

Development Management Report

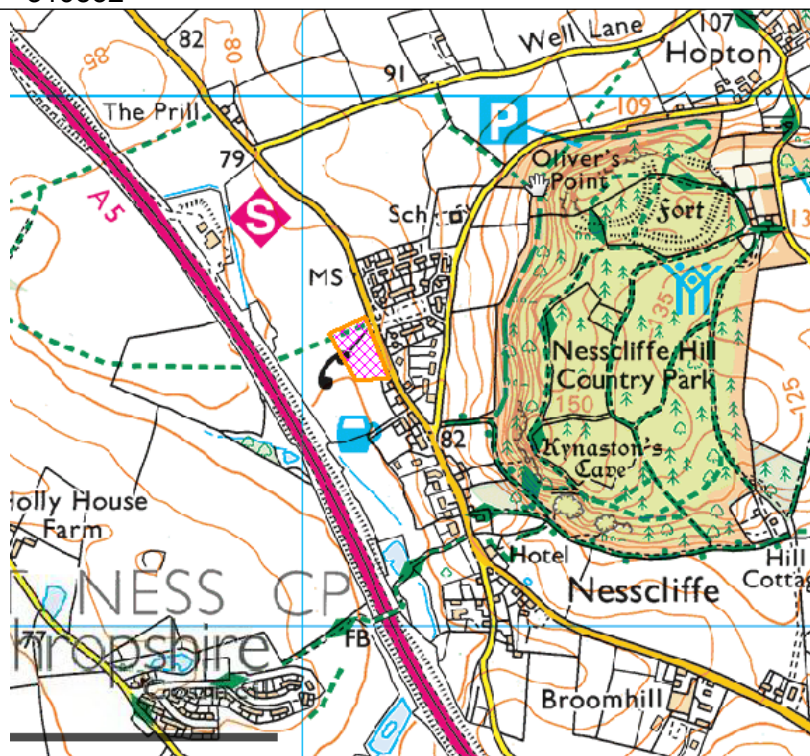
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 16/03413/REM	<u>Parish:</u>	Great Ness
<u>Proposal:</u> Reserved Matters pursuant to Outline planning application 13/04757/OUT (landscaping, scale, appearance, layout and access) for residential development of 23 dwellings		
<u>Site Address:</u> Proposed Residential Development Opposite The Crescent Nesscliffe Shrewsbury Shropshire		
<u>Applicant:</u> Shrewsbury Homes		
<u>Case Officer:</u> Nanette Brown		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 338127 - 319532



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 This application seeks reserved matters consent for the matters of appearance, landscaping, layout, scale and access relating to the previously permitted outline planning consent reference 13/04757/OUT. The outline consent granted outline planning permission for the residential development of the site and associated works, including details of access to the site. This site is an allocated housing site identified in SAMDev with a guideline of 15 dwellings.
- 1.2 This application has been subject to amendments as part of the application process and the latest plans submitted show a total of 23 dwellings proposed, a mixture of detached, semi detached and terraced housing ranging from 2 bedroom to 4 bedrooms. The agent has confirmed that the recently amended plans have amended the house types in order to provide areas of public open space that in area exceed the amount required by current policy requirements. The access into the site has been amended slightly to that previously agreed on the outline consent, but is still retained in the northern corner of the site, onto Holyhead Road.
- 1.3 The committee report of 27th July 2017 in respect of 16/04590/FUL is attached as Appendix 3.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located at the northern end of the settlement of Nesscliffe and currently is within agricultural use. The development will be accessed off the A5210, Holyhead Road which runs to the east of the site with Right of Way route code 0419/11/2 running across the site in an east-west direction linking residential properties in The Crescent to the A5 highway. The site shares a 20 metre section of its southern boundary with the domestic curtilage of Grove Cottage, the only immediately adjacent existing property to the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 At the meeting of 27th July 2017 Members resolved to defer the application in order to ask the developer to reduce the number of dwellings and increase the amount of public open space.

