



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Monday, 9 October 2017

Committee: North Planning Committee

Date: Tuesday, 17 October 2017

Time: 2.00 pm

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

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Roy Aldcroft
Clare Aspinall
Gerald Dakin
Pauline Dee
Rob Gittins
Roger Hughes
Vince Hunt (Vice Chairman)
Mark Jones
Paul Milner
Peggy Mullock
Paul Wynn (Chairman)

Substitute Members of the Committee

Nicholas Bardsley
Joyce Barrow
Karen Calder
Steve Davenport
Ann Hartley
Simon Jones
Matt Lee
David Minnery
John Price
Brian Williams

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the Minutes of the meeting of the North Planning Committee held on 19th September 2017, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is Thursday, 12th October 2017.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Lane South Of The Hawthorns, Ellesmere, Shropshire (15/05415/REM) (Pages 5 - 20)

Approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to permission 14/00822/OUT for the mixed residential development of 112 dwellings; formation of estate roads; landscaping scheme.

6 Former Squirrel Inn, Drayton Road, Wollerton, Market Drayton, Shropshire (17/03001/FUL) (Pages 21 - 28)

Erection of a part single/part two storey extension and a detached single storey storage building; reconfigure driveway.

7 Land Adjacent to Ash Grove, Wem, Shropshire (17/02241/REM) (Pages 29 - 42)

Reserved Matters application pursuant to Outline application 14/03268/OUT (all matters reserved) for the erection of five pairs of semi-detached dwellings

8 Appeals and Appeal Decisions (Pages 43 - 48)

9 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday, 14th November 2017, in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

North Planning Committee

17th October 2017

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 19 September 2017

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 2.56 pm

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Paul Wynn (Chairman)

Councillors Gerald Dakin, Pauline Dee, Rob Gittins, Roger Hughes, Vince Hunt (Vice Chairman), S. Jones, Paul Milner and Peggy Mullock

29 Apologies for Absence

Apologies for absence were received from Councillors Aldcroft (substitute: S. Jones), Aspinall and M. Jones.

30 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 22nd August 2017 be approved as a correct record and signed by the Chairman.

31 Public Question Time

There were no public questions, statements or petitions received.

32 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

33 The Primitive Chapel, Pool Head, Wem, Shrewsbury, Shropshire (17/02628/FUL)

The Principal Planning Officer introduced the application for the installation of replacement windows under Section 73A of the Town and Country Planning Act 1990. Members' attention was drawn to the Schedule of Additional Letters which summarised the recently received appeal dismissal in respect of Lavender Barn, Clive (Ref APP/I324/W/17/3166592) and its relevance to the application.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Mellings as local ward

councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The replacement windows did not cause significant harm to the character of the Chapel;
- The Chapel was not listed, not located within a conservation area and was situated within an isolated rural location;
- The original arched apertures of the windows had not changed;
- The roof light windows and the bricking up of a window had more of a detrimental effect on the character of the building;
- The Parish Council and comments from the general public supported his view that the character of the Chapel had not been harmed; and
- Urged the Committee to take a pragmatic view and to consider the application within the context of the area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Dee as local ward councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- She was pleased to see the building saved from dilapidation;
- The original windows were not practical for modern living; and
- The replacement windows improved the look of the building which was still easily recognisable as a former Chapel.

Peter Richards, agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate, Members expressed differing views. Some expressed the view that as the original arched apertures remained, the new windows did not harm the character of the Chapel. Other Members supported the Officer's recommendation to refuse the application, as they considered the replacement windows to be unsympathetic to the character of the building, particularly when considering the application in light of the recent appeal dismissal that had been referred to by the Principal Planning Officer.

RESOLVED:

That planning permission be refused for the following reason:

It is considered that the replacement of the existing windows has resulted in the loss of major features within the overall design and distinctive architectural style of the building, and further that the replacement windows that have been installed are incongruous windows of inappropriate design, proportions and materials. The Local Planning Authority considers this has served to significantly detract from the character of the building, harming its significance and diminishing its' value as a local heritage asset. The application is unsupported by a Heritage Assessment to demonstrate or provide justification otherwise. On balance, therefore, the application is considered contrary to adopted planning policies CS5, CS6 and CS17 of the

Shropshire Core Strategy; MD2, MD7(a) and MD13 of Shropshire SAMDev Plan and the Supplementary Planning Document on the Type and Affordability of Housing, together with the national guidance set out in section 12 and paragraph 135 of the NPPF.

34 Property Known As The Lodge, Ellerton, Newport, Shropshire, TF10 8AW (17/01875/FUL)

The Principal Planning Officer introduced the application for the restoration, alterations and extensions to existing dwelling and erection of new dwelling. Members' attention was drawn to the information contained within the Schedule of Additional letters.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Gittins as local ward councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised in relation to this application and the application for Listed Building Consent:

- He reiterated the objections raised by Cheswardine Parish Council.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the proposals, which would have less of an impact on the listed building and ensure its restoration.

RESOLVED:

That delegated powers be granted to the Area Planning Manager to approve planning permission subject to the conditions set out in Appendix 1 of the Officer's report and the additional and amended conditions set out in the Schedule of Additional Letters.

35 Property Known As The Lodge, Ellerton, Newport, Shropshire, TF10 8AW (17/01876/LBC)

The Principal Planning Officer introduced the listed building consent application for the restoration alterations and extensions to existing dwelling and erection of new dwelling. Members' attention was drawn to the information contained within the Schedule of Additional letters.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Gittins, as local ward councillor, left the table, took no part in the debate and did not vote on this item.

Having considered the submitted plans, the majority of Members expressed their support for the proposals.

RESOLVED:

That delegated powers be granted to the Area Planning Manager to approve the Listed Building Consent subject to the conditions set out in Appendix 1 of the

Officer's report and the additional and amended conditions set out in the Schedule of Additional Letters.

36 Appeals and Appeal Decisions

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

37 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday, 17th October 2017, in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:



Committee and Date
 North Planning Committee
 17th October 2017

Item
5
 Public

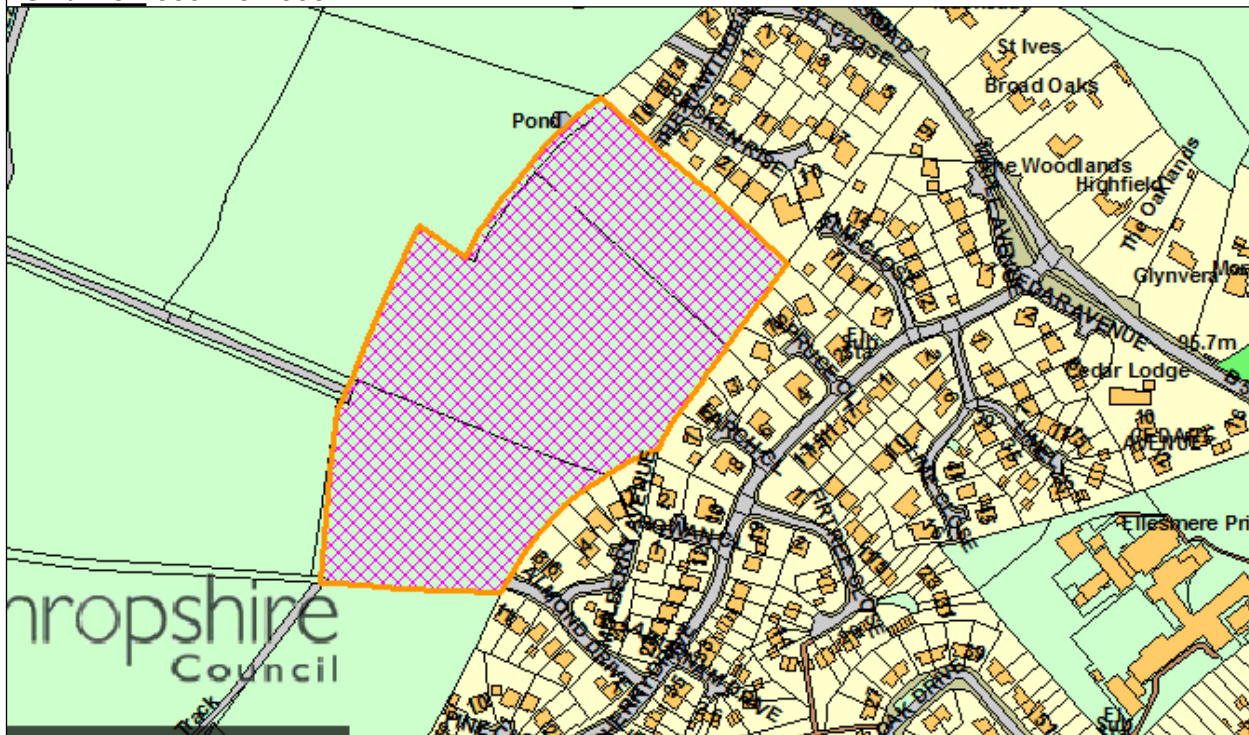
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 15/05415/REM	<u>Parish:</u>	Ellesmere Urban
<u>Proposal:</u> Approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to permission 14/00822/OUT for the mixed residential development of 112 dwellings; formation of estate roads; landscaping scheme		
<u>Site Address:</u> Lane South Of The Hawthorns Ellesmere Shropshire		
<u>Applicant:</u> Fletcher Homes (Shropshire) Ltd		
<u>Case Officer:</u> Mark Perry	<u>email:</u> planningdmnw@shropshire.gov.uk	

