

Date: Thursday, 25 October 2018

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

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CENTRAL PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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CENTRAL PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Committee Date: 25 th October 2018		
<p>NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting</p>		
Item No.	Application No.	Originator:
6	18/02747/OUT	Third Party
<p>A third party comment has been received relating to the proposed application and is summarised as follows:</p> <p><i>Over the last few years, while the plot has been 'tidied up' the site area may have been expanded to the north and north east to include a fence, stream and pond which have all been removed; this area is indicated on the 'old maps' cited in the design and access statement that forms part of the application; unclear if the applicants own this area or if it is unadopted.</i></p> <p><i>There have been several comments regarding the private drive to the north east of the property; this boundary is privately owned by another party and there is no legal access through this boundary to the plot; temporary informal permission for a small gate to allow temporary residential access was granted but there is legal documentation stating that this is only a goodwill gesture and only lasts until the present owner either moves or sells.</i></p>		
Item No.	Application No.	Originator:
6	18/02747/OUT	Case Officer 22.10.2018
<p>Officers have received confirmation from the applicants agent stating that the applicants understand that they own the whole of the site area edged red on the submit application plans. The agents have also confirmed that there is no legal right of way between the application site and the private drive to the north, but the applicant's do have a right of access onto Betley Lane.</p>		
Item No.	Application No.	Originator:
6	18/02747/OUT	Cllr Vasmer
<p>As a member of the Central Planning Committee I will have to declare an interest on this application since my wife's Uncle and Aunt live on Betley Lane. However having read the report I just wanted to make sure that both planning and highways are aware that residents living on Betley Lane pay towards its upkeep. One of the reasons some residents are objecting to this planning application is the likely financial impact of at least four and possibly 6 extra cars using Betley Lane. If this is not taken into consideration might they be able to claim that the principles of natural justice have not be applied.</p>		
Item No.	Application No.	Originator:
6	18/02747/OUT	
<p>Officers confirm that the ownership and liability of Betley Lane, a private and unadopted lane is a civil matter and that it is understood that the cost of maintenance is shared between those landowners/residents that are liable. Natural justice would suggest that the occupiers of any new dwellings constructed would be required to also contribute, the same as the existing property owners.</p>		

Item No.	Application No.	Originator:
6	18/02747/OUT	Agent
<p>Letter received from the agent for the application dated 23.10.2018:</p> <p>We were pleased to read your very positive report for committee, with your recommendation for approval. We note that the Shropshire Council Arboriculturalist has also returned a positive response to the scheme. One comment that we would like to reiterate that the access is as existing and therefore proposed for retention; it is not a new access being created.</p> <p>We would like to mention that our client is happy for the committee to view the site. Please can committee access the site from Betley Lane, over which the site has a full legal vehicular and pedestrian right of way.</p> <p>Our client does not wish for us to attend the committee site visit or talk at the planning committee as we have previously responded to the Parish Council's objections in detail and feel that your report concludes that the application is policy compliant; hence your recommendation for approval.</p> <p>Furthermore, as per the submitted site plan the legal ownership can be confirmed by the owner as to be all of the site included in the red line boundary.</p>		
Item No.	Application No.	Originator:
7	18/02962/FUL	Agent
<p>Please see attached letter received from the agent for the application dated 24.10.18.</p>		

24 October 2018
170301/2.0

**ADDITIONAL REPRESENTATION; SUPPORTING INFORMATION AND CLARITY
STATEMENT FOR CENTRAL PLANNING COMMITTEE, 25TH OCTOBER 2018, IN
ADVANCE OF THE CONSIDERATION OF ITEM 7. 1 MONDAY TOWN, WESTBURY,
SHREWSBURY – 18/02962/FUL.**

We consider the basis of the 'Development Management Report' issued by the planning department to be incorrect, untrue and misleading to the Committee and its members, and has not truly given a honest 'overall planning balanced' view of the proposal.

It states the recommended reasons for refusal are;

- Is materially larger and not sympathetic to the size and mass of the original property.
- By virtue of its scale and design, the proposal would fail to maintain the balance of local housing stock.
- Significant detrimental visual and landscape impact on the surrounding countryside, due to its prominent skyline siting.

We understand the restrictions the replacement dwelling policy can have on any new development and are clear they are there to protect the built environment, so we have worked hard to develop a proposal that respects these principles. What the policy should not be used for is a stick to beat down progressive, sensitive, sustainable, and contextual architecture to suit an individual's opinion.

We have had a case officer that has not visited the site, (even though we had paid for such in the pre-application) has refused to engage in reasonable dialogue about design, has made statements that are untrue and has omitted information which supports the proposal but contradicts their opinion. In our opinion this constitutes gross misinterpretation or misapplication of policy and the breach of the rules of procedure, or natural justice, and we feel we will have every right to challenge for a Judicial Review.

Under the Officers Appraisal Item 6.1.6 makes reference to the "proposed is over 150% larger". This figure is incorrect.... it is misleading the committee to think this proposal is materially larger.

We feel have demonstrated that our increase in area and footprint is appropriate in the regards to maintaining the balance of local housing stock, its local context of agricultural hillside and adjacent larger properties, its plot size and the careful sympathetic design and materials usage will minimise any perceived increase. We can confirm that the total increase in the building accommodation is just over 55%.

Item 6.2.1 also is incorrect, stating "shall increase the internal accommodation levels by approximately 85%"...this again is a blatant piece of false information to mislead the committee. In the same section it also states "the property's footprint increase is some 168.5sqm - roughly 177%" Again completely incorrect - we are increasing the actual footprint of the development by 88.7sqm not 168.5sqm.

Our proposal was always going to be slightly more bias to a larger footprint as we have attempted to utilise the ground levels to accommodate a split level more inclusive dwelling to provide a future flexible home. Accessibility was key in the design with a large portion being single-storey for both the applicants older age and their elderly parents who they are likely to need home care in the future. We can confirm that the total increase in the building accommodation is just over 55%.

In our supporting design and access statement we had used as part of our argument the suggestion that under permitted development the existing house could be extended to provide a comparable amount of additional accommodation to demonstrate that the proposals additional area was reasonable.

Items 6.4 mentions this and we have done some additional work on the comparison of what we are proposing and that permitted under lawful development. Based on the original two-cell dwelling and accounting for the existing extensions we could add over 45% more accommodation to the footprint and over 40% in total - though we have only included PD extensions which are attached to the existing building in this calculation.... we could obviously add so much more in outbuilding (garages/pool houses etc). The fact we are looking for a 55.5% increase to the current dwellings accommodation, only 15% more than would be permitted under PD seems reasonable taking into account all the other planning consideration benefits of the scheme.

With regards to the point raised on "maintaining the balance of local housing stock" this was clarified back in the pre-application and in subsequent correspondence that to quote the council "Totalling almost 200m2 it is already acknowledged by Shropshire Council that the existing dwelling is of a medium to large scale, thus the desire of the SPD to retain a supply of smaller properties bears less weight in this instance".

My final observation on the report is that even though the Heritage Impact Assessment was requested... by the planning officer, none of the items raised in the report appear to have been included or hi-lighted...maybe because it contradicts many elements of the officers opinions. This type of information exclusion within the report should not be acceptable if a balance of planning is to be presented. It is only exacerbated further by the lack of any visit to site by the case officer.

The full Heritage Impact Assessment which was undertaken by a independent consultant selected from the list provided by the Shropshire Council Historic Environment Team is

available in the application documents but I have extracted a number of sections below without modification to demonstrate that concerns on scale, design, and visual and landscape impact are subjective opinion and unsupported.

The following are direct Extracts from the Heritage Impact Assessment;

Impact on Setting

location and siting – the replacement of the existing building on the existing site footprint limits the options in terms of positioning and footprint of the new dwelling, but takes account of the boundary trees, setting of the topography and the nature of the wider locality.

form and appearance – the retention of the existing site and the modern yet sympathetic design and materials of the proposed unit thereby reflect in a more positive and considered way the massing and general appearance of the adjacent buildings when viewed from a distance, where the screening effect of the trees minimises its visibility, hence preserving the significance of the character and appearance of this area when viewed from the south.

additional effects – the replacement of what is now a neglected and largely mundane dwelling will materially enhance the current appearance of the locality, improving the public experience of the area in an location where new residential units are hard to come by.

permanence – as a new dwelling, the proposals are a permanent insertion within the setting of the existing built complex, but it is providing a high quality and energy efficient residential unit for the local community.

As such this development will not then devalue to any degree the significance of the place, both its tangible values, such as its setting, or its associational values as part of an agricultural complex, or such as its prominent placing within the landscape, provided the work is done with understanding and attention to detail. Indeed, the works will significantly enhance the setting of the remaining heritage assets. In group form it already possesses an inter-visual relationship with the wider area that these proposals will not appreciably alter.

Impact of Proposals on Heritage Assets

In determining this application, the main issue would be the proposals' impact on the building itself, the setting of the group of non-designated heritage assets, and the consequences for the wider landscape and thus the character and appearance of the area. The proposed development reflects an understanding of the historical evolution of the buildings and setting, providing a well-informed architectural response.

Careful consideration of the alignment, scale, massing and materials of the proposed development supports the need for the integration of new development into the existing built environment (Revised NPPF Paragraph 127(c)). The proposed works have been carefully designed to be sympathetic to the heritage values of the other buildings and their setting, so will not cause material loss or damage of the surviving historic form. The proposals provide a successful integration with the traditional colours and textures of the area's historic agricultural architecture, with its use of an appropriate massing to minimise the proposed visual impact.

The proposals are therefore sympathetic to the scale, mass, height and aesthetic attributes of its surroundings. The level and form of intervention is clearly acceptable given its obvious qualities, so retaining and enhancing the prominence of the remaining buildings as historic structures.

In its present state, the front elevation detracts significantly from the character and appearance of the structure, and has a negative impact on values associated with the heritage assets. Indeed, as a result of the proposed development and clearing of the various interventions, the site will be visually enhanced. The works have been designed to generally respect the scale and layout of the property, strengthening the group's overall character and appearance. These benefits are considered to substantially outweigh any minor dis-benefits associated with the potential impact on the character through the demolition of the existing building.

In replacing the building, currently neglected in appearance and which is detrimental to the setting of the identified heritage assets, the proposed dwelling is in massing and materials designed to be sympathetic to its context, where the external visual impact on the area and the setting of the other properties will be negligible. The screening effect of the planting to the east and west will minimise the visual impact when viewed from the south.

In summary, the public benefits of this scheme are:

- Improvement of the property by creating a sympathetic dwelling that contribute to the interest of the area,*
- Enhancing the setting of the adjacent buildings that make these heritage assets a modest landmark in Mondaytown, and*
- Provision of residential units, thereby contributing to the visual vitality of this part of Shropshire.*

The proposed development is clearly within appropriate specifications and utilises a sensible approach to upgrading the site, reflecting the current layout and ensuring existing fabric is maintained and improved where possible, improving the existing character. The proposed development has an overall positive impact as it is in keeping with the character of the original buildings and the wider area and so is considered to be of an appropriate design and scale in accordance with NPPF and the Local Plan Policies.

It is clear from the HIA statements above that the observations made by the case officer are unjustified and along with incorrect exaggerated figures are aimed at providing an unfair argument.

The applicant wishes to build their new self-build home to be energy-efficient, sustainable, contextual and appropriate. It is intended to progress the rural domestic architecture through a design of highest quality and should be regarded as a positive addition to Shropshire's built environment, that is why we have the support from the Local Parish Council, the Local Councilor and individual local residents who can all see the benefits this proposal will bring.