4.0 Public Comments

- 4.1 Two further objections received, summarised as follows:

Note the comments made by the Central Planning Committee requesting that the applicant reduce number of dwellings and increase the amount of open space; concerns were raised about the level of development in Nesscliffe and the density of the site if 24 houses are built; the outline approval did not specify a number of houses to be built; the number of units were to be included in the first submission of reserved matters as per point 4 of the decision notice; as an allocated site in

SAMDev for 15 houses this must now be given weight; committee concerns about the density of the site can only be addressed by a significant reduction in numbers; the reduction in house numbers by 1 is not acceptable

5.0 THE MAIN ISSUES

Principle of development Layout and Scale

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of residential development of the site has been accepted with the grant of outline planning permission ref 13/04757/OUT. Furthermore the site is allocated for housing development in the now adopted Shropshire Site Allocation and Management of Development (SAMDev) Plan to provide new housing within the proposed Community Hub of Nesscliffe. The proposed site is suggested in the SAMDev to be for approximately 15 houses, with a guideline of 30 houses for the whole settlement. The current reserved matters application, amended since the Central Planning Committee of 27th July 2017 now seeks consent for housing on the whole of the site previously granted outline approval, for a total of 23 houses (reduced from 30 no. during negotiations carried out by officers during this application and from 24 as previously considered by Central Planning Committee on 27th July 2017).

6.1.2 With regard to affordable housing the current reserved matters application still includes 3 affordable dwellings sited towards the centre of the site (plots 8, 9 & 10). The current prevailing target for affordable housing in Nesscliffe would be for 15% of the development to be affordable. As such 3 dwellings on site results in a small under provision which can be made up through a financial contribution and this was secured within the S106 agreement attached to the outline planning consent. As such the proposed development, in terms of affordable housing, is considered to meet the requirements of the adopted policy.

6.2 Layout and Scale

6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. This is reflected in Core Strategy policy CS6 and SAMDev policy MD2 which seek to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.2.2 Layout and Scale –

The submitted layout shows the access road to serve the properties entering the site at its northern corner with the access road forming roughly an E shape within the site with houses set to each side of the access road. The overall numbers of dwellings proposed have now been reduced to 23 which has allowed for the main

area of Public Open Space to be increased in size, now extending up to meet the sites access off Holyhead Road at its northern end. The proposed housetypes for the properties fronting this open space have also been amended with their front elevations facing east towards the open space and Holyhead Road beyond.

6.2.3 Whilst the 23 houses now proposed are still greater in number than the guide figure of 15 houses referred to in the SAMDev allocation, officers are satisfied that the proposed layout allows for sufficient amenity space and off road parking for each dwelling as well as providing an amount of public open space that now slightly exceeds the amount required in Shropshire Council's current adopted planning guidance of 2160m² (30sqm of open space x 72 beds).

6.2.4 The majority of houses proposed would provide 2 or 3 bedroom accommodation (3no. 2 bedroom houses and 14no. 3 bedroom houses) in a mix of terraced, semi detached and detached houses with just 6 detached houses having 4 bedrooms. Officers consider that this still contributes greatly to the Parish Council wish for new housing developments to consist of predominantly 2 or 3 bedroom accommodation.

6.2.5 Open space remains shown to be provided across 3 separate areas across the site, with the largest, main area set centrally alongside the houses and the sites eastern boundary, next to Holyhead Road. The other two areas are much smaller, one providing a green buffer to a pumping station that is required at the southern end of the site, the third allowing for the public right of way to enter and cross the north western corner of the site.

6.2.6 **Appearance –**

The mix of terraced, semi-detached and detached dwellings proposed are of a modern design with two storeys of red stock & red multi stock colour brickwork with smooth grey and old English dark red roof tiles and some with chimney details. It is considered that the design and materials chosen are acceptable.

7.0 Conditions

7.1 Conditions relating to the provision of the pedestrian refuge crossing point and the provision of electric vehicle charging points are now included in the recommended conditions in appendix 1.

