

Development Management Report

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Summary of Application

<u>Application Number:</u> 15/00566/REM	<u>Parish:</u> St Martins
<u>Proposal:</u> Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to permission 14/01390/OUT for the erection of eight dwellings and two bungalows	
<u>Site Address:</u> Proposed Residential Development West Of Cottage Lane St Martins Shropshire	
<u>Applicant:</u> Mr Steve Jennings	
<u>Case Officer:</u> Mark Perry	<u>email:</u> planningdmnw@shropshire.gov.uk

Grid Ref: 332764 - 336579



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

REPORT

1.0 THE PROPOSAL

- 1.1 The submitted application seeks reserved matters approval for the erection of 8 dwellings and 2 bungalows. The access, appearance, landscaping, layout and scale are all being considered under this reserved matters application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located on the edge of St Martins, just outside, but adjoining the existing development boundary which runs along its eastern edge. To the north there is a separate triangular parcel of land which has an agricultural use and does not form part of this application nor is it within the ownership of the applicant. The development fronts onto Cottage Lane which beyond the housing estate to the east narrows to a single carriageway width. The land is currently in agricultural use and sits behind a mature roadside hedgerow. A public footpath is at the southern tip of the site which then heads in a south westerly direction away from the application site.
- 2.2 The site already benefits from outline planning permission which was granted on the 5th February 2015 under delegated powers (application no. 14/01390/OUT). The outline planning permission only established the principle of a residential development on the site; it did not specify either the number or the types of dwellings.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have objected to the scheme and the local Ward Member has asked that the application be considered by the Planning Committee. The Chair/ Vice Chair consider that the application warrant consideration by the planning committee.

4.0 Community Representations

Objections received from 5 individual addresses commenting on the following issues:

- Site is outside the development boundary
- Access is onto a single carriageway
- Increased number of vehicle movements
- Walking route to school is unsafe
- This site could lead to further development
- Impact of vehicles on old buildings

- The village already has plans for a further 200 dwellings
- Road junction with Ellesmere road cannot be improved

Consultee Comments

4.1 Parish Council-

St Martins Parish Council strongly objects to this application on the following grounds; enormous number of inaccuracies in application, concern over how this site is increasing in numbers by each submission, dangerous junction onto Ellesmere Road from Cottage Lane which cannot be improved and concern that Shropshire Councils Highway Officers raise no objections to the application, vehicle access from a single track lane, not included in the SAMDev by the parish council and concern that the road disappears into a field at the end of the proposed development which could lead to further development in the future. The Parish Council also object to the fact that the "road" is described as a Tarmac drive and as such would not be to highway standards - despite the application being for 12 houses. It also has no street light.

Highways- No objection subject to conditions

Rights of Way-

No objection subject to the right of way remaining open during the construction works

Affordable Housing-

The affordable housing rate suggested satisfies the provisions of the SPD Type and Affordability of Housing.

Waste Management-

It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Highway Safety
Impact on Neighbours

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of residential development on this site has been accepted with the grant of outline planning permission 14/01390/OUT where the access, appearance, landscaping, layout and scale of the development were reserved for later approval. Whilst the access to the site was a reserved matter, conditions attached to the outline consent did require the provision of a footpath and improvements to be made to the existing highway which included alterations to the Cottage Lane

junction with the B5068. Also covered by conditions attached to the outline consent were matters relating to protected species and the drainage of the site. The consent was also accompanied by a S106 to secure an affordable housing payment to be made in accordance with the adopted Supplementary Planning Document.

6.1.2 Members are advised that they should not be considering the principle of a residential development on the site as this has already been established by the outline planning consent. Instead, the issues for consideration should relate solely to the reserved matters i.e. access, appearance, landscaping, layout and scale.

6.1.3 A number of representations received have commented on how the plan submitted as part of the outline application showed a scheme of 8 dwellings. At the outline stage this plan was only an indicative layout to show one option of how the site could be developed. The layout or the number of dwellings did not form any part of the outline planning permission and was not considered at that time.

