked red on the plan and not the extended area of curtilage shown on the submitted plans.

7.0 CONCLUSION

7.1 The alterations are modest and acceptable in a site context that is outside of a CA and some distance from a listed building. The conditions covering planning permission 13/05064/FUL have been replicated in this permission for the same of consistency.

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 three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

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
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan:
CS1 – Strategic Approach
CS4 – Community Hubs and Clusters
CS6 – Sustainable Design and Development Principles

CS11 – Type and Affordability of Housing
 CS17 – Environmental Networks
 CS18 – Sustainable Water Management
 MD2 - Sustainable Design
 MD3 – Delivery of Housing Development
 MD12 – Natural Environment
 MD13 – Historic Environment
 S6 - Cleobury Mortimer Area

RELEVANT PLANNING HISTORY:

13/01950/FUL Erection of three dwellings with garages REFUSE 12th September 2013
 13/05064/FUL Erection of three dwellings with garages GRANT 25th February 2015
 15/01417/DIS Discharge of conditions 3 (materials) 4 (drainage) 5 (landscaping) 6 (Archeological) Erection of three dwellings with garages of planning permission 13/05064/FUL DISAPP 6th October 2015
 15/02486/VAR Variation of condition 2 attached to Planning Permission 13/05064/FUL dated 25th February 2015 to amend the rear boundary GRANT 22nd October 2015

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OLIYRJTD07U00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access Statement
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Gwilym Butler Cllr Madge Shineton
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.

Contact: Tim Rogers (01743) 258773

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 shall take place until a scheme of foul drainage, and 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.

5. 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

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

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

6. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) that should initially comprise a desk based archaeological assessment/heritage statement that takes into consideration any possible direct impact on known/unknown archaeological resources and any issues of setting, if any, on both designated and un-designated heritage assets. Further archaeological mitigation may be required depending on the results of the archaeological assessment. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: Aerial photographic survey in 1991 identified surviving earthworks of ridge and furrow and a possible hollow way (HER PRN 04676) within the development boundary.

The proposed development proposal can therefore be deemed to have some archaeological potential that requires investigation before development commences.

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

7. A total of 1 woodcrete artificial nest suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site as shown on a site plan to be submitted to and agreed in writing with the Local Planning Authority prior to first occupation of the building hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

8. A total of 1 woodcrete bat box suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan agreed in writing with the Local Planning Authority. The box must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

9. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. 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 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.

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

10. 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

1. INFORMATIVES

Site area

In issuing this permission, the Council has relied on the location plan for Plot 3 edged red on the submitted block plan. The Council is not sanctioning an extension of the area of the site for development and draws your attention to the terms of the original permission.

Proactive working

The Council has worked proactively with the developer on this application consistent with government advice set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Surface Water Drainage

The application form states that the surface water drainage from the proposed development is to be disposed of via soakaways. However no details and sizing of the proposed soakaways have been supplied. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval. Appendix 'D' of the Shropshire Council's Surface Water Management: Interim Guidance for Developers should also be completed and submitted..

The applicant should consider employing measures such as the following:

- Water Butts
- Rainwater harvesting system
- Permeable surfacing on any new driveway, parking area/ paved area
- Greywater recycling system

Consent is required from the service provider to connect into the foul main sewer.

Bats

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

If a bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

Nesting Birds

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note:

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

Badgers

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

Landscaping Plan

The loss of hedgerow should be compensated by additional native species trees and hedge planting. A native species hedge should replace the post and rail fence proposed for the south boundary. This should contain a minimum of 5 woody species.

Electric Charging Points

The developer is encouraged to provide an independent 32 amp radial circuit isolation switch at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.