

Committee and date

South Planning Committee

16 June 2015

## Development Management Report

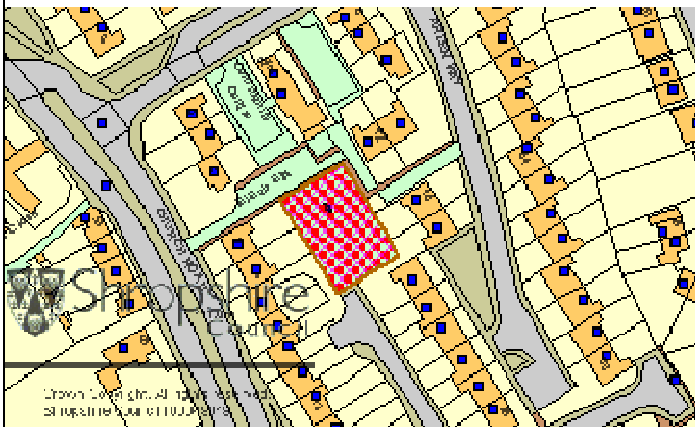
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 15/00535/FUL	<b>Parish:</b>	Alveley And Romsley
<b>Proposal:</b> Erection of three affordable dwellings to include formation of new access (amended description).		
<b>Site Address:</b> Proposed Residential Development East Of Church Road Alveley Shropshire WV15 6NP		
<b>Applicant:</b> Mr Jason O'Donoghue		
<b>Case Officer:</b> Sara Jones	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 376139 - 284301



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Contact: Tim Rogers (01743) 258773

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

- 1.1 The proposal originally involved the erection of 3 No. two storey houses, one open market house and two affordable houses for rent. During the course of the application however the proposal has been amended to involve the erection of three affordable dwellings.
- 1.2 The mix of housing has been identified using Shropshire Home Point and are houses with private gardens.
- 1.3 The housing type and need has been established by Shropshire Town & Rural Housing using Shropshire Home Point. This shows that while there is also a need for 1 bed units none of these live locally however half of those requiring 2 bed units do live locally. The need for affordable housing has increased substantially in the last 6 months.
- 1.4 The proposed dwellings would be arranged in a terrace of three stepping down the slope in a similar fashion to the surrounding development. They are proposed to front onto an access road off Church Road and have been designed to sit back from the pavement to facilitate off street parking (two spaces per dwelling) to the front of the dwellings.
- 1.5 Each dwelling has its own rear garden access and the scheme includes the erection of a 1.8 metre high boarded fence around the site and between the proposed dwellings. Where as a consequence of the ground levels small areas of retaining walls are required these are proposed to be faced in brick. The rear gardens would be some 10 – 11 metres in depth and would vary in width the narrowest being some 4.5 metres. The smallest garden would therefore have an area of some 49.5 square metres. Bin storage areas for each property have been shown on the amended scheme to be positioned to the rear of the gardens access to which for the collection vehicles would be via the cul-de-sac off Chapel Lane.
- 1.6 The dwellings have been designed to include a pitched gabled roof design and simple fenestration (large paned, casement windows), the main window walls being to the front and rear elevations. The amended scheme proposes the use of white Upvc window frames, through colour render (cream) for the walls of the middle dwelling and the walls of the dwellings either side are proposed to be faced in red brick which would distinguish the properties. The front doors are proposed to be made of coloured GRP composite (glass reinforced plastic). The roofs of the dwellings are proposed to be tiled with fibre cement slates.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site refers to a grassed area of approximately 682 square metres in area located behind existing housing. The application site is currently a grassed area

behind the existing housing development. It appears that when the original planning permission was granted (69/2541 Nov. 1969) this area was envisaged as a play area although no play equipment has been installed. The surrounding area is predominantly characterised by two storey housing. The housing immediately adjacent is family housing with gardens, and to the north west by older person's bungalows.

2.2 The access to the site is from Church Road via a driveway which currently serves an area used for informal parking and an electricity sub-station. The site may also be accessed on foot from Arden Way and Chapel Road.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to land owned by the Council.