8.0 CONCLUSION

8.1 The principle for residential development has been agreed. The Appearance, scale, Landscaping, Layout and access to the proposed development are considered to conserve and enhance the natural and built environment of this location and is appropriate in density, pattern and design taking into account the sites location within Nesscliffe. Accordingly it is considered that proposal is in compliance with the development plan and can be made acceptable by the attachment of conditions.

9.0 Risk Assessment and Opportunities Appraisal

9.1 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.

9.2 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.

9.3 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.

10.0 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.

11. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:

CS4: Community and Community Clusters

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing

CS17: Environmental Networks

MD2: Sustainable Development

MD3: Delivery of Housing Development

MD7a: Managing Housing Development in the Countryside

RELEVANT PLANNING HISTORY:

13/04757/OUT Application for Outline Planning Permission (access for approval) for residential development and associated works GRANT 15th February 2016

12. Additional Information

View details online:

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning file 16/03413/REM</p>
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<p>Cabinet Member (Portfolio Holder) Cllr R. Macey</p>
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<p>Local Member Cllr Ed Potter</p>
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<p>Appendices APPENDIX 1 – Conditions APPENDIX 2 – Central Planning Committee Report of 27th July 2017</p>

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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

2. Prior to the first occupation of any part of the development or any phase of the development full details of the pedestrian refuge point across Holyhead Road shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian refuge shall be implemented before any part of the development is occupied.
Reason: In the interests of highway safety and to ensure the provision of the crossing to improve pedestrian safety.
3. A minimum of one electric vehicle (EV) plug ready charging point shall be installed at every dwelling with an off-street car parking space prior to the first occupation of that dwelling.
Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help protect and exploit opportunities for the use of sustainable transport modes as required by paragraph 35 of the NPPF.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved plan SA2238/02RevC. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. 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.
5. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.
 - a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and

particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

4. No construction (and/or demolition) works shall take place before 07:00 on weekdays and 08:00 on Saturdays nor after 18:00 on weekdays and 13:00 on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

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

6. No burning shall take place on site including during clearance of the site.

Reason: To protect the amenity of the area and protect the health and wellbeing of local residents.

Informatives

1. This planning permission notice must be read in conjunction with the outline notice reference 13/04757/OUT granted 15.02.2016 where additional conditions are attached.
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990 that is attached to the outline planning consent reference 13/04757/OUT .
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. Whilst works take place developers must be aware of the following:
 - The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
 - Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
 - Building materials, debris, etc must not be stored or deposited on the right of way.
 - There must be no reduction of the width of the right of way.
 - The alignment of the right of way must not be altered.
 - The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
 - No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

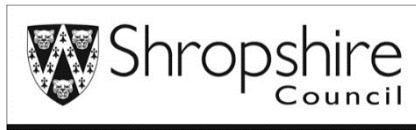
If it is not possible to maintain public access along the footpath at all times whilst building works take place, the applicant should apply to the Mapping and Enforcement Team for a temporary closure of the footpath (fees apply).

5. If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND,

No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into

<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>

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Appendix 2 – Previous committee report of 27th July 2017.