6.2 Siting, scale and design of structure

6.2.1 The plans originally submitted with this reserved matters application showed a scheme of 12 semi-detached, two storey dwellings with two separate accesses onto Cottage Lane. Following the comments made by members of the public, the Parish Council and in negotiation with Planning Officers, the scheme has been reduced to 10 properties which consist of 8 semi-detached dwellings, two detached bungalows and a single point of access into the site from Cottage Lane.

6.2.2 The revised scheme shows a single point of access to the site from which leads onto two small cul-de-sacs. The two bungalows would be on the entrance to the site with the remainder of the properties fronting onto the cul-de-sac. The bungalows would have 3 bedrooms and the two-storey dwellings would be equally split between 3 and 2 bed properties. The 3 bed properties would also have attached single garages. It is considered that the proposed development would provide a good mix of dwelling types which are of a size that are likely to make them more affordable to local people.

6.2.3 All of the properties are of a simple design but do include some design features such as bay windows and lean-to pitched porch canopies which provide some visual interest to the development.

6.2.4 The density of the development is comparable to existing neighbouring development and all of the dwellings would be provided with good sized rear gardens and two off road parking spaces. The scheme also includes two areas of landscaping at its entrance. It is considered by Officers that the density of the development is appropriate for its edge of village location and that it would not create a visually unsympathetic edge to the settlement.

6.2.5 The single point of access now requires only a limited amount of the roadside hedgerow to be removed. The hedgerow helps to soften the visual impact of the proposed development on the approach to the village and preserves some of the lane's character. The proposed development will introduce a built form onto a site that is currently open agricultural land. The existing site is almost entirely screened

by the roadside hedgerow with the exception of a small gap where a gate provides access to the public right of way. From the road there are already glimpses of the roof tops of existing dwellings in St Martins and the dwelling named Windy Ridge. Windy Ridge is located in an elevated position just outside the northern most part of the site and is clearly visible. Whilst the proposal will introduce new development it is not considered that there would be a significant detrimental impact upon the character of the immediate area. The two dwellings closest to Cottage Lane are now both proposed to be bungalows. Due to their low height these will be significantly obscured by the mature roadside hedgerow, it would also provide a more gradual transition in the height of the development away from the road and towards the existing housing estates to the north and west. The proposed bungalows would have casement and bay windows on their gable ends to avoid any blank and therefore bland elevations fronting onto the road.

- 6.2.6 To the south of the site there is a public right of way which heads away from the site in a westerly direction across the adjacent field. The right of way would not be affected by the proposed dwellings.

6.3 Visual impact and landscaping

- 6.3.1 The environmental role of sustainability, as set out in the NPPF, was considered at the outline application stage. Now that definitive plans and dwelling details have been provided this can now be considered further as part of this reserved matters application. The key issue is now whether the proposed development would be harmful to the intrinsic character of the area or cause harm to the landscape setting of the village. The proposed development would result in the loss of a small field which is of some value; however this field does not make any specific or substantial contribution to the character of the area and does not have any specific designation or protection. It is considered that the feature of the site which currently makes the biggest contribution to the character of the area is the mature roadside hedge which mirrors the hedge on the opposite side of the lane. The scheme as proposed allows the majority of this road side hedgerow to be retained where it will provide the southern boundary to some of the proposed dwellings. A condition will be imposed to ensure that this hedgerow is appropriately protected during the construction phase and thereafter retained and maintained.

- 6.3.2 The development of the site for 10 dwellings will alter the character of this part of the lane but any new residential development would be seen against a back drop of other dwellings and would not appear either out of keeping or as an isolated residential development. The applicant has included two areas of planting on the entrance to the site; it is considered that this will help to soften the appearance of development helping it to integrate with its surroundings.

6.4 Highway Safety

- 6.4.1 The scheme originally submitted included two separate accesses into the site. Following comments from the local community, highways and planning officers and the Council's Waste Management team the scheme has been amended to a single access. The junction of the cul-de-sacs would also be to a high enough specification to allow refuse vehicles to turn within the site.

- 6.4.2 As part of the outline planning approval conditions 5, 6 and 7 required details of

highway improvements to be approved prior to the commencement of development on the site. The works required include the provision of a footway to the site frontage, localised widening of Cottage Lane and improvements at the junction of Cottage Lane with the B5068. These details will be subject to a formal discharge of condition application however the applicant has already worked up a scheme for these improvements which has been agreed by the Council's Highways Officer.

- 6.4.3 The proposed development would increase the number of vehicle travelling along Cottage Lane, this is an issue that has been voiced by the local community. It is considered by Officers that the number of likely vehicle movements from a residential development of 10 units would not result in conditions that would be detrimental to highway safety when combined with the required highway improvements. The highway improvements, especially those for the junction into Cottage Lane, would also benefit existing highway users by increasing the available visibility for vehicle users.

6.5 Impact on Neighbours

- 6.5.1 The site does not share any of its boundaries with the neighbouring housing estates other than at its north western corner. The exception is the shared boundary with the detached dwelling to the east called Windy Ridge. This existing property sits in an elevated position with the rear elevation facing directly across the northern section of the site; all of the proposed dwellings will sit on lower ground. It is considered that the erection of 8 dwellings and 2 bungalows on the site would not have any detrimental impact on the amenities of neighbouring occupiers. Representations received have commented how this the site will lead to the land to the north also being developed in the future. It is Officer's understanding is that the applicant does not own this land. However, should a planning application be submitted in the adjacent land it will need to be considered on its individual merits at that time.

7.0 CONCLUSION

- 7.1 The principle of a housing development on the site was established by the previous granting of outline planning permission and therefore this application is only to consider the reserved matters. It is considered that whilst the scheme would result in the loss of an existing greenfield and the loss of some hedgerow it would provide a mix of dwelling types which are likely to be in demand and affordable to local people, in a sustainable location. The layout of the site has allowed the existing roadside hedgerow to be largely retained with the exception of the opening needed for the access. This in turn preserves the character of this stretch of Cottage Lane and provides a significant screen to both the proposed development and the existing development beyond.
- 7.2 The proposed access and the highway improvements approved at the outline stage would ensure that there would not be any detrimental impact upon the safety of highways users or pedestrians.
- 7.3 It is considered that the development is of an appropriate design, scale and density and would not have any detrimental impact on amenities of neighbouring occupiers of the character and appearance of the locality.

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 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

Core Strategy and Saved Policies:
CS4- Community Hubs and Clusters
CS5- Countryside and Green Belt
CS6- Sustainable Design and Development Principles
CS11- Type and Affordability of housing
CS17- Environmental Networks

RELEVANT PLANNING HISTORY:

14/01390/OUT Outline application (all matters reserved) for residential development
GRANT 5th February 2015

11. Additional Information

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 M. Price
Local Member Cllr Steven Davenport
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised plan Numbers PL05 Rev B, PL08 Rev A, PL09 Rev A, PL10 Rev A, PL11 received 1st May 2015.

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

2. Prior to the commencement of development full engineering details of the means of access, construction, internal layout, parking and visibility splays together with highway improvements at the junction of Cottage Lane and the B5068, as shown indicatively on Drawing No's CL-RL-200 Rev B & CL-JP-201, shall be submitted to and approved in writing by the Local Planning Authority; the development hereby permitted shall not be first occupied until the approved details have been fully implemented.

Reason: In the interest of highway safety.

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

3. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

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

4. All existing roadside hedgerow, with the exception of where the access is to be created, shall be protected, retained and maintained to the satisfaction of the local planning authority for the duration of any development works and for 5 years thereafter.

Reasons: To safeguard the visual amenities of the area.

5. All hard and soft landscape works detailed on the approved plans shall be carried 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, due 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

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