



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

Date: Monday, 1 April 2019

Committee:
South Planning Committee

Date: Tuesday, 9 April 2019

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
Director of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

David Evans (Chairman)
David Turner (Vice Chairman)
Andy Boddington
Simon Harris
Nigel Hartin
Richard Huffer
Cecilia Motley
Madge Shingleton
Robert Tindall
Michael Wood
Tina Woodward

Substitute Members of the Committee

Gwilym Butler
Jonny Keeley
Heather Kidd
Christian Lea
Elliott Lynch
William Parr
Vivienne Parry
Kevin Turley
Leslie Winwood

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 257716
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 12)

To confirm the minutes of the South Planning Committee meeting held on 12 March 2019.

Contact Linda Jeavons (01743) 257716.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 24 hours prior to the commencement of the meeting.

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 Buildings to The North of Small Heath Farmhouse, Ashford Bank, Claverley, Wolverhampton (16/03673/COU) (Pages 13 - 38)

Change of use of redundant agricultural buildings Units 2 & 3 to B1 (light industrial) and Units 4, 5 & 6 to B8 (storage and warehousing).

6 Proposed Exception Site Dwelling NE Of The Barn, Underton, Bridgnorth, Shropshire (18/00945/FUL) (Pages 39 - 62)

Erection of one affordable dwelling with detached 2-bay garage block.

7 13 Love Lane, Bridgnorth, Shropshire, WV16 4HE (18/01233/FUL) (Pages 63 - 72)

Erection of part two storey part single storey extension to form self-contained ancillary residential accommodation (Amended Plans Received)

8 Proposed Development Land East Of Meadowbrook Close, Alveley, Shropshire (18/03172/FUL) (Pages 73 - 102)

Erection of 6 affordable dwellings and associated works.

9 47 Folley Road, Ackleton, Shropshire, WV6 7JL (18/05705/FUL) (Pages 103 - 114)

Erection of single storey rear extension with roof terrace above.

10 Schedule of Appeals and Appeal Decisions (Pages 115 - 116)

11 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 8 May 2019, in the Shrewsbury Room, Shirehall.

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Committee and Date

South Planning Committee

9 April 2019

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 12 March 2019

2.00 - 5.43 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

Present

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Andy Boddington, Simon Harris, Nigel Hartin, Richard Huffer, Cecilia Motley, Madge Shingleton, Robert Tindall, Michael Wood and Tina Woodward

76 Apologies for Absence

There were no apologies for absence.

77 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 12 February 2019 be approved as a correct record and signed by the Chairman.

78 Public Question Time

There were no public questions or petitions received.

79 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.

With reference to planning applications 18/05492/FUL and 19/00121/FUL, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Management Board. He confirmed that he had taken no part in any discussion relating to these applications.

With reference to planning applications 18/05492/FUL and 19/00121/FUL, Councillor Robert Tindall declared that he was a member of the Shropshire Hills AONB Partnership. He confirmed that he had taken no part in any discussion relating to this application.

With reference to planning applications 18/05492/FUL and 19/00121/FUL, Councillor Cecilia Motley declared that she was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Management Board.

80 Astbury Hall, Astbury, Bridgnorth, Shropshire ,WV16 6AT (18/05052/FUL)

The Chairman explained that it had been decided that the first four planning applications for Astbury Hall, being items 5, 6, 7 and 8 on the agenda, would be dealt with together but voted on separately.

In accordance with the Council's practice on public speaking at regulatory committees, the Chairman had used his discretion and allowed each objector, supporter and Parish Council to speak for up to six minutes, the Local Ward Councillor up to 10 minutes and the applicant up to 12 minutes.

In response to a comment from a Member, the Principal Planner explained that the applicant had chosen to submit four separate planning applications, hence the duplication of material before Members and the reason why there was a need for four separate votes to be taken at the meeting.

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He drew Members' attention to the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting and a further objection that had been received following the publication of the Schedule of Additional Letters but which had raised no new additional grounds. He identified the areas that were covered by extant planning permissions.