Committee and date

Item

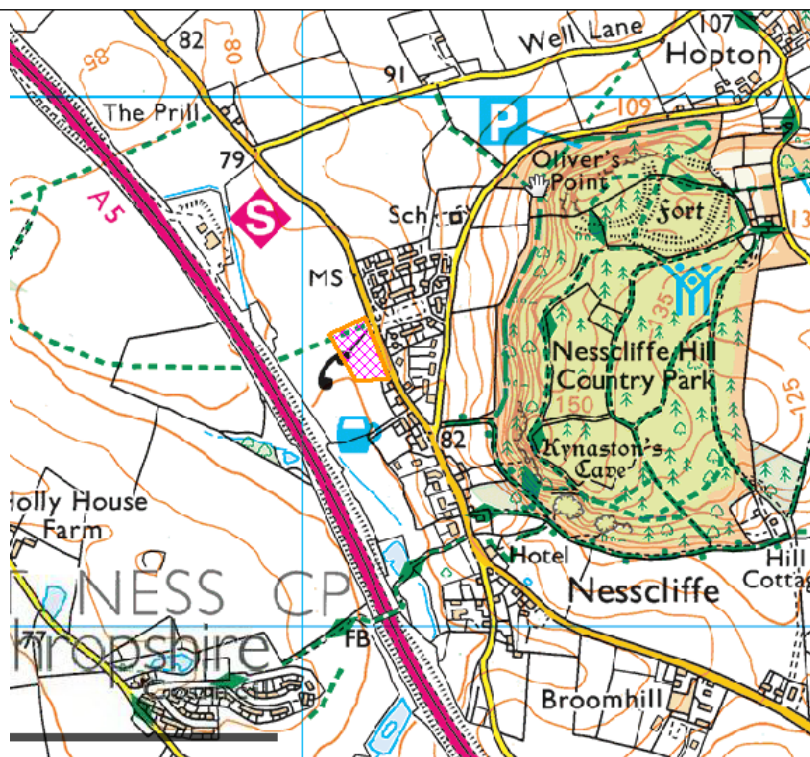
Public

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> 16/03413/REM	<u>Parish:</u>	Great Ness
<u>Proposal:</u> Reserved Matters pursuant to Outline planning application 13/04757/OUT (landscaping, scale, appearance and layout) for residential development of 30 dwellings		
<u>Site Address:</u> Proposed Residential Development Opposite The Crescent Nesscliffe Shrewsbury Shropshire		
<u>Applicant:</u> Shrewsbury Homes		
<u>Case Officer:</u> Nanette Brown	<u>email:</u> planningdmc@shropshire.gov.uk	
<u>Grid Ref:</u> 338127 - 319532		



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks reserved matters consent for the matters of appearance, landscaping, layout, scale and access relating to the previously permitted outline planning consent reference 13/04757/OUT. The outline consent granted outline planning permission for the residential development of the site and associated works, including details of access to the site. This site is an allocated housing site identified in SAMDev with a guideline of 15 dwellings.
- 1.2 This application has been subject to amendments as part of the application process and the latest plans submitted show a total of 24 dwellings proposed, a mixture of detached, semi detached and terraced housing ranging from 2 bedroom to 4 bedrooms. Areas of public open space are shown to be provided within the development split over three areas, with the largest open area set at the front of the site parallel with Holyhead Road. The access into the site has been amended slightly to that previously agreed on the outline consent, but is still retained in the northern corner of the site, onto Holyhead Road.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located at the northern end of the settlement of Nesscliffe and currently is within agricultural use. The development will be accessed off the A5210, Holyhead Road which runs to the east of the site with Right of Way route code 0419/11/2 running across the site in an east-west direction linking residential properties in The Crescent to the A5 highway. The site shares a 20 metre section of its southern boundary with the domestic curtilage of Grove Cottage, the only immediately adjacent existing property to the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has raised objections to this application on planning grounds. 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 Suds – No objection

The latest surface water drainage details and calculations are acceptable.

SC Parks and Recreation – Comments

Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom.

The proposed development should therefore provide a minimum 2370sqm of usable public open space as part of the site design.

For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision. In a development such as this the village green layout would be preferred

with housing facing a central open space.

The current design shows 3 areas of POS which should be amalgamated to meet the above policy requirement.

Any access to public open space will need to over routes available to the public and not over private driveways as put forward in this application, footpath links to this open space need to allow access from all parts of the development.

SC Ecology – No objections

SC Ecology welcomes the additional hedge planting around the sites perimeter. Where it is intended to create semi-natural habitats, all species used in the planting proposal should be locally native species of local provenance. SC Ecology would recommend that the species selected for the landscaped areas are modified to take this advice into account.

SC Highways – No objection

Final comments to follow.

SC Conservation – Comments

Refer you to our earlier comments provided on this Reserved Matters application. Note that the number of dwellings has been reduced more in line with the number of dwellings/lots illustrated in the indicative plan submitted at the Outline stage; there does however still appear to be a higher degree of built area compared with the Outline plan and this may be related to the size of some of the dwellings proposed. A street scene plan has been provided and comment that in terms of at least the four buildings with side or front elevations facing the main highway, more detailing to reflect the details inherent in the existing dwellings in the area should be added, for example chimneys on each of these dwellings to add variation to the rooflines. Should this revised plan be approved, conditions regarding further details on external materials and finishes and site enclosures and boundaries should be added so that these more detailed elements of the proposal can be agreed.

SC Landscape – No objections

SC Affordable Housing – Comments

The plan shows plots 10, 11 and 12 as the affordable units, a scheme of 24 units will also need to provide a financial contribution. Assume that the tenure will be 2 for affordable rent and 1 shared ownership and will be transferred to a Housing Association.

SC Public Protection (Specialist) – No objections

Due to distances from the railway line do not consider any noise assessment is necessary. Therefore have no objection to the proposed development.

SC Rights of Way – comments

The public right of way Great Ness Footpath 11 is directly affected by the proposal, as acknowledged by the applicant. Please see the attached plan. It is noted that 3.7 of the Planning, Design & Access Statement refers to an application being made to divert the footpath to follow the estate road. Not received such an application to date. However, an application is required to legally divert the footpath under the provisions of the TCPA 1990 and would urge the applicant to contact the Mapping & Enforcement Team at the earliest opportunity (fees apply).

It is also a little disappointing to see that the proposed line of the diversion shown on the Site Plan follows the estate road, rather than across any public open space. If the diversion route was to run through open space or along a grass/natural surface, it would retain far more of its present and historic characteristics (the route has always been unenclosed and run across agricultural fields), rather than the proposed tarmac footway adjacent to the proposed estate road.

It is also noted that where Footpath 11 enters the development site between plots 29 and 30, it is proposed to be enclosed by fencing, to a width of around 1.25m. This width is unacceptable. Narrow, enclosed routes can contribute towards anti-social behaviour; therefore, the minimum width required by this team when public footpaths become enclosed is 2m.

Also request that the applicant considers using 1.2m high timber post and rail fencing along the length of the enclosed section of path, rather than the part 1.8 high closed board fencing. Again, to prevent the route becoming a narrow, enclosed corridor.

Finally, whilst works take place the developers must also be aware of the following:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with

this office; nor must it be damaged.

- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

If it is not possible to maintain public access along the footpath at all times whilst building works take place, the applicant should apply to the Mapping and Enforcement Team for a temporary closure of the footpath (fees apply).

Great Ness and Little Ness Parish Council – Objection

Date comment received: 10.05.2017

Great Ness and Little Ness Parish Council discussed this application at their meeting last night and object to this application on the grounds that it is not within our Parish Plan and Housing Survey and their previous objections remain the same.

Date comment received: 09.02.2017

The Great Ness and Little Ness Parish Council wish to reiterate its objection to the amended proposal, dated 24 January 2017.

The reasons for this continued objections are as follows:

1. The developer has amended the development site position; clearly it is different from the development site approved at outline planning permission.
2. The complete disregard to accept the direction from the Planning Officer, the objections of Parish Council and the community and the guidance from SAMDEV that a maximum of 15 properties is the acceptable maximum for this preferred site. The intransigence of the agent/developer/landowner is disappointing in the extreme.
3. The insistence of including 6 four bedroom properties again flies in the face SAMDEV guidance.
4. The failure to accept the guidance of the consultant on the minimum requirement for public open space. The introduction of 2 'postage size' public area, one of which shares the space with a pumping station is disappointing to say the least.
5. The failure to provide the 'promised' road crossing.
6. The amended block diagram offers a starkly difference picture of an acceptable layout as illustrated by existing Crescent and the proposed layout across the road. The proposed layout is extremely cramped and typically urban where land is at a premium.

7. The reluctance to reposition the access to the development site, away from the Crescent access road, thus reducing the potential for accidents.

Date comment received: 08.09.2016

Please ignore previous comments as there is a small amendment to number 1.