### 4.0 Community Representations

#### - Consultee Comments

Alveley Parish Council – Objects for the following reasons:

The site is the only green area at the top end of the village available for younger children to play on and this amenity should not be lost.

The road leading from Church road is too narrow and steep for cars to move in and out safely.

The proposed density of the housing is too great.

The design of the houses in terms of their exterior appearance is poor and is not appropriate in the location given the style of the surrounding houses and bungalows.

There do not appear to be any particular energy reducing features.

Alveley Parish Council – Notified amendments. Comments awaited.

SC Affordable Housing - As this site is providing 2 affordable homes on this this is an over provision in this area. The size and type of the affordable housing has been agreed and will meet the identified need in the area.

Re- consulted – Confirmation that there is a need for 2 bed houses for rent in the area but would be content with either 3 for rent or 2 for rent and 1 low cost home ownership.

SC Ecology – Recommend informative.

SC Drainage – Concern that the surface water from the proposed development would be disposed of directly to a main sewer as it can result in increased flood risk

elsewhere.

The use of soakaways should be investigated in the first instance for surface water disposal. 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 and location of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

A plan should be submitted for approval showing exceedance flow routes to ensure that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

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

SC Highways – No objection recommend condition.

SC Parks & Recreation – Given the need for safe open spaces for recreation for the community and especially local children the loss of this space is not supported.

SC Public Protection – No objection - Confirm that contaminated land conditions will not be required should this application be approved.

- Public Comments

Site notice displayed/dated 06.03.2015. Expired 27.03.2015. Eleven letters sent 24.02.2015. Expired 17.03.2015. Additional letter sent 26.02.2015. Expired 19.03.2015.

Nine representations and a petition signed by 39 local residents received objecting to the application which may be summarised as follows:

Inappropriate location – detrimental impact on the character of the area

Loss of rural view

Loss of safe place for children to play - This small area of green land is an excellent community space for the elderly who are less mobile and for local children to play away from main roads, one of which is an arterial bus route.

The recreational area at the other end of the village is too far and too dangerous for children to travel to without an adult. It allows the children to socialise and exercise together in a safe area where parents can keep a close eye on them.

The children play on the green [years ago the council had plans for play equipment on this land] Children make their own games and activities.

This will also adversely affect the health and mental wellbeing of the surrounding elderly residents; of which there are many.

Elderly residents are less likely to be able to object these plans due to representations having had to be made either personally at meetings (many are unable to leave their houses without assistance) or online (the majority are without internet facilities).

All new builds all over the country incorporate safe green areas for children to play . With the proposed building of these dwellings this would be the exact opposite taking away the only safe area for young children to play.

Additional vehicles and loss of existing parking facilities will exacerbate existing parking problems in the area. Parking in the area is already difficult due to many residents not being able to use their steep drives.

The road is not wide enough and traffic flow is not wide enough to accommodate two cars passing one another and will lead to noise pollution and parking issues.

Going to use the un named road between Arden Way and Church Road as a service road for the new build properties bins. Road has never been used by HGV for services so why are you trying to start now? This is a cul-de-sac and is not suitable.

A small development such as this incurs maximum cost to build and, a build of 10 properties or more will be much more cost effective and then may fall into affordable housing.

There will also be building noise and pollution with this development.

The area would become over populated and would slowly become an urban area instead of a rural village.

We believe that the welfare and health of the community is not being considered in this application as opposed to financial gain.

All applications should have government crime prevention advice to new developments and, after looking at the plans this I feel has not been done satisfactory

- 1) Rear of the properties need to have at least 10 foot steel lockable gate to prevent undesirables loitering.
- 2) Perimeter fences need to be minimum of 10 foot for privacy and to prevent the scaling of them
- 3) Unit 1 & 3 require fencing at the side and front elevation all to be gated and locked

The properties need the above to be done so it is not a rat run where undesirables could escape from police etc.

There are far better areas for the building of properties and I believe that the parish council have all ready recommended at least 10 sites that they feel are suitable for building on.

Layout is poor, design bears no resemblance to any other property in the whole of Alveley.

Totally against the plaster rendering and split roof line, and positioning facing north.