Members had undertaken a site visit the previous day and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Mr T Allison, representing The Ramblers' Association, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr J King, a local business man and resident, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor R Woods, representing Chelmarsh Parish Council, made a statement in accordance with the Council's Scheme for Public Speaking at Planning Committees. The Parish Council expressed support for the sympathetic design, employment opportunities and investment it would bring to the area but raised serious concerns regarding the scale of the development, pollution and the road access both during construction and later operation of the site.

Councillor J Hodgkins, representing Eardington Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Robert Tindall, 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:

- **Transport** – The B4555 Bridgnorth to Highley and beyond was in a very poor state of repair - the sub-structure and the base of the road was falling apart;
- If given the go ahead responsibility for the reconstruction of the B4555 must be met by the company;
- People would travel from the West Midlands and would need to cross the River Severn – there were only two places to do this – the ancient Low Town bridge over the River Severn, left by the gym, left at Oldbury then through Knowle Sands and Eardington, or via the by-pass, turn left on B4356 to Ludlow, then Halfway House Lane;
- A development of this scale would cause the infrastructure to become even worse;
- **Density** – This would be overdevelopment. The original scheme was acceptable but this scheme would mean every space would be occupied, the chalets would ruin the countryside and it would have a detrimental impact on the lovely Mor Brook valley and the flora and fauna;
- **Layout** - It was not family-friendly and there were no play areas. He questioned what market this proposal was aimed at;
- **Severn Valley Railway** – It was illegal to stop a passenger train for passengers to alight on board – you would need Rail and Road Board consent. There were no plans to re-open the halt - if opened there would have to be a safety management system and would require the permission of the Rail and Road Board. It was fanciful to think that holiday makers would arrive by train.
- **Finally** - If Members were minded to approve, he requested that Members approve only a scale of development matching the existing previously approved applications.

Mr J Steven, Mr S Rickards and Mr J Wooldridge spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to questions from Members responded as follows:

- There was already a bus service running past the site and the bus company had been approached to see if it would install an additional bus stop near to the site entrance.
- This was a rural location – expansion of a bus service to include Sundays would depend on viability. This development could support and maintain an improved bus service.
- Lodges would be delivered to the site by experienced companies. Each lodge would be delivered in two parts and because of the size of each load no escort vehicle would be required but the police would have to be notified. It was envisaged that there would be two lorries per day on a planned basis avoiding peak travel times. All access routes had been considered and they were aware of any constraints.
- Provided clarification on construction phases and times; ownership of the site now and in the future; and target market.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members expressed concerns regarding the cumulative impact of the numerous caravan parks in the area; the detrimental impact it could have on the Mor Brook corridor; the effectiveness of the design to maintain wildlife; impact on the footpaths and the users of the footpaths; impact on road network; cyclist safety; capacity and infrastructure of Bridgnorth and surrounding areas to cope with an increase of visitors; and the proposed high number of chalets which would result in a cramped site. On the plus side, Members acknowledged that the scheme would benefit the local economy and provide employment. If granted, Members requested improved road signage, a less reflective glazing to be installed on the leisure and spa building and low-level lighting be used on the site.

RESOLVED:

That, as per the Officer's recommendation, as set out in the Schedule of Additional Letters, planning permission be granted, subject to:

- Confirmation from the Shropshire Council (SC) Legal Services that the submitted Unilateral Undertaking would secure the non-implementation of any extant planning permissions relating to the application sites (including but not limited to the unbuilt elements of planning permission BR/98/0829) should planning permission be granted for this development; delivery of the proposed apprenticeship schemes; and the development and management of the site (holiday lodges and leisure facilities) as a single entity as a tourism and leisure resort;
- The conditions set out in Appendix 1 to the report, subject to Condition No. 4 being amended as follows:

Prior to the above ground works commencing on each building/structure hereby approved, samples and/or details of the external materials to be used in the construction of that building/structure, and in the case of the leisure and spa building details of the glazing to be installed, 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.

- That the Area Planning Manager be granted delegated authority to negotiate any adjustments to the unilateral undertaking sought by SC Head of Legal Services and to make any associated adjustments needed to planning conditions.