The Parish Council wishes to object to this application for the following reasons:

1. The decision of the Planning Officer to request that the applicant complies with SAMDEV S16.2(IV): (Nesscliffe), is fully supported. However SAMDEV also required developments in Nesscliffe to be confined to a maximum of 10 houses, predominantly 2/3 bedroom properties. The Planning Officer will be aware that the figure of 15 properties is the total number for the period up to 2026, it would not be unreasonable for development to be staged, such that SAMDEV is complied with. The Planning Officer is asked to request the applicant to comply with this aspect of SAMDEV guidance.
2. There was an intention for the developer to provide a pedestrian crossing, there is no evidence that this promise will be kept.
3. The promised pedestrian entrance is not evident in the application.
4. There is no provision for access to the sewage system.
5. The proposed development has not made use of the available space, the development is far too cramped.
6. The applicant has not met the requirement of the NPPF, para 66, that requires applicants to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

4.2 - Public Comments

5 objections received to the application summarised as follows:

Principle of development:

No assessment has been carried out to ensure existing services and infrastructure are capable of accepting the increased in population and no opportunity for the community to comment; however such relaxation does conflict with SAMDev policies in particular MD3: the policy explains that whilst the SAMDev guideline is a guideline figure not a maximum, development exceeding by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill; clearly the planning department have seen the doubling of the guideline figure as not acceptable; a head count shows that this application would take the total to 37, with outline planning for other sites in the settlement, potentially brings the total to 102; the importance of including the cumulative impact of a number of developments is an important consideration; the planning department is asked to take particular note of para iv in extract below, from MD3; MD3 also requires new developments to be in keeping with the local character and the proposal falls well short of this requirement on a number of accounts:

- a. The urban 'squeeze' is both out of character and totally unnecessary in light of the available land for development; Highways and the Conservation Officer have

also provided unsolicited comments on the inappropriateness of this proposal, in terms of design and layout.

b. The reluctance to provide the same level of open space enjoyed by neighbouring properties.

c. The failure to meet the SAMDev plan requirement for 'predominantly' 2/3 bedroom properties.

The SAMDev plan is intended to be the primary document to ensure compliance with current planning policy.

Our parish plan is very clear that there is a local need for 2 and 3 bedroomed houses with many 4 beds already built in the parish there is no requirement for additional 4 beds; this application should be reduced to 15 houses, in line with SAMDev and the type and number of 2 bedroom houses increased whilst reducing the 4 bedroomed ones.

Layout

The current layout is different to that in the outline and gives a feel of urbanisation due to the doubling of house numbers; there is no need to have terrace style houses; The promised play area is not included; the site was put forward for 15 houses so clearly this was considered acceptable space needed for 15 dwellings. It doesn't take a genius to realise that building 24 houses in the same space will create a cramped and 'urbanised' development which is totally out of character of the village; the layout should mirror that of the Crescent opposite and have dwellings facing a central open space.

The houses at the South East corner of the site will overlook the adjacent neighbouring property.

Design

No effort has been made to include environmentally friendly elements to the houses such as electric points for charging the cars. CS6 states the need to reduce car based travel this application does not do this. Every other bus from Shrewsbury to Oswestry now comes through Nesscliffe so it is not a reliable service for anyone relying on it for work or college. There is no bus service to either of the local doctors.

Access

The access is directly opposite the Crescent entrance and since the majority of cars will turn right out of the development this is far from ideal.