If built , should be all brick and straight roof line, for Alveley people only.

No environmental benefits.

Sam/Dev Plan shows 5.43 years supply for Shropshire, so why do we need these tatty boxes?

Recycling bins: no way can the refuse lorry reach this area. Occupants will have to be strong to drag their bins to Church Road for collection or down to Arden Way and back again. In the meantime, if they are out for any length of time the bins will cause a hazard.

The doctor's surgery is already over-subscribed and cannot cope with anymore patients. The possible loss of the village post office in the near future is a further problem.

Water pressure is regularly poor. The sewage system was never designed for the number of houses it has to cope with, any more added to the present system will cause complicated expensive problems.

The manner in which this submission is being dealt with is discriminative against persons whom do not have internet facilities or are not computer literate. This is clearly an equality and diversity issue when considering the average age of the residents surrounding this site of whom it will effect. I am confident that should a council representative seek a moment with each resident the answer would be a strong objection to the proposed plans.

The local community have not been considered within these planning proposals.

## 5.0 THE MAIN ISSUES

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

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The area east of the River Severn lies in the Green Belt, in which Core Strategy policy CS5, Saved Bridgnorth District Local Plan policy S3 and emerging SAMDev policy MD6 applies. The exceptions are the villages of Claverley, Alveley and Worfield which are inset (i.e. not included) in the Green Belt, and are treated as countryside in which Core Strategy policy CS5, Saved Bridgnorth District Local Plan policy H4 and emerging SAMDev policy MD7 applies. Under Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions (of Heritage assets) and housing for essential rural workers will be permitted.

6.1.2 The Parish Council as part of the Place Plan (Bridgnorth) has identified a need for affordable housing including:

- Smaller bungalows,
- 3 bedroom family homes
- 2 bedroom initial/starter homes to be rented/shared ownership/for sale.
- Warden aided accommodation for the elderly.

Further with respect to the Parish Councils representation to the SAMDev they have stated that residential development shall be infill within the development area.

6.1.3 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.4 Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable

sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

- 6.1.5 As stated above this site is identified as being treated as countryside. As such any new housing development in the area would be strictly controlled as defined in policy CS5 of the Shropshire Core Strategy. Therefore on the basis of the above the construction of affordable dwellings within the village boundary which is accepted as a sustainable location would be considered acceptable. It is considered that unlike rural exception sites the development does not need to demonstrate the need and benefit for the development proposed and acknowledged that there is clear evidence of high levels of need for affordable housing throughout Shropshire.
- 6.1.6 Core Strategy policy CS6 "Sustainable Design and Development Principles" seeks to ensure that all development protects those features which contribute to local character and the health and well being of communities. Further proposals resulting in the loss of existing facilities, services or amenities is also resisted. The NPPF also confirms that Local Planning authorities should guard against the unnecessary loss of valued facilities and that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.1.7 Concern has been expressed about the loss of the "green space" at this end of the village. The importance of well designed open space is acknowledged as it delivers a number of social benefits, including improved health and wellbeing, as well as providing environmental benefits.
- 6.1.8 With respect to this case it is accepted that the grassed area would appear to have been used as an informal recreation area. It is however a relatively small un - equipped play area and which does not add significantly to the visual amenity of the area. The site is adjoined largely by existing housing which has private gardens and the area is not well surveilled as it is situated to the rear of the surrounding properties whose private gardens lie between them and the site. Further it is noted that there is a landscaped play area some 800 metres to the north and access to the Severn Valley Country Park approximately 0.5 miles from the site and also other green spaces in the vicinity of the site at the northern end of the existing development.



- 6.1.9 In response to the concerns raised, the applicants have drawn attention to an existing area of open space that will remain (end of Arden Way towards Chapel Road) which has better surveillance.
- 6.1.10 Given the above Members need to consider whether the loss of this informal recreation/open space area is outweighed by the benefits to the local supply of affordable housing.
- 6.2 Siting, scale and design of structure/visual amenity
- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 6.2.2 The area is generally characterised by conventional two storey dwellings and single storey bungalows to the north west. The predominant material is brick, although this is supplemented with areas of UPVC cladding and the older properties to the west of the site are a variety of local stone, brick and render. Roof materials are generally interlocking concrete tiles of a variety of patterns, consisting of dark browns and greys but again the older properties have more variety including rose tiles and slate roofing. The window pattern is generally simple, large paned, casement windows, mostly white UPVC.
- 6.2.3 The site slopes gently down towards the east. The dwellings are proposed to be arranged in a terrace which would reflect the similar arrangement of properties in the vicinity and ensures that the existing parking area which lies opposite the site would be unaffected by the development.
- 6.2.4 Originally the scheme proposed only the middle dwelling having a brick finish, the properties either side being faced with a cream through coloured render. Subsequently the scheme has been amended with two out of the three dwellings having a facing brick finish and the middle unit being rendered in order to visually break up the terrace. The roofs are proposed be tiled with fibre cement slates which it is considered would be more representative of the traditional roof treatments of the area.
- 6.2.5 In terms of boundary treatments it is noted that 1.8m close boarded fences are proposed to be erected around the site and between the units. Where small areas of retaining wall are required these are proposed to be faced in a red brick. These treatments would not be out of keeping with the surrounding properties.
- 6.2.6 New residential development should provide for adequate space between dwellings relative to their scale and achieve a satisfactory relationship to existing development.

- 6.2.7 The submitted drawings indicate that the proposed dwellings would be positioned set back from the pavement to allow off street parking with some planting and bin stores where required. The properties have been designed so that the main window walls are to the front and rear elevations and that the only first floor window would be on the side elevation of plot 1 and would serve the proposed bathroom which would be obscure glazed to avoid any undue loss of privacy. The rear gardens would be some 10 – 11 metres in depth and would vary in width the narrowest being some 4.5 metres. The smallest garden would therefore have an area of some 49.5 square metres.
- 6.2.8 Plot 1 would be set to the east and approximately 4.60 metres off the mutual boundary with the existing dwellings which front Church Road. Further Plot 3 would be set to the west and some 2.80 metres off the mutual boundary with the rear garden of No.14 Arden Way.
- 6.2.9 Given the above it is considered that sufficient space would be maintained between the existing buildings and the proposed development so as to ensure that the visual amenity of the area is not unduly harmed.
- 6.2.10 There are a number of trees, including a young multi-stem Whitebeam, a young (pole stage) ash and two early-mature Norway maples, located in the eastern corner of the site. The group of trees is shown to be retained and is located as far away from the proposed housing as it could be within the site. The Councils Arboricultural Officer raises no objection to the proposal but states that there is still the potential for damage to be caused to the trees by construction related activities. It is therefore recommended that a suitably worded condition be attached to any grant of planning permission to ensure that submission and approval of a Tree Protection Plan to show how retained trees are to be protected during implementation of the development.
- 6.2.11 The levels across the site would largely remain as existing with the proposed dwellings following the slope of the ground. An appropriate worded condition to submit the finished floor levels in relation to the existing ground levels would ensure that the proposed buildings would not appear unduly prominent or detrimental to the existing character of this established residential area.
- 6.3 Residential Amenity
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy seeks to safeguard residential amenity.
- 6.3.2 As noted above the proposed dwellings would be surrounded by existing residential development. The juxtaposition of the proposed dwellings to the existing dwellings would mean that there may be some overshadowing for part of the day however it is considered that given the size of the existing plots this would not be so harmful as to justify refusal of the application on those grounds. With respect to privacy the scheme has been designed to ensure that, subject to an appropriate condition requiring the installation of obscure glazing/fixed light there would be sufficient separation distances to avoid any undue loss of privacy as a consequence of the development. Further it is considered that the scale of the development and separation distances would ensure that there would be no undue loss of residential

amenity by virtue of over bearing impacts. Given the above it is considered that no undue loss of residential amenity would ensure.

#### 6.4 Highways

6.4.1 The scheme indicates the provision of two on site parking spaces for each unit. As noted above there is an area of informal parking that forms part of the access to the site. The proposal would not infringe on this area and as such the proposal would not lead to any loss of existing parking provision.

6.4.2 The site is within a residential area proposing a satisfactory provision of on-site parking without impacting on the existing parking provision in the locality. Whilst the development would result in an increase in vehicular use of the existing access onto Church Road, these movements are not considered to unduly impact on the adjoining highway and the Highway Authority therefore raises no objection to the proposal.

6.4.3 Concern has been expressed regarding the adequacy of the width of the access road. Whilst it is accepted that the access road is in part not wide enough for two cars to pass this is a relatively small stretch of road, the visibility is good and it is already used to access the parking area. As such it is considered that the modest scale of development proposed would be acceptable.

#### 6.5 Drainage

6.5.1 The flood zone area that the site is classified under according to the Environment Agency is Flood Zone 1. This would indicate little or no flood risk and are areas where there is a less than 1 in 1000 years 0.1% chance of flooding from either river sources or from the sea in any one year.

6.5.2 The information submitted with the application states that the surface water drainage from the proposed development would be disposed of directly to a main sewer. The SC Drainage Team has raised concern regarding this and recommends the use of soakaways in the first instance. However the ground investigation report submitted with the application confirms that the ground conditions are not suitable for soakaways, therefore, an attenuated storm water connection to the mains sewer would be required. As such it is recommended that an appropriately worded pre-commencement condition requiring full details to be submitted would be an acceptable way of dealing with this issue in this instance.

#### 6.6 Ecology

6.6.1 Core Strategy policy CS17 requires development not to adversely impact upon ecological interests. In this case the development has been reviewed in accordance with the SC guidance notes and ecological triggers. The conclusion is that the site would not meet the trigger which requires an ecological survey.

6.6.2 The SC Planning Ecologist has reviewed the information submitted and raises no objection subject to appropriate informatives with respect to nesting birds.

#### 6.7 Affordable Housing

6.7.1 As noted above the scheme proposes 3 affordable homes. The applicant has been requested to confirm the tenure split, and these details are awaited however it is

noted that SC Affordable Housing Team would be content with either 3 affordable rented properties or 2 rented and shared ownership dwelling.

## 6.8 Other Issues

6.8.1 Concern has been expressed regarding the appropriateness for emergency and refuses vehicle access. With respect to this it is noted that the site can be accessed from three sides and that amended plans have been submitted which indicate a bin collection point off Chapel Road where there is a suitable turning area.

6.8.2 Concern has also been expressed regarding the boundary treatments and security. With respect to this the scheme has been designed to achieve Secured by Design. In accordance with 10.7.5 of the SBD New Homes 2014 requirements rear and side boundaries are proposed to be 1.8m high close boarded timber fencing, with lockable gates, these return on the frontages just behind the building line.

6.8.3 The lack of visible energy reducing features has also been commented on. In response to this the applicants have stated that the units are designed with a fabric first approach, as this is considered to be best practice in terms of minimising energy use in dwellings. This involves increasing the thermal performance of walls, windows, doors, roofs etc, minimising thermal bridges in the construction and improving air tightness to reduce the amount of energy needed to heat the building in the first place. Rather than compensating for a larger energy requirement with the addition of energy generation add-ons. They note that the investment is in getting the building right to minimise the energy requirement through the fabric which is also lower maintenance and does not break down.

## 7.0 CONCLUSION

7.1 The proposal is for residential development on a site within the development boundary of the settlement of Alveley. As stated above this site is identified as being treated as countryside and as such any new housing development in the area would be strictly controlled as defined in policy CS5 of the Shropshire Core Strategy. Therefore on the basis of the above the construction of affordable dwellings within the village boundary which is accepted as a sustainable location would be considered acceptable. Planning policies seek to protect the unnecessary loss of valued facilities including existing open space and recreational land. Members must therefore consider whether the loss of this informal recreation/open space area is outweighed by the benefits to the local supply of affordable housing.

7.2 The layout, scale and design of the scheme are considered acceptable for the application site taking into account the surrounding built form and features of the area without detriment to the amenities of the existing or future residents. Access is acceptable, sufficient space is provided for parking and turning and it is not considered to result in a detrimental impact on the wider highway network. Overall the proposed development complies with the adopted Shropshire Core Strategy, specifically policies CS5, CS6, CS11, CS17 and CS18. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- ② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and saved Local Plan policies:  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
H4 Residential development small settlements  
D6 Access and parking

SPD on the Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

None

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Tina Woodward
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. This permission relates to the amended plans received 13.04.2015. and 30.04.2015.

Reason: To define the permission for the avoidance of doubt.

4. The tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development. They shall not be moved or removed, even temporarily, without the prior permission of the Local Planning Authority. Within the area defined by tree protection measures there shall be no excavations or alterations of ground levels, no storage of materials, soil or equipment, no passage or fuelling of vehicles, no washing of machinery or equipment, no mixing or discharge of materials toxic to tree health, no site office or welfare facilities and no lighting of fires.

Reason: To protect trees that contribute to the appearance of the site during implementation of the development.

5. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

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

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.

7. Details of all the materials to be used externally on the dwellings and hard surfacing hereby approved, shall have been first submitted to and approved by the Local Planning Authority in writing before being used in the development. The development shall be carried out in accordance with the approval details.

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

8. If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the developer should submit in writing for approval by the Local Planning Authority a drainage system.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

#### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii. the routing of construction traffic on the local highway network

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

10. Prior to commencement of development a Tree Protection Plan shall be provided and implemented to the written satisfaction of the Local Planning Authority. The Plan shall show the location and provide the specification for the measures to be taken to protect retained trees from damage or harm during implementation of the development.

Reason: This information is required prior to the commencement of the development as it relates to the protection of trees that contribute to the appearance of the site during implementation of the development as such the details need to be confirmed before the development proceeds in order to ensure a sustainable development.

11. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved in writing 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. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.



12. No development approved by this permission shall commence until there has been submitted to and approved in writing 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

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

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

Implementation timetables

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

This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

13. Before the obscure glazing is installed in the first floor bathroom window to Unit 1 hereby approved, details of the glazing including the level of obscurity shall be submitted to and approved in writing by the Local Planning Authority. The approved glazing shall be implemented before occupation of the dwelling and shall be maintained in perpetuity.

Reason: To ensure that the residential amenity of the occupiers of the neighbouring dwelling and prospective occupiers of the resultant dwelling is not unduly harmed as a consequence of a loss of privacy.

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

14. The development hereby permitted shall not be brought into use until the car parking areas shown on the approved plans have been provided, properly laid out, hard surfaced and drained, and the spaces shall be maintained thereafter free of any impediment to their intended use.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

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

15. All hard and soft landscape works shall be carried out in accordance with the approved details and 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 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.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- free standing building within the curtilage of the dwelling
- addition or alteration to the roof
- hard surfacing
- fences, gates or walls
- any windows or dormer windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

17. The dwellings shall not be let or occupied other than either:-
- a. under a tenancy in accordance with the normal letting policy of a Registered Provider;
  - or
  - b. by way of a Shared Ownership lease or equity share arrangement whereby the occupier cannot progress to achieve a greater than 80% of the whole.

Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 to ensure affordability in perpetuity.

18. In addition to the requirements of the Shropshire Affordable Housing and Allocation Policy and Scheme, all lettings by Registered Providers shall meet the local connection and/or cascade requirements set out in the Shropshire Type and Affordability of Housing SPD or any policy guidance that may from time to time replace it.

Reason: To ensure compliance with Shropshire Core Strategy Policy CS11 with regard to local needs and prioritisation for local people.

**Informatives**

1. In determining the planning application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and saved Local Plan policies:

CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
H4 Residential development small settlements  
D6 Access and parking

SPD on the Type and Affordability of Housing

2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
3. 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.

4. You are obliged to contact Shropshire Council's Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the residential 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](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://www.shropshire.gov.uk/streetnamingandnumbering>, 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.

5. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

6. In order to make the properties ready for electric vehicles, charging point installation isolation switches must be connected so that a vehicle may be charged where off road parking is provided. An independent 32 amp radial circuit isolation switch should be supplied 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.