81 Astbury Hall, Astbury, Bridgnorth, Shropshire, WV16 6AT (18/05078/FUL)

RESOLVED:

That, as per the Officer's recommendation, as set out in the Schedule of Additional Letters, planning permission be granted, subject to:

- Confirmation from the Shropshire Council (SC) Legal Services that the submitted Unilateral Undertaking would secure the non-implementation of any extant planning permissions relating to the application sites (including but not limited to the unbuilt elements of planning permission BR/98/0829) should planning permission be granted for this development; delivery of the proposed apprenticeship schemes; and the development and management of the site (holiday lodges and leisure facilities) as a single entity as a tourism and leisure resort;
- The conditions set out in Appendix 1 to the report, subject to Condition No. 7 being amended as follows:

Before the holiday lodges are first installed on the land details of their external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and retained for the lifetime of the holiday lodges.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of visual amenity.

- That the Area Planning Manager be granted delegated authority to negotiate any adjustments to the unilateral undertaking sought by SC Head of Legal Services and to make any associated adjustments needed to planning conditions.

82 Astbury Hall, Astbury, Bridgnorth, Shropshire, WV16 6AT (18/05079/FUL)

RESOLVED:

That, as per the Officer's recommendation, as set out in the Schedule of Additional Letters, planning permission be granted, subject to:

- Confirmation from the Shropshire Council (SC) Legal Services that the submitted Unilateral Undertaking would secure the non-implementation of any extant planning permissions relating to the application sites (including but not limited to the unbuilt elements of planning permission BR/98/0829) should planning permission be granted for this development; delivery of the proposed apprenticeship schemes; and the development and management of the site (holiday lodges and leisure facilities) as a single entity as a tourism and leisure resort;

- The conditions set out in Appendix 1, subject to Condition No. 7 being amended as follows:

Before the holiday lodges are first installed on the land details of their external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and retained for the lifetime of the holiday lodges.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of visual amenity.

- That the Area Planning Manager be granted delegated authority to negotiate any adjustments to the unilateral undertaking sought by SC Head of Legal Services and to make any associated adjustments needed to planning conditions.

83 Astbury Hall, Astbury, Bridgnorth, Shropshire, WV16 6AT (18/05159/FUL)

RESOLVED:

That, as per the Officer's recommendation, as set out in the Schedule of Additional Letters, planning permission be granted, subject to:

- Confirmation from the Shropshire Council (SC) Legal Services that the submitted Unilateral Undertaking would secure the non-implementation of any extant planning permissions relating to the application sites (including but not limited to the unbuilt elements of planning permission BR/98/0829) should planning permission be granted for this development; delivery of the proposed apprenticeship schemes; and the development and management of the site (holiday lodges and leisure facilities) as a single entity as a tourism and leisure resort;
- The conditions set out in Appendix 1 to the report; and
- That the Area Planning Manager be granted delegated authority to negotiate any adjustments to the unilateral undertaking sought by SC Head of Legal Services and to make any associated adjustments needed to planning conditions.

(At this juncture the meeting adjourned at 04:26 pm and reconvened at 04:31 pm.)

84 Land To The East Of Woodlands Close, Broseley, Shropshire (15/02877/OUT)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit the previous day and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

Councillor I West, on behalf of Broseley Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Simon Harris, 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:

- Facts and figures indicate that this development was not needed in Broseley;
- The site was outside the Broseley Town development boundary; and
- Woodlands Close was and should remain the boundary line for development in Broseley.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. A Member commented that the proposed development was located outside of the development boundary.