5.0 THE MAIN ISSUES

Principle of development

Layout, scale and appearance

Landscaping**Access****Other matters****6.0 OFFICER APPRAISAL****6.1 Principle of development**

- 6.1.1 The principle of residential development of the site has been accepted with the grant of outline planning permission ref 13/04757/OUT. Furthermore the site is allocated for housing development in the now adopted Shropshire Site Allocation and Management of Development (SAMDev) Plan to provide new housing within the proposed Community Hub of Nesscliffe. The proposed site is suggested in the SAMDev to be for approximately 15 houses, with a guideline of 30 houses for the whole settlement. The current reserved matters application seeks consent for housing on the whole of the site previously granted outline approval, for a total of 24 houses (reduced from 30 no. during negotiations carried out by officers during this application). The matters for consideration in this reserved matters application are solely those relating to the layout, scale, appearance, and landscaping. Details of the proposed drainage of the site have also been submitted for consideration as part of the proposals.
- 6.1.2 With regard to affordable housing the current reserved matters application includes 3 affordable dwellings in one group located towards the centre of the site. The current prevailing target for affordable housing in Nesscliffe would be for 15% of the development to be affordable. As such 3 dwellings on site results in a small under provision which can be made up through a financial contribution and this was secured within the S106 agreement attached to the outline planning consent. The agents for the application have confirmed which plots on site the affordable units are intended to be and they are centrally positioned within the site. As such the proposed development, in terms of affordable housing, is considered to meet the requirements of the adopted policy.
- 6.1.3 It is noted that **Great Ness & Little Ness Parish Council have objected** to the application on several grounds including that the proposal exceeds the housing guideline for Nesscliffe and the sites allocation in SAMDev; that they consider only 2/3 bedroom properties should be allowed; that the development shall impact on the public right of way that passes through the site; concerns regarding highway safety from the proposed access opposite The Crescent and insufficient open space is proposed on site. The principle of development of the site has already been established and agreed as set out in the paragraphs above due to the granting of the earlier outline. The other issues of layout, scale, appearance and design are discussed later on in this report.

6.2 Layout, scale and appearance

- 6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. This is reflected in Core

Strategy policy CS6 and SAMDev policy MD2 which seek to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.2.2 **Layout and Scale –**

The submitted layout shows the access road to serve the properties entering the site at its northern corner with the access road forming roughly an E shape within the site with houses set to each side of the access road. Three of the dwellings set closest to Holyhead Road (plots 1, 7, and 14) have been orientated so that the front elevations face east across the proposed open space and also towards the Holyhead Road in order to help to form a visual connection with the village. The total number of houses proposed is 24 having been reduced from 30 houses during negotiations carried out as part of this application.

6.2.3 Whilst the 24 houses now proposed are still greater in number than the guide figure of 15 houses referred to in the SAMDev allocation, officers are satisfied that the proposed layout allows for sufficient amenity space and off road parking for each dwelling. This number of units is greater than the 10 dwellings per site requirement of the Parish Council, but this is the allocated housing site for the village and it was always intended to accommodate more than 10 houses.

6.2.4 The majority of houses proposed would provide 2 or 3 bedroom accommodation (16no. 2 bedroom houses and 13no. 3 bedroom houses) in a mix of terraced, semi detached and detached houses with just 5 detached houses having 4 bedrooms. Officers consider that this contributes greatly to the Parish Council wish for new housing developments to consist of predominantly 2 or 3 bedroom accommodation.

6.2.5 Other than those residential properties set to the east of Holyhead Road, there is only one immediate neighbouring residential property to the site, Grove Cottage, whose garden meets with this sites southern boundary. In the proposed layout, the rear gardens of plots 15 and 16 extend up to the boundary of Grove Cottage. It is noted that the gardens to these plots are approximately 8 metres in length and would face towards the side garden area of Grove Cottage, at a distance of approximately 17 metres between dwellings. It is considered that these distances are acceptable and would not result in any significant detrimental impact on the neighbours through loss of privacy or light to either the windows in the side and rear of Grove Cottage nor to any private amenity space located to the immediate rear of the cottage.

6.2.6 Open space is shown to be provided across 3 separate areas across the site, with the largest, main area set centrally alongside the houses and the sites eastern boundary, next to Holyhead Road. The other two areas are much smaller, one providing a green buffer to a pumping station that is required at the southern end of the site, the third allowing for the public right of way to enter and cross the north western corner of the site. The amount of open space proposed falls slightly short

of the 2130sqm required at approximately 1898sqm, but whilst this is considered to be a slight under provision and it is understood that the applicants intend to address this with an over provision of open space on the adjacent housing site to the north, that is currently subject to a separate reserved matters application (117/01576/REM).

6.2.6 Appearance –

The mix of terraced, semi-detached and detached dwellings proposed are of a modern design with two storeys of red stock & red multi stock colour brickwork with smooth grey and old English dark red roof tiles and some with chimney details. It is considered that the design and materials chosen are acceptable.

6.3 Landscaping-

6.3.1 Landscaping is shown on the submitted site layout plan and consists of mainly grassed areas for the open spaces provided with tree and hedge planting at various points around the site. It is considered that the proposed planting scheme is satisfactory and will complement the existing hedgerows that mark the front (eastern) site boundary.

6.4 Access

6.4.1 Details of the access have been included with this reserved matters application in order that the proposed position of the access can be amended slightly so that the access is set approximately 7.5metres closer to the sites northern most corner. SC Highways Officers have confirmed that they do not object to the final scheme as proposed and will provide details of final any comments/recommended conditions prior to the committee date.

6.4.2 The proposed layout scheme shows a pedestrian refuge style crossing across Holyhead Road. The Parish Council have voiced their support for the provision of this facility to aid people to cross the road at this end of the village. Whilst this was not secured at the time of granting of the outline consent, officers consider that this pedestrian crossing will be of value to the development. This could be secured by a planning condition with the pedestrian refuge to be provided as part of the access works to the site.

6.5 Other matters

Drainage – Details of a proposed surface water drainage system has been submitted and SC Suds Officers have confirmed that this is satisfactory.

6.4.2 Public Right of Way - The public right of way Great Ness Footpath 11 is directly affected by the proposal and an application will need to be made separate to this planning application in order to divert the footpath to follow the estate road. Whilst the SC Rights of Way Team would prefer the amended footpath to run through open space rather than follow the line of the access/estate road, officers note that the amended plans do allow for part of the revised footpath to run across a small area of open space as it enters the western side of the site, before joining the

estate road and pavement.

7.0 CONCLUSION

- 7.1 The principle for residential development has been agreed. The Appearance, scale, Landscaping, Layout and access to the proposed development are considered to conserve and enhance the natural and built environment of this location and is appropriate in density, pattern and design taking into account the sites location within Nesscliffe. Accordingly it is considered that proposal is in compliance with the development plan and can be made acceptable by the attachment of conditions.

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:
NPPF

Core Strategy and Saved Policies:

CS4: Community and Community Clusters

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing

CS17: Environmental Networks

MD2: Sustainable Development

MD3: Delivery of Housing Development

MD7a: Managing Housing Development in the Countryside

RELEVANT PLANNING HISTORY:

13/04757/OUT Application for Outline Planning Permission (access for approval) for residential development and associated works GRANT 15th February 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 16/03413/REM

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 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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

2. All hard and soft landscape works shall be carried out in accordance with the approved plan SA2238/02RevC. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. 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.
3. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.
 - a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.
 - b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground

levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

4. No construction (and/or demolition) works shall take place before 07:00 on weekdays and 08:00 on Saturdays nor after 18:00 on weekdays and 13:00 on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

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

5. No burning shall take place on site including during clearance of the site.

Reason: To protect the amenity of the area and protect the health and wellbeing of local residents.

Informatives

1. This planning permission notice must be read in conjunction with the outline notice reference 13/04757/OUT granted 15.02.2016 where additional conditions are attached.
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990 that is attached to the outline planning consent reference 13/04757/OUT .
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. Whilst works take place developers must be aware of the following:
- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
 - Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
 - Building materials, debris, etc must not be stored or deposited on the right of way.
 - There must be no reduction of the width of the right of way.
 - The alignment of the right of way must not be altered.
 - The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
 - No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

If it is not possible to maintain public access along the footpath at all times whilst building works take place, the applicant should apply to the Mapping and Enforcement Team for a temporary closure of the footpath (fees apply).

5. If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND,
- No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into
- <http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>