Grid Ref: 339128 - 335127



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

REPORT

1.0 THE PROPOSAL

1.1 This proposal involves the construction of 111 two storey dwellings and one bungalow on a site on the outskirts of Ellesmere. Outline planning permission was granted in February 2015, application no. 14/00822/OUT where appearance, landscaping, layout and scale were all reserved for later approval. The outline planning consent therefore only established the principle of a residential development on the site and its means of access. This reserved matters application was originally submitted in December 2015 and proposed 130 dwelling. It has been the subject of lengthy negotiations with Officers since this date to improve the design and layout of the scheme which has also included reducing the number of dwellings to 112. This reserved matters application is therefore to consider all of the outstanding reserved matters.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is a 0.39 hectare area of agricultural land. The land adjoins an existing large, fairly modern housing estate along its north-east and south-eastern boundaries. The site would be accessed by two of the existing roads in the adjoining housing estate which currently terminate at the boundary of the site.

2.2 The application site is currently an area of agricultural grassland and contains a number of mature trees, these are either in the centre of the site or along its boundary. The trees in and around the site are protected by tree preservation orders. The site is also bound by existing mature, native hedgerows. The neighbouring existing dwellings which are located along the boundaries have their rear gardens backing onto the site.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The resolution of the north planning committee to approved the outline planning application included a request that the reserved matters scheme was also referred to committee for determination, subject to receipt of objections. Objections have been received from the Parish Council and local residents therefore committee determination is required.

4.0 Community Representations

4.1 - Consultee Comments

Parish Council:

(7/6/2017)- Objects to the planning application. In relation to the latest amendments to this application dated 1/6/17, the Town Council still has concerns regarding the proximity of trees T1, T2 and T3 to proposed dwellings in the development. It is acknowledged that the applicants have amended the housetypes for the plots affected, but it is felt that further growth of the trees' root structures and canopies

may well still impact on the residential amenity of the adjacent dwellings based on their current location on the block plan.

(5/4/2017)- Made comments neither objecting to or supporting the Planning Application. On the revised layout plan, the tree at the rear of 7 The Hawthorns adjacent to Plot 1 has not been identified as an existing tree. This is despite the tree being shown as Tree 1 in the Tree Survey report accompanying the application - albeit not correctly positioned. It is believed the tree is protected under the NSDC Bramble Ridge, Elson Road TPO 1991, and this needs to be reflected in this application in terms of providing enough space for the tree root structure. It should also be noted that the existing tree T2 on the revised layout plan is also protected under the Salop CC Elson Road TPO 1972.

(8/3/2017)- The Town Council would like to restate their original objections to this application in principal especially now that the SAMDev has now been approved. Their original comments which were submitted relating to the outline planning application (14/00822/OUT) on 19th March 2014 were as follows:

Ellesmere Town Council objects to this application for the following reasons:

- 1) The bottleneck at the top of Trimpley street although this does as the application states prove to be a traffic calming facility it already has to cope with an enormous volume of traffic and this development will increase that level of traffic dramatically.
- 2) Access problems were identified initially when this application was looked at which is the main reason that members looked to withdraw it from SAMDev.
- 3) This application would be outside the development boundary already agreed in the SAMDev which is about to go to cabinet.
- 4) Members have concerns that with the SAMDev already including site ELL003 which had full Town Council support in providing 250 dwellings in on area as opposed to having housing in three separate locations. Member have concerns that an additional 130 dwellings would be over development to the town and would be beyond the capabilities of the current infrastructure.

Shropshire Council's Planning department did say in the SAMDev consultation that they wouldn't entertain any further development on Elson Road/Trimpley Street until Trimpley had been sorted out, they have gone against their own recommendation. Since the initial application was approved, application 14/01744/OUT - Old Station Yard, Brownlow Road, Ellesmere, has also been granted permission (an additional development comprising of 57 dwellings and creating more traffic) yet the issues with the Trimpley Street pinch point have still not been resolved. It has been noted together with concerns that, yet again, there has been no pre-application consultation with the Town Council from the developers.

The proposed site plan is wholly unacceptable; the density of the development appears very concentrated and tight. The level of parking provision seems wholly inadequate to meet the needs of residents and visitors and will almost certainly result in significant overspill from the designated parking areas onto the access roads and adjoining landscaped verge areas.

The road structure and layout needs vast improvements and clarification.

The sizes of garages are inadequate and far too small for the average size car today which needs addressing, if the garages are fit for purpose then hopefully they may be used, reducing the need to park on the road, if not they will result in being used as 'store rooms' rather than garage parking contributing to the overspill of vehicle parking into the common road areas.

At the dividing point between the upper and lower part of the development on the layout plan the road appears to be subject only to a small restriction in vehicle traffic moving from the Hawthorns Estate end to the Elson Estate access. The Town Council do not want to see both parts (upper and lower) of the estates joined together creating a through route for traffic.

The tree at the top of the map (marked No. 1 on the Tree Report prepared by Sylvan Resources Ltd) is shown as in the garden of the house adjacent to the Estate where it joins the Hawthorne Estate. It is in fact in the boundary hedge as many of the others are. It is incorrectly positioned on the Tree Report and this is further exaggerated in the other layout plans submitted. This changes the impact on the suitable positioning of first house into the Estate. As a consequence, not enough space is allowed for the tree root structure before the location of first house.

The trees included in the Tree Report by Sylvan Resources are all considered to be of significant landscape value and the Town Council requests that TPO's are placed on all of the trees in the plan and also the retention and enhancement of the existing hedgerow that divides the site.

Councillors would also like to there to be a clear statement as to who will be responsible for maintaining the green areas of the development after completion and the duration of any arrangements.

- 4.2 **Trees**- No objection subject to planning conditions. Tree Officer is satisfied that the revised layout addresses the concerns previously raised.
- 4.3 **Highways**- No Objection subject to the development being carried out in accordance with the approved details and following informative notes.
- 4.4 **Ecology**- no objection subject to conditions.
- 4.5 **Public Protection**- No objection subject to contamination land conditions and recommend that a condition is placed which ensures that all proposed dwellings with off road parking are provided with external charging points capable of charging electric vehicles
- 4.6 **Drainage**- Further analysis should be carried out to determine if these flow routes are accurate, and if so the drainage layout amended accordingly.

- 4.7 **Conservation**- no comments with regards to historic environment matters.
- 4.8 **Archaeology**- Note Condition 6 of planning permission ref. 14/00822/OUT. No further comments to make with respect to archaeological matters.
- 4.9 **Parks and Recreation**- The Council are happy that the developers have included adequate open space within the development however, for developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. Therefore the Council would like to see a centrally located area of play to facilitate this need.
- 4.10 **SC Education**- Shropshire Council Learning and Skills report that this development is forecast to cause medium and longer-term capacity problems at the local primary school. It is therefore essential that the developers of this and any new housing in the town contribute towards the consequential cost of any additional places/facilities considered necessary at the school.

4.11 - **Public Comments**

30 representations received commenting on the following issues:

Impact of the development on Trimpley Street bottleneck

Lack of infrastructure

Impact on doctors

Impact on local schools

Lack of employment opportunities

Increased traffic generation

On street parking

Site outside of development boundary

Impact on flooding

No lighting to open spaces

Impact on bats

No details of maintenance of open spaces

No demand for new houses

2 and 3 bedroom dwellings not in keeping with the area

Loss of view

Density of development too high

Contaminated land

Impact on trees

5.0 **THE MAIN ISSUES**

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

Highway Safety
Ecology
Impact on neighbours
Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Outline planning permission was originally granted in February 2015 which established the principle of a residential development on the site and the means of access.
- 6.1.2 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 and ensure sustainable design and construction principles are incorporated within the new development.
- 6.1.3 The application site is located outside of Ellesmere’s development boundary as defined in the adopted SAMDev plan. The principle of the development has already been established by the outline planning consent which was granted planning permission prior to the adoption of SAMDev. As such, the application before committee members is only to consider the outstanding reserved matters, this application cannot be used to reconsider the principle of the development on the site.
- 6.1.4 A number of representations received comment on the impact that the development would have on school placements and the doctor’s surgery in the town. The Learning and Skills section of the Council have confirmed that it is forecast that there will be medium and longer-term capacity problems on the primary school places. If as a result additional classroom accommodation is needed then this would be funded by payments received through the community infrastructure levy to which this proposed development would be liable. These were both issues which were considered at the time of the outline planning and are not relevant to this reserved matters submission.

6.2 Siting, Sale and Design

- 6.2.1 The original outline application provided an indicative layout for the estate road and identified the area of open space and the location of the existing trees, This reserved matters submission provides full details of the proposed dwelling with a slight revision to the alignment of the estate road and the position of the public open spaces. The point of access with the existing adopted highway remains the same as previously approved i.e. a continuation of The Hawthorns and Almond Drive estate roads.

- 6.2.2 The scheme, as amended, includes a mix of 1 x 2-bed bungalow, 15 x 2-bed dwellings, 62 x 3-bed semi/ detached dwellings and 34 x 4 bed dwellings. The 4 bed units and the bungalow are detached dwellings, the rest are semi-detached dwellings or part of a short terrace of 3 properties.
- 6.2.3 The scheme proposes a single estate road which will go from the two existing estate roads that currently abut the site. The passage of vehicles all the way through the development will be restricted by bollards in the centre of the site, although pedestrians will be able to walk/ cycle all the way through. Off the spine road there will be a series of small cul-de-sacs, most of these will be designed to an adoptable standard but there will also be a small number of private shared driveways.
- 6.2.4 The proposed layout has been dictated by the position of the trees both within and immediately adjoining the application site, most of which are protected by tree preservation orders. There is also an existing hedgerow which crosses the site from west to east and this has been incorporated into the proposed development. A development of this size is also required to provide an adequate amount of public open space. This open space has been positioned predominantly around the existing mature trees; enhancing the visual and amenity value of the open space and ensuring the protection of the trees for the long term future.
- 6.2.5 The scheme proposes a varied mix of dwelling types and sizes, all of the dwellings are two storey with the exception of the 'Preston' house-type which is a two and a half storey dwelling as two bedrooms are provided in the roof. A small dormer window would be provided in the front facing roof slope and a rooflight in the rear. 18 no 'Preston' house types are proposed within the development.
- 6.2.6 The proposed development includes ten different house types, this provides a varied mix of sizes and also designs. The applicant has identified design features on other vernacular dwellings elsewhere in Ellesmere and these have been incorporated into some of the proposed dwellings. Officers consider that the mix of house types, their design detailing, as well as the different proportions and sizes will provide some visual interest to the development.
- 6.2.7 Views of the proposed development will be possible across the fields from the B5068 to the north, although this would be at a distance of around 164 metres. Where a housing estate backs onto agricultural land this can often result in a harsh line of boundary fences. To soften the visual impact of the development some of the proposed dwellings are facing outwards from the site where their front gardens face out onto areas of public open space which separate the domestic curtilages from the surrounding agricultural land. This negates the need for privacy fencing and a greater opportunity for landscaping; creating a soft transition from the rural landscape to the built development. It also helps to provide natural surveillance of the public open spaces to help prevent anti-social use.
- 6.2.8 Across the centre of the site there is a series of protected trees and the line of the existing hedgerow. The position of these has influenced the position of the public

open space which will span from one side of the site to the other. Some of the proposed dwellings will be positioned so that they have their front elevations facing across this area land, this also will provide further natural surveillance across the land. The open space has been designed so that it is an integrated part of the overall development providing amenity and visual benefit to those that would live on the estate.

- 6.2.9 The applicant has detailed on the proposed plan the use of appropriate boundary treatments comprising new hedgerows around the areas of public open spaces, brick walls in along the edge of gardens that are on the edge of the roads and timber fences elsewhere.
- 6.2.10 It is considered, by officers, that the proposed density of the development is appropriate; it provides sufficient private amenity space for future occupiers and provides adequate separation between the new dwellings and also to the existing dwellings around the edge of the site. The density of development is higher than that of the neighbouring development which consists predominantly of larger detached dwellings. By comparison the proposed development provides a greater variety of sizes which inevitably results in a higher density. It is however not to such a high density where it would conflict with the appearance of the neighbouring development.
- 6.2.11 It is considered that the proposed development is of an appropriate design and scale and would preserve the appearance of the site and its immediate surroundings.

6.3 Impact on Neighbours

- 6.3.1 The nearest neighbours to the development are those living in the existing adjoining housing estate. These properties currently enjoy open views across the open fields. The proposed development will inevitably impact upon this view however in considering a planning application nobody has a right to a view. The main issue is therefore the impact that the proposed development would have on the residential amenities of the neighbours, in particular with regard to privacy, light and outlook.
- 6.3.2 The neighbouring dwellings around the site are all detached properties within relatively spacious plots. To preserve an acceptable level of private amenity all of the proposed dwelling would have rear garden depths of at least 11 metres. The distance between facing windows would at minimum of approximately 21 metres. It is considered that the degree of separation between the existing and proposed dwellings is sufficient to ensure that there would be no detrimental loss of privacy and no loss of light to the neighbours around the south-eastern and north-eastern edges of the site.
- 6.3.3 The proposed development will introduce a level of activity on the site that is greater than currently emanates from the agricultural land. Whilst there would be the noise of vehicles and people using their gardens etc this is not going to be any greater than the noise that comes from the rest of the housing estate. It is

considered that the proposed housing development is not going to cause an unacceptable level of disturbance to neighbours.

6.4 Public Open Space

6.4.1 Policy MD2 of SAMDev requires landscaping and open space to be provided holistically as part of the whole development. The policy states that only for developments of more than 20 dwellings does open space need to be provided as a formal play/ recreational space. The Council's recreation team have confirmed that the amount of open space provided is adequate. They also comment that the open space needs to comprise a functional area of play and recreation. It is considered that there is sufficient space for such a facility to be provided. All of the dwellings have good sized gardens therefore the open space is more likely to be used for visual and ecological enhancement more than for recreational purposes. A condition will be imposed on any consent to ensure that appropriate mechanisms are in place to safeguard the future of the open space, making sure that it is suitably managed and maintained.

6.5 Highway Safety

6.5.1 The proposed means of access to the site was approved as part of the outline planning consent. During the consideration of that application a large number of representations were received commenting on the increased traffic through the bottleneck priority junction on Trimpey Street which is the main route between the application site and the town centre. The issues relate to how this bottle neck causes traffic build up at peak times and that the extra traffic generated by this development would compound the existing problem. This issue was considered at the outline stage when the principle of the development and the access was being considered. It was considered at that time that although the proposed development would have a negative impact on traffic flow, this would not be severe to warrant an objection. As such the issues of traffic flows on the wider highway network was dealt with at the outline stage and is not an issue for consideration as part of this reserved matters submission.

6.5.2 The proposed layout of the development would not create a through route, instead it would effectively create a series of cul-de-sacs. It is considered that the scheme proposed would not have any detrimental impact on the safety of those using the highway.

6.6 Affordable Housing

6.6.1 The outline planning permission required affordable housing to be provided in line with the rate set out in the adopted SPD; this was secured by the s106 agreement.

6.7 Ecological Impact

6.7.1 At the time of the outline planning application the applicant provided an ecological report, and this has been updated by an Ecological assessment and Management Plan submitted with this reserved matters application. The outline permission included a number of conditions relating to ecology; specifically badger setts and these shall remain in place and will need to be subject to a discharge of condition application.

6.7.2 As referred to above the scheme contains a number of trees which are protected by tree preservation orders. The scheme has been subject to a number of revisions to ensure that the proposed development would not impact upon the health of the trees but to also ensure that there would not be significant future pressure for the removal or pruning of the trees if residents find that the impact upon their amenities. It is considered that the site layout has been appropriately re-designed so that it properly accommodates the trees on the site.

6.8 Drainage

6.8.1 Condition 7 of the outline permission required details of the foul and surface water drainage system to be provided and completed prior to the occupation of the development. Whilst some details of the drainage system have been provided with the reserved matters application further details will need to be provided as part of a future discharge of condition application.

6.9 Contaminated Land

6.9.1 The southern part of the application site has historically had railway lines running across it. As such there is the potential for contamination to be present. The Council's Public Protection Officer has recommended that a condition is placed on any consent requiring an investigation to be carried out and if necessary appropriate remediation.

7.0 CONCLUSION

7.1 The principle for residential development and its means of access has already been agreed as part of the outline planning consent. It is considered by Officers that the proposed design and layout of the scheme will respect the semi-rural character of the area and not detrimentally impact upon the amenities of any neighbours. The proposed accesses will provide safe access for highway users and the scheme includes adequate off street car parking and manoeuvring space. It is therefore considered that the proposed development complies with policies CS6 and CS17 of the adopted Core Strategy and MD2 and MD12 of SAMDev.

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

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD12 - Natural Environment

Relevant planning history:

14/00822/OUT Outline application for residential development to include access GRANT 13th 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 R. Macey
Local Member Cllr Ann Hartley
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 REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

2. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. integrated bat and bird boxes, hedgehog-friendly gravel boards and badger protection) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

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

3. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:

- a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
 - h) Monitoring and remedial/contingencies measures triggered by monitoring.
- The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

4. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF

5. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason: To ensure the long term amenity of the landscaped areas.

6. Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Ecological Assessment & Management Plan prepared by Turnstone Ecology (May 2017)

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

7. Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no

longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

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

8. 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 the protection measures set out in submitted Arboricultural Report (received 3rd February 2016) has been implemented. The 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.

9. All hard and soft landscape works shall be carried out in accordance with the approved plan. The works shall be carried out prior to the occupation 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

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Committee and Date

North Planning Committee

17th October 2017

Item

6

Public

Development Management Report

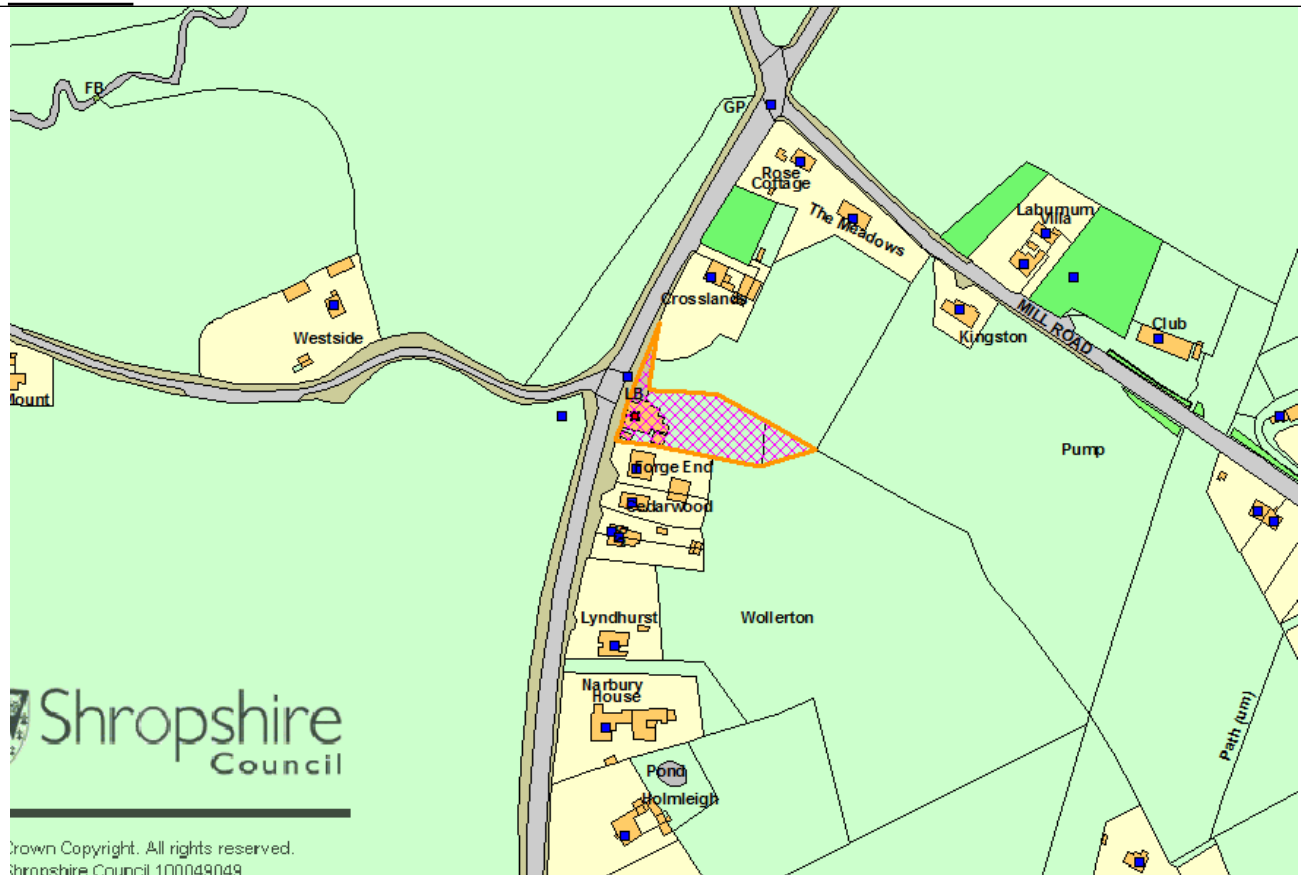
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/03001/FUL	Parish: Hodnet
Proposal: Erection of a part single/part two storey extension and a detached single storey storage building; reconfigure driveway	
Site Address: Former Squirrel Inn Drayton Road Wollerton Market Drayton Shropshire	
Applicant: Ms Claire Howell	
Case Officer: Luke Ashley	email: planningdmc@shropshire.gov.uk

Grid Ref: 362021 - 330044



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

- 1.1 The application relates to the construction of a large single storey outbuilding measuring 17.7m long and 6m in depth. This will be set to the rear of the existing building tight along the common boundary with the adjacent dwelling know as Forge End.
- 1.2 The application also relates to a part single/part two storey extension to the side of the dwelling with alterations to the front elevation including the raising of a front wall and the insertion of a window.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The host structure is a former public house which is set within a substantial curtilage. The unit is bounded on its southern aspect by an existing dwelling and its associated rear garden. Open countryside is set on all other sides of this unit.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Hodnet Parish Council's objection is contrary to the officer recommendation of approval. The matter has been discussed with the chair and vice chair of the Planning Committee who confirmed that the issues raised are material planning considerations which should be considered by the committee.

4.0 COMMUNITY REPRESENTATIONS**4.1 - Consultee Comments**

- 4.1.1 **Hodnet Parish Council** objects to this planning application on the following grounds:

- The extension would appear to be a self-contained unit rather than a sympathetic extension of the existing property.
- The applicants advised the Council that the primary function of the extension is storage and an office but this property would appear to already have more than adequate domestic storage.
- The detached single storey storage building seems very excessive for a private residence and this building would appear to provide storage of a more commercial nature.
- The materials used for the detached single storey storage building are not of a sympathetic nature in relation to the buildings around it.
- Both the extension and the storage building are intrusive to the neighbouring property along the whole length of the boundary.

- 4.1.2 **SC Rights Of Way** – no objection

4.2 - Public Comments

- 4.2.1 1no public objection received;

- The proposed steel framed outbuilding appears to be very large and in close proximity to our property. We feel strongly that it will be an imposing building clearly visible from our bedroom/kitchen and right next to our garden area. The

plastic coated/metal cladding and size mean that we will have the view of an industrial type of building which will also make our property appear 'blocked in' as well as being unsightly.

- We would also like to question whether this is in keeping with a private property and appropriate to the area that we live in.

5.0 THE MAIN ISSUES

Siting, scale and design of structure

Amenity

Response to objections

6.0 OFFICER APPRAISAL

6.1 Siting, scale and design of structure

6.1.1 NPPF paragraph 58 states that planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

6.1.2 NPPF paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.1.3 Core Strategy Policy CS6 states that;

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness.

6.1.4 SAMDev Policy MD2 states that to respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13

6.1.5 The proposal is split into two parts which relate to the side extension and to the creation of the large single storey outbuilding to the rear.

6.1.6 Single storey outbuilding;

Officers recognise that this is a large built mass along this common boundary and during the consideration of the application the agent was encourage to submit elevations which clearly illustrated the views taken from the adjoining dwelling. The subsequent drawings show that the outbuilding would be inset into the ground and set behind a 2m high boundary fence. This has resulted in a much more limited view when taken from the adjacent neighbouring garden, with only the uppermost parts of the roof being visible from ground level. Coupled with the roofing arrangement pitching away from the neighbouring garden it is not considered that the built massing along this boundary would result in undue harm.

6.1.7 It is recognised that the outbuilding would be visible from the upper floors of the neighbouring unit however on balance the impact is not considered inappropriate. Views of this neighbouring garden would not be the primary focus of those residents within Forge End and could in effect be masked by boundary planting to further soften any impact.

6.1.8 Side extension

The parish have objected to alterations being made to the host structure and the resultant change in character to the front elevation. The drawings show that the front elevation will be altered via the insertion of a new window set facing the main road and a raise in the resultant wall height.

6.1.9 These changes do not represent changes which would be viewed as untoward in that the additional height can be accommodated without compromising the architectural integrity of the host structure, whilst the new window would match those used in the main building. The window would align with the others set within the front elevation and it is clear that the size of this opening also matches up. As such it is officers opinion that the siting scale and design of the extension is acceptable.

6.2 **Amenity**

6.2.1 The single storey outbuilding set on the shared boundary does appear very large and officer recognise that this could result in harm to neighbouring amenity. Large structures set tight along shared boundaries can be very dominant and lead to a feeling of enclosure. This feeling of enclosure is created by the scale and massing of the structure when viewed from neighbouring gardens and windows and attempts to mitigate the impacts made by such structures can help in this aspect.

6.2.2 This issue was raised with the applicant and a further set of elevational drawings have been submitted which illustrate the extent to which this single storey outbuilding would be visible from the garden area of the adjacent dwelling. It is evident from these drawings that the 2m high boundary fencing would shield most of the structure from public view, with the top courses of brick and eaves height being the only visible elements of this structure.

6.2.3 The measurements show that there would be 55cm of brick visible from the side elevation above the fencing, with a further 88cm of roof with this latter element sloping away as the roof recedes from the shared boundary. On balance this

additional built form is not considered as representing a feeling of enclosure nor would visually dominate this rear garden area. It is officers opinion, in this particular instance, that the proposal would not be undue and therefore officers do not consider that an objection in this regard could be sustained.

6.3 **Response to objections**

6.3.1 The Parish have raised concern in regard to the use of the single storey outbuilding for commercial purposes. This concern stems from the size of the building and the concern that commercial vehicles or activities may be housed within. Although the LPA does recognise these concerns, it is clear that a change of use for this site has not been submitted and that if such activities did occur then this would be dealt with via the Council's planning enforcement team. The size of the outbuilding does not in itself represent a change of use and the planning considerations under assessment relate solely to a domestic outbuilding.

7.0 **CONCLUSION**

The scale, form and massing of the alterations proposed to the existing building and the proposed outbuilding represent reasonable additions and would not result in harm to either the character of the site nor the existing amenities of neighbouring properties. The proposal is therefore considered to accord with policy CS06 of the Core Strategy, policies MD01 and MD02 of SAMDev and the aims and provisions of the NPPF.

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

National Planning Policy Framework

CS6 - Sustainable Design and Development Principles

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

Relevant planning history:

12/01849/FUL Change of use from a public house (Use Class A4) to a residential dwelling (Use Class C3) REFUSE 28th August 2012

Appeal

12/01993/REF Change of use from a public house (Use Class A4) to a residential dwelling (Use Class C3) ALLOW 11th April 2013

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 R. Macey
Local Member Cllr Karen Calder
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 in accordance with the approved plans and drawings.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

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Committee and Date

North Planning Committee

17th October 2017

Item

7

Public

Development Management Report

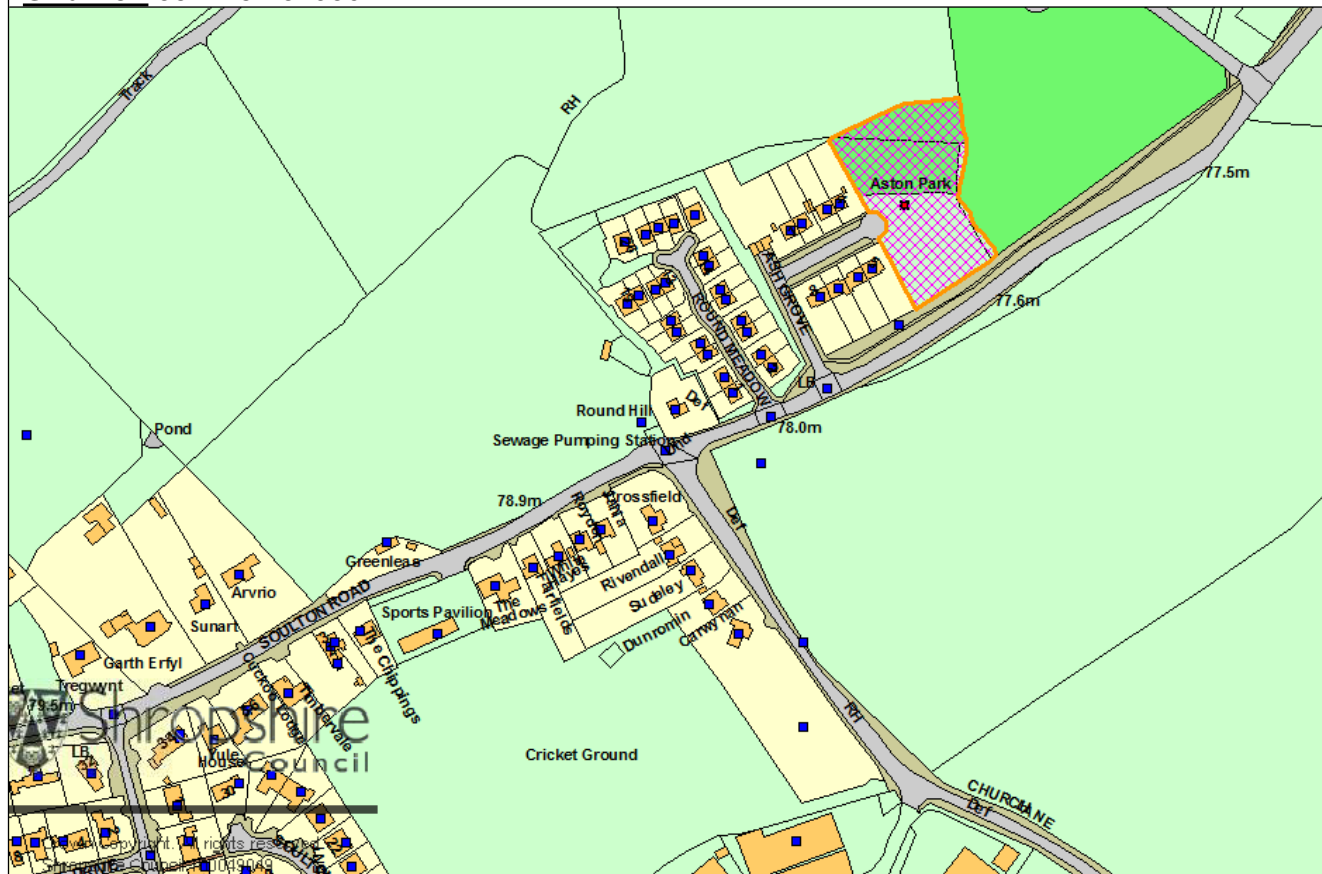
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/02241/REM	Parish: Wem Rural
Proposal: Reserved Matters application pursuant to Outline application 14/03268/OUT (all matters reserved) for the erection of five pairs of semi-detached dwellings	
Site Address: Land Adjacent Ash Grove Wem Shropshire	
Applicant: Morland Properties Ltd	
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk

Grid Ref: 352475 - 329364



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REPORT

Recommendation: That delegated powers be given to the Planning Manager to approve the application subject to the conditions listed in appendix 1 and any other conditions considered necessary, subject to no further objections being received from the Council Highway Consultant.

1.0 THE PROPOSAL

- 1.1 This application is for approval of all of the reserved matters of layout, scale, appearance, access and landscaping for the site known as land adjacent to Ash Grove, Wem. The site sits off the end of the existing Ash Grove cul-de-sac outside the settlement boundary for Wem. Outline consent was granted (by appeal) in October 2015 subject to conditions and subject to a S106 legal agreement to secure affordable housing.
- 1.2 The application has been submitted with full plans, a planning statement, design and access statement, landscape statement and ecology report. The scheme proposes 10 three bed semi detached, two storey, houses set around an open hard standing area which provides parking and turning for the site. Amendments to the access to provide a turning head within the site for the new development and existing houses have been received during the consideration of the application. The amendments have been sent out for consultation.
- 1.4 Other conditions on the appeal required further information to be submitted prior to commencement or prior to occupation of any of the dwellings. This information does not need to be submitted as part of the current application for approval of reserved matters and can be dealt with at a later date through a separate application for discharge of condition.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The development site is located on the eastern side of Wem and comprises a parcel of land currently set to grass, colonised by trees some of which have recently been cleared. The site is rectangular in shape and approximately 0.42 hectares in size, the trees along the roadside edge have been retained. It is accessed via an existing residential development, Ash Grove, which comprises eight semi-detached dwellings, in a cul-de-sac which terminates at a turning circle. The houses are set back behind gardens, a footpath and a tree lined highway verge.
- 2.2 The site is outside the development boundary for Wem on the northern side of the B5065 and is not within any of the rural settlement boundaries. There are 8 two storey houses on Ash Grove, a recently started development of 23 dwellings between Ash Grove and one detached house and fields beyond. On the opposite side of Soulton Road is also agricultural land and there are agricultural fields and the Wem Industrial Estate to the north and east. The Ash Grove properties are outside of the development boundary, however the Church Lane properties are within the development boundary for Wem.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council views are contrary to officer recommendation and the Chair and Vice Chair consider that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Parish Council** – The Parish Council objects to this application on highways concerns - the site can not accommodate the additional vehicles and relating parking.
- 4.1.2 **Affordable Housing** – An affordable housing proforma is required for this application.
- 4.1.3 **Education** – Shropshire Council Learning and Skills reports that the local primary school, St Peters, is currently close to capacity and with future housing developments is likely to exceed its current capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. In the case of this development it is recommended that contributions are secured via CIL funding.
- 4.1.4 **Highways** –
Access - Further Details Required there is insufficient detail submitted with the application to make an informed highway comment, at this time.
Layout - Further Details Required there is insufficient detail submitted with the application to make an informed highway comment, at this time.
Scale the proposed scale of the development is considered acceptable from a highway perspective

The principle of the proposed development has been previously upheld at appeal with all matters including access to be determined under a reserved matters application. The Highway Authority in its consultation response dated 29.01.2015 in respect of the outline application raised no objection to the principle of the indicative development of 10 dwellings being served off Ash Grove. The Council did however comment upon the current unsatisfactory turning head arrangement at the end of the cul-de-sac and advised that these matters should be addressed as part of the submission of the detailed reserved matters. The submitted site drawing no.0021 03 is not considered to be acceptable. The development is proposing an irregular shaped communal access/parking and turning area to the front of the dwellings with no revisions to the existing unsatisfactory turning head layout being incorporated within the new access layout.

It is considered that the improvement to the turning head should be in line with the amorphous turning head design as demonstrated under drawing no. TS/10/4 of the Councils Specification for Residential/Industrial Estate Roads. The new layout could be achieved by extending the carriageway of Ash Grove into the application site. The proposed works and adoption of the revised turning head together with the removal and relocation of the lighting column will need to be covered by an appropriate agreement. The proposed parking spaces for each of the dwellings should also be defined in relation to the new turning head arrangement.

- 4.1.5 **Waste Management** – Provided standard advice
- 4.1.6 **Ecology** – In the Ecological Assessment (Star Ecology, October 2014), Star Ecology identified that 'Several trees within the area of scattered scrub, within the

south section of the site, potentially provide bat roosting opportunity. The trees are covered with extensive ivy ' growth. (Lone) bats may potentially roost within ivy crevices and/or between the ivy and the trees. In addition, the ivy growth may conceal features within the structure of the trees (such as rot-holes) that may potentially provide bat roosting opportunity.' Star Ecology recommended that 'If the development plans include the removal of the trees within the area of scattered scrub ' or some of them, or parts of them and/or the construction of buildings within their canopy area: further bat survey work should be carried out to inform the proposed development.'

Because the Landscape management plan (Sylvan Resources Ltd, March 2015) included the removal of hawthorn trees in this area, in her comment in December 2014 my colleague Alison Slade recommended 'aerial inspection of the bat roosting features within the trees. The results of this inspection should preferably be submitted prior to determining the application or the plans amended to show retention of the trees.'

During an updated survey visit in May 2015 by Star Ecology, 'the tree could not be located and it appeared that the tree had been removed.' 'The survey of the site was carried out after work proposed in a Landscape Management Plan had been carried out earlier in year 2015.'

This tree (or trees, it is unclear) was therefore removed before the presence of bat roosts could be ruled out.

Unfortunately, the Inspector did not make any mention of bats in the Appeal decision.

To compensate for the lost roosting opportunities this tree (or trees) provided, I recommend that 2 additional bat boxes are erected (in addition to the boxes recommended as an enhancement) to compensate for the loss of this potential roost.

Landscaping

Condition 7 of the appeal decision requires that The development shall be carried out and incorporate the recommendations and mitigation set out within Sections, 8, 9 and 10 of the Ecological Assessment dated 6 October 2014 (Ref: LSP/1240/14.1) unless the local planning authority approve in writing any variation.

Sections 10.5.1 and 10.5.2 of the report recommends that native trees and shrubs of local provenance are planted in open spaces on the site. These, and additional habitat enhancements, are included in the Landscape management plan, which is referred to in condition 4, therefore I am happy with the proposed landscaping.

Other enhancements

I assume that the other recommendations made in the Ecological Assessment (including a bat-sensitive lighting scheme, the erection of bat and bird boxes and the inclusion of a hedgehog box) are to be covered under a future DIS application rather than this REM.

4.1.7 **Trees** – Having read the submitted landscape management plan for the site I am in agreement with its findings and recommendations and support the woodland edge improvement / planting scheme to increase habitat value of the woodland. Recommends a condition requiring the work to be carried out in accordance with the submitted details.

4.1.8 **Drainage** –The proposed drainage details, plan and calculations should be submitted for approval before the dwelling is occupied as per Drainage Condition 8 on the Appeal Decision.

4.2 **Public Comments**

4.2.1 At the time of writing the report 6 letters of representation have been received raising the following concerns:

- CIL needs to be paid
- Site needs to provide turning space for waste collection vehicles
- Developer has damaged the kerbs
- Should be asked to provide drive for 1 Ash Grove
- Access should be from the main road not off Ash Grove
- Loss of street lighting will be dangerous
- Construction times should be imposed and access for construction vehicles controlled
- Addition vehicles will damage the road both during and after construction
- Drainage needs fully investigating
- This land floods in the winter
- Potential asbestos contamination on the site

5.0 **THE MAIN ISSUES**

- Policy & principle of development
- Layout, scale and design
- Impact on amenity
- Highways, access, parking and turning
- Ecology and trees
- Drainage

6.0 **OFFICER APPRAISAL**

6.1 **Policy & principle of development**

6.1.1 The granting of the outline planning consent, which was granted at appeal in October 2015, has accepted the principle of the development proposed. It is accepted that the site is situated within open countryside for planning purposes being outside the development boundary for Wem in the recently adopted Shropshire Site Allocation and Management of Development (SAMDev) Plan. However the current application is not seeking consent for the principle of the development and this matter can not be revisited as part of this application.

6.1.2 The outline consent was granted at appeal at a time when less weight could be given to the SAMDev. It was considered by the Planning Inspector against the NPPF as sustainable development. The Inspector took into account the brownfield nature of the site, the adjacent housing and recent affordable housing development and the proximity of the site to Wem. Although the principle can't be revisited the granting of outline consent on this site also does not set any form of

precedent for any other sites around Wem. Any future applications for new housing schemes would need to be considered against the SAMDev. The outline consent was for residential development and the current reserved matters application seeks consent for the details of the houses.

- 6.1.3 Policy CS9 of the Shropshire Core Strategy requires all new development to help to deliver sustainable communities by making a contribution to infrastructure. The details of this contribution are provided within the Developer Contributions supplementary planning document which sets out the methods for providing for infrastructure both on site and off site. The development of the site will be liable for Community Infrastructure Levy, as noted in the Planning Inspector's decision letter. CIL is based on the footprint of the development and the current charging schedule. The agent has confirmed the overall amount of new residential floor space proposed and therefore the CIL liability is able to be calculated. This financial contribution towards infrastructure is a material consideration in favour of the development and will assist towards alleviating infrastructure issues in the local area.
- 6.1.4 With regard to affordable housing the planning statement submitted with the current reserved matters application comments that the site is for 10 dwellings with a floor area of 96sqm each which will equate to less than 1000sqm. As such the agent comments that this has been designed so that the requirement for the affordable housing payment is avoided. However, the outline consent was approved with a unilateral undertaking in which the appellant, who is the current applicant, covenanted to provide the prevailing target rate of affordable housing. As such the development of the site for 10 houses will require 1 of them to be an affordable dwelling to comply with the outline consent.
- 6.2 **Layout, scale and design**
- 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. Section 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 Five identical pairs of semi detached houses are proposed. They are all two storey, three bed units, with ground floor lounge and kitchen and, as noted in the submitted planning statement, floor areas of less than 100sqm. The designs show hipped tiled roofs, brick elevation finish, casement windows with cills and headers and simple hanging porches over the front doors. All of the windows and doors are in the front and rear elevations of the houses.
- 6.2.3 The proposed block plan shows two pairs in line with 5-8 Ash Grove, backing onto the main road and the other three pairs curving round from 4 Ash Grove but not completely enclosing the end of the site. An access point is indicated at the eastern edge of the site which leads to the adjacent agricultural land.
- 6.2.4 Layout, scale and design are all considered to be acceptable by officers and the scheme relates well to the existing housing on Ash Grove which are pairs of semi

detached dwellings with hipped roofs, casement windows and simple porches. The main difference between the existing dwellings and the proposed new dwellings is that the existing properties have chimneys. Given the scale of the proposed dwellings it is considered that to ask for a chimney to be added would result in a “stick on” feature rather than a useable, brick built, chimney. The lack of chimneys is not unacceptable and, given the site is not in a conservation area, would not be reasonable grounds on which to refuse consent.

6.2.5 Subject to appropriate materials, which can be controlled by condition, the layout, scale and design of the proposed development is considered to be acceptable and to comply with the requirements of adopted policy.

6.3 **Impact on amenity**

6.3.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.3.2 As noted above the proposed layout shows the houses in line with the existing housing on Ash Grove. The nearest new property to an existing property is the unit adjacent to 5 Ash Grove. This will be just under 10m from the side of the garage at the existing dwelling. There are no windows proposed in the side elevations of any of the new dwellings and as such, even though there is a window in the end of the existing dwelling, there will not be any overlooking and the separation distance ensures that there will not be any loss of light.

6.3.3 Concern has been raised about the impact on the existing residents from additional cars and traffic. This is dealt with below, however the existing houses are set back from the road approximately 11m which limits the impact of traffic on the road. Furthermore the scale of the development will not result in high levels of traffic.

6.3.4 Objections have also been received raising concerns about the impact of construction, construction traffic and that the land owner has not repaired previous damage. Firstly condition 5 on the outline consent requires the applicant to submit a Construction Method Statement prior to commencing development. This condition requires the developer to set out in the statement where matters such as construction parking, loading, unloading and storage will be carried out, the timing of construction works and deliveries, fencing, wheel washing and measures to control dust, dirt and waste. This condition therefore will enable the Council to consider whether the scheme would have an unacceptable impact during construction and to consider the proposed timings at the time when an application for discharge of condition 5 is submitted. As such the concerns raised by the local residents are noted but are best dealt with under condition 5.

6.3.5 With regard to damage already carried out in clearing the site and any damage that may be caused during the construction works this will be a matter for the developer to correct. As an adopted highway the Council have separate powers to ensure that any work is repaired.

6.3.6 Overall, although the concerns of the neighbours are noted these are best dealt with through the existing conditions on the outline consent. The layout, scale and

design of the proposed development will not result in unacceptable adverse impacts on the amenities of the existing residents.

6.4 **Highways, access, parking and turning**

- 6.4.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. The proposed scheme for 10 houses will not result in a significant increase in traffic.
- 6.4.2 The outline planning permission, granted by appeal, had all matters reserved and as such access was not considered for determination at that stage. However, the indicative layout showed access off Ash Grove and the Planning Inspector commented at paragraph 11 that the development would be served off Ash Grove and at paragraph 21 that Ash Grove would provide an acceptable vehicular access for 10 dwellings.
- 6.4.3 Some of the local residents objecting have questioned why the development of this site can not be provided with a new access off the main road as was provided for Round Meadow. This is not what is before the Council as an application. The proposal is for access off Ash Grove and if this access is acceptable in highway design and safety terms then there would be no grounds on which to require the developer to amend the access proposal.
- 6.4.4 The proposed access has been assessed by the Council Highway Consultant who has no objection to the use of Ash Grove as the point of access. The existing turning head at the end of Ash Grove needs to be altered and this matter was raised with the applicant. Following a number of amended plans the latest submission shows a turning head being provided within the application site with footpath around the whole of the turning head and access across the end of the turning head to the new houses. As part of the proposal the existing turning head, which is in the form of a circular route, will be removed and the existing estate road, footways and grass verges continued to the edge of the site. One existing street light, which is currently in the centre of the turning “circle” will be removed.
- 6.4.5 This latest amended plan has been sent to the Council Highway Consultant, the Parish Council and local residents for comment. At the time of writing the report the consultation is still outstanding and therefore the recommendation is that the application should be approved, subject to no objections from the Council Highway Consultant. The alterations to the existing road can be carried out through the use of a suitably worded condition.
- 6.4.6 Residents of Ash Grove have also commented that Ash Grove is not suitable due to cars having to park on the road as not all of the properties have off-street parking. There are 8 properties on Ash Grove of which 4 have driveways and carports or garages, one has a driveway and one a car port. As such half of the properties have the standard provision for parking of two cars and two others have space for one car. The road is not restricted in terms of on-street parking and

residents could provide additional parking within their property curtilages on an individual basis. The perceived lack of parking is not as a result of the proposed development and as such would not be a matter for the developer of the site to resolve. As noted above the scale of the development proposed will not result in a significant level of traffic movements.

6.5 Ecology and trees

- 6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. A protected species survey and arboricultural report were submitted with the outline application and the applicant's ecology consultant has also written providing an update to the ecology report and an update to deal with the concerns raised at the outline stage regarding bats.
- 6.5.2 The update comments that the site is an area of low ecological value and that there is no evidence of protected fauna, badgers or reptiles. The update acknowledges that the site offers habitat for nesting and foraging birds and that the majority of the suitable habitat will remain post development.
- 6.5.3 With regard to bats a survey was carried out in July 2014 which recorded bat roosting potential within a tree within the southern area of the site. At the site visit by the applicant's ecologist in 2015 the tree had been removed. As such the applicant's ecologist considers that there is no further survey work required in respect of bats. The outline consent includes a condition requiring the development to be carried out in accordance with the recommendations in the ecology assessment submitted with the outline and as such no further conditions are required.
- 6.5. The Council Ecologist has reviewed the additional information and advised that the loss of the tree which was potentially habitat for bats should be mitigated through the provision of an additional bat box. This is in addition to the mitigation measures required by the condition on the outline consent and can be controlled by condition on this application as it is relevant to the current proposal and site conditions. The site can be developed without adverse impact on ecology and can provide habitat enhancements.
- 6.5. The Arboricultural report submitted with the outline application suggested that 7 trees, which are part of a group, are to be removed to enable the development of the site and 1 further tree is to be removed because it is dead. It is accepted that this report does not reflect the condition of the site before a large proportion of the self seeded trees were removed, however it is also accepted by officers that the self seeded trees would have been of limited arboricultural value. The report recommends the protection of two areas of trees which are to be retained where the existing slab will need to be removed but that the majority of the slab can be removed outside of the root protection areas.
- 6.5. The Council Tree Officer had advised during the consideration of the outline that it is acknowledged that the site has been recolonized and become a green habitat area but that the trees have been left unmanaged and are in a poor condition.

The Tree Officer advises that if the site is to be developed then the trees should be managed, retaining the better trees and providing enhancement planting. The potential for improving the condition of the existing trees is a material consideration and a benefit resulting from the development of the site.

6.6 Drainage and contamination

6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity.

6.6.2 Concerns have been raised by local residents that the site floods and also that to provide drainage to the new houses on Round Meadow, at the opposite end of Ash Grove, the ground had to be built up. There are concerns that this site is not capable of being provided with a drainage system without similar changes in levels which would then have an adverse impact on the neighbouring properties.

6.6.3 As a reserved matters application the development of this site would have to comply with the requirements of the conditions on the outline consent granted by the Planning Inspector. Condition 8, as noted by the Council Drainage Consultant, requires details of a surface water drainage scheme to be submitted to the Council. However, condition 8 does not require this scheme to be submitted as part of this reserved matters application. The surface water drainage would need to be subject to a separate application for discharge of condition.

6.6.4 Accordingly, although the concerns of the local residents are noted this is not a matter for consideration at this stage. The concerns of the residents will need to be taken into account when determining the appropriateness of the discharge of condition application.

6.6.5 Local residents have also raised concerns about the potential for contamination. This was also raised at the time of the outline application and a condition imposed on the consent requiring investigation and recording of contamination. This condition is still a requirement on the development of the site and the investigation, recording and remediation will need to be carried out. As such the risk of contamination has already been considered and can be dealt with by the existing condition.

7.0 CONCLUSION

7.1 It is considered that the proposed access, layout, scale, appearance and landscaping of the site are acceptable and would have no adverse impact on the character and appearance of the locality or the amenity of neighbouring properties. A safe means of access and adequate parking and turning space will be provided and subject to conditions the proposal would have no adverse highway or ecological implications. It is therefore considered that the proposal accords with Core Strategy policies, SAMDev policies and the NPPF.

7.2 In arriving at this decision the Council has used its best endeavours to work with the applicants 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:

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 - written representations, a hearing or inquiry.

The decision is 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 a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose 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 give 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.

10. BACKGROUND

Relevant Planning Policies

National Planning Policy Framework

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD7A - Managing Housing Development in the Countryside
 MD7B - General Management of Development in the Countryside
 MD12 - Natural Environment
 Settlement: S17 - Wem

Relevant planning history:

14/03268/OUT Outline application (all matters reserved) for the erection of five pairs of semi-detached dwellings REFUSE 30th January 2015
 NS/07/01613/OUT Proposed erection of 4no detached dwellings and 4no semi detached dwellings with garaging REFUSE 15th October 2007
 NS/76/00547/OUT Erection of dwellings REFUSE 12th October 1976

Appeal

NS/08/00011/REF Proposed erection of 4no detached dwellings and 4no semi detached dwellings with garaging DISWOC 25th June 2008
 15/02271/REF Outline application (all matters reserved) for the erection of five pairs of semi-detached dwellings ALLOW 8th October 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 R. Macey
Local Member Cllr Pauline Dee Cllr Chris Mellings
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 REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

2. Prior to the commencement of development full engineering details shall be submitted to and approved in writing by the Local Planning Authority of the proposed turning head and construction link to the existing public highway, as shown indicatively on Dwg.No.03 Rev D; the turning head and construction link to the existing public highway shall be fully implemented in accordance with the approved details prior to any of the dwellings being first occupied.

Reason: To provide an adequate means of access and turning head facility to the serve the development and Ash Grove.

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

3. In addition to the mitigation measures required by the conditions of the outline planning consent 2 further bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first occupation of any of the dwellings hereby permitted. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species and to mitigate the loss of habitat since the outline consent

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<u>Committee and Date</u>
North Planning Committee
17 th October 2017

<u>Item</u>
8
Public

Development Management Report

Responsible Officer: Tim Rogers

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

SCHEDULE OF APPEALS AS AT 17TH OCTOBER 2017

Appeals Lodged

LPA reference	16/05193/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Downes Property C/O DEP Architects
Proposal	Outline application (all matters reserved) for the erection of two dwellings
Location	Land Off Quarry House Lane Market Drayton Shropshire
Date of appeal	19.09.17
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	16/05263/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr G Sutton- C/O Oligra Town Planning
Proposal	Outline application for the erection of two residential properties following demolition of existing agricultural buildings with the access and layout of the site for consideration as part of this application. The appearance, landscaping and scale are to be dealt with as matters reserved.
Location	Land Adjacent To Dorrington Cottage Pipe Gate Market Drayton
Date of appeal	03.10.17
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals determined

LPA reference	17/01550/VAR
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Andrew Roberts
Proposal	Variation of Condition No. 2 attached to planning permission 16/01109/FUL (approved plans) for the erection of single storey rear/side extension
Location	37 Oak Drive, Oswestry, SY11 2RX
Date of appeal	29 June 2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	14 September 2017
Costs awarded	
Appeal decision	ALLOWED

LPA reference	16/05768/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs G Shaw – C/O Portman Surveyors Ltd
Proposal	Outline application for the erection of a single dwelling with alterations to existing vehicular access (to include access and scale)
Location	Land East Of The Cedars 10 Newcastle Road Woore
Date of appeal	06.07.17
Appeal method	Written Representations
Date site visit	19.09.17
Date of appeal decision	26.09.17
Costs awarded	
Appeal decision	DISMISSED



Appeal Decision

Site visit made on 29 August 2017

by **Helen Hockenhull BA(Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 September 2017

Appeal Ref: APP/L3245/W/17/3177029

37 Oak Drive, Oswestry, Shropshire SY11 2RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Andrew Roberts against the decision of Shropshire Council.
 - The application Ref 17/01550/VAR, dated 28 March 2017, was approved on 23 May 2017 and planning permission was granted subject to condition.
 - The development permitted is the erection of a single storey rear/side extension.
 - The condition in dispute is No. 1 which states that: the recently installed ground floor window within the south east elevation shall be opaque glazed and non-opening. This work shall be implemented within 3 months of the date of this permission and the window shall remain opaque glazed and non-opening in perpetuity.
 - The reason given for the condition is: to protect the amenity of neighbouring property.
-

Decision

1. The appeal is allowed and planning permission ref 17/01550/VAR to erect a single storey rear/side extension at 37 Oak Drive, Oswestry, Shropshire SY11 2RX, granted on 23 May 2017 by Shropshire Council is varied by deleting condition 1.

Background and Main Issue

2. Planning permission was granted for a single storey rear/side extension under planning permission reference 16/01109/FUL and the development commenced. However the proposal was not constructed in full accordance with the approved plans with the proposed shower room being repositioned and an extension being made to the kitchen. Application reference 17/01550/VAR sought to vary condition 2 of that permission which related to the approved plans. This revised permission included condition No.1, which required that the window serving the kitchen area on the side elevation of the dwelling be fitted with opaque glass and be non-opening. This was in order to protect the amenity of the occupant of the neighbouring property. It is this condition that the appellant seeks to remove.
3. In light of the above, the main issue in this case is the effect of deleting condition No.1 on the living conditions of the occupants of No. 38 Oak Drive with particular regard to overlooking and privacy.

Reasons

4. The window to which condition 1 relates is positioned on the side elevation of No. 37 and faces the side bay kitchen window of No. 38 with a separation

distance of around 2.5 metres. There is an intervening boundary fence. At the time of my site visit, that part of the fence between the windows in question had been raised in height. When viewed from the appellant's property, the raised fence obscured any view into the neighbouring window thus preventing any overlooking or loss of privacy.

5. I note in their response to the original planning application, the occupant of No.38 Oak Drive, states that the raised fence is not satisfactory in their view as it could be taken down by the existing or a future occupier of the property.
6. Notwithstanding the above, I have assessed the impact of the proposal with the original fence height of around 1.8 metres. The kitchen window in the neighbouring property consists of a larger lower pane and a smaller upper pane of glass. Looking from the appellant's kitchen, there would be no direct view into the neighbouring kitchen due to the presence of the fence but the upper pane of the window would be visible. Taking account of the height of the upper pane, I consider it would be unlikely that a person stood at the kitchen sink would be clearly seen, particularly to the extent that they would be overlooked or have their privacy materially reduced.
7. Condition 1 also required the kitchen window to be non-opening. The window installed opens outwards from the bottom. I viewed the window both open and closed at my site visit. Whatever position the window was in, it appeared to me to make no discernible difference to the view of the neighbouring window. I therefore consider it unnecessary for the window to be non-opening.
8. In conclusion, I consider that condition 1 is not necessary in order to protect the living conditions of the occupants of No. 38 Oak Drive in terms of overlooking and privacy. The development accords with Policy CS6 of the Shropshire Local Development Framework Core Strategy 2011 and Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan 2015. These policies seek to achieve a high standard of design and maintain residential amenity.
9. Therefore for the reasons given above, I find that the appeal should succeed. I will vary the planning permission by deleting condition 1.

Helen Hockenhull

INSPECTOR



Appeal Decision

Site visit made on 19 September 2017

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2017

Appeal Ref: APP/L3245/W/17/3176784

The Cedars, 10 Newcastle Road, Woore, CW3 9SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs G Shaw against the decision of Shropshire Council.
 - The application Ref 16/05768/OUT, dated 19 December 2016, was refused by notice dated 28 February 2017.
 - The development proposed is a single dwelling in the side garden of the current residential property with existing vehicular access altered.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with access and scale for consideration. Appearance, landscaping and layout were reserved for subsequent approval.

Main Issue

3. The main issue is the effect of the proposed dwelling upon the character and appearance of the area.

Reasons

4. The site is the side garden of a dwelling known as The Cedars. It is about 300m from the centre of Woore which is a settlement identified as a Community Hub in Policy MD1 of the adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan, 2015. SAMDev Policy S11.2(vii) identifies Woore as having limited potential for new dwellings but there is no development boundary for this settlement.
5. The Cedars is separated by fields from the built up area surrounding the village centre. There is a dwelling to either side of The Cedars beyond which there is further countryside. Whilst there is some sporadic residential development nearby, the area has a distinctly rural character and it is my assessment that the site is located within the open countryside and is outside of the Community Hub.
6. Policy CS4 of the Shropshire Core Strategy (CS) indicates that development will not be allowed outside of the Community Hub. The explanation to the policy is that, in order to prevent fragmented development, windfall development adjoining the village is not acceptable, unless it is an exception for affordable

housing or other development allowed under Policy CS5. The proposal is neither for affordable housing nor does it fall into any of the categories of development allowed under Policy CS5. The appellant has referred to SAMDev Policy MD3 as supporting new housing but this policy requires proposals to have regard to CS Policies CS4 and CS5.

7. I accept that the services in Woore are accessible by foot. However, the proposed dwelling would introduce additional built development in the countryside. This would result in the suburbanisation of the site and erode the open and rural character of the area. Paragraph 17 of the National Planning Policy Framework (Framework) indicates that planning should recognise the intrinsic character and beauty of the countryside.
8. I appreciate that there is a boundary hedge around the site and that landscaping is reserved for subsequent approval. However, planting could not fully mitigate for the change in character and appearance of the site. For example, a dwelling is likely to be seen through / over the top of a hedge and planting can be trimmed or cut back. I also understand that the site has permitted development rights but I am not persuaded that the existence of such rights justify allowing permission to construct a new dwelling.
9. I therefore conclude that the proposed development would have a harmful effect upon the character and appearance of the area. Consequently, it would conflict with CS Policies CS1, CS4, CS5 and CS6 and SAMDev Policies MD1 and S11.2. In combination, these policies direct development to the settlements and seek to protect the character and appearance of the countryside. It would also conflict with Paragraph 17 of the Framework.
10. I have had regard to all other matters raised but none outweigh the conclusions I have reached and the appeal is dismissed.

Siobhan Watson

INSPECTOR