RESOLVED:

That, as per the Officer's recommendation, planning permission be refused for the following reasons:

1. The proposed development is located outside of any development boundary and within open countryside, and therefore is in a location which is considered inappropriate for new housing development; as such the proposal fails to comply with adopted policies CS3, CS5, CS6, and CS17 of the Core Strategy; Policies MD1, and MD7a of the Site Allocations and Management of Development (SAMDev) Plan and the objectives of the National Planning Policy Framework. The Council has a robust five-year housing land supply within settlements designated for development and so the housing policies of the Development Plan must be attached full weight, and whilst the proposed scheme would deliver modest economic and social benefits there are no material considerations of sufficient weight to justify a departure from the Development Plan. The proposal is therefore contrary to the aforementioned policies.
2. The proposed site is within a 'Local Green Space' as designated on the Broseley Town Plan Map where under Policy ENV.1 of the Broseley Town Plan 2013-2026 proposals for development of any kind in relation to these valued green spaces are not supported. The benefits of the proposal would not outweigh the loss of this valued area which serves as a protective buffer zone preventing physical and visual encroachment between Broseley and the Ironbridge Gorge World Heritage Site and is an unacceptable amenity loss contrary to Policy H.7 of the Broseley Town Plan 2013-2026. The adverse impact of the loss of this 'Local Green Space' on the adjacent historic

environment is contrary to the Shropshire Council Local Development Framework Policies CS6 and CS17, and Site Allocations & Management Of Development Plan Policy MD13 in addition to the objectives of the National Planning Policy Framework.

85 Proposed Affordable Dwelling North Of Balls Lane, Broseley, Shropshire (18/03001/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit the previous day and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Councillor I West, on behalf of Broseley Town Council, spoke on the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. He indicated that Broseley Town Council was not opposed to the principle of a dwelling on this site, subject to an appropriate design, but would prefer the access to be off Balls Lane and not the proposed Woodlands Close.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Simon Harris, local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The applicant had a proven local connection;
- Similar properties within the County had been granted permission;
- The dwelling would not be seen from Woodlands Close; and
- He would prefer the access to be from Balls Lane.

Ms M Seedhouse, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members commented on the need for affordable housing in the area, considered the impact of this proposal on the Conservation Area to be minimal and noted that this was a Single Plot Exception Site application. Members indicated that they would prefer the access to be from Balls Lane as opposed to Woodlands Close, and suggested a deferral in order for the applicant to consider this suggestion. In response to comments from Members, the Principal Planner explained that before a change to the access could be agreed, ownership of the strip of land onto Balls Lane would have to be determined, and a change of access would represent a significant change that would warrant further consultation.

RESOLVED:

That this application be deferred to a future meeting to enable the applicants to consider access being from Balls Lane rather than the currently proposed location of Woodlands Close.

86 Proposed Camping Site And Amenity Block Adj The Old Vicarage, Knowlesands, Bridgnorth, Shropshire (18/03509/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit the previous day and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Robert Tindall, 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:

- He expressed concerns regarding the close proximity of the shower/amenity blocks to the River Severn; and
- He further worried that this was the right development but in the wrong place.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be refused for the following reasons:

It is acknowledged that the proposed development would make a small contribution to the economic and social objectives of sustainable development in providing a form of tourist accommodation close to the market town of Bridgnorth. However these benefits are outweighed by the harm to the character and appearance to this section of the River Severn Valley that would be caused by a row of tents in this prominent, elevated position relative to the river bank footpaths and the distant views of the development from the east. In addition the occupants of the tents would experience noise and traffic fumes from the B4555 road immediately to the east, and would be at risk of falling into the fast flowing river, which is a natural hazard, due to the location of the shower/amenity block. The proposal would therefore detract from the visual amenities of the area and would not be a safe development, contrary to Shropshire Core Strategy policies CS6; CS16 and CS17; Site Allocations and Management of Development Plan policies MD2 and MD11; and paragraphs 95; 127 and 170 of the National Planning Policy Framework.

87 The Patch, 39A Shrewsbury Road, Church Stretton, Shropshire, SY6 6JD (18/05492/FUL)

(At this juncture, the Vice Chairman, Councillor David Turner, took the Chair.)

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, she drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit that morning and had viewed the site and had assessed the impact of a proposal on the surrounding area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor David Evans, local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He was in agreement with the view of both Church Stretton Town Council and the Civic Society in that he too objected to the proposed metal roof covering which would be totally out of keeping with the surrounding area; and
- He supported the application subject to a tiled roof.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. A Member suggested deferral in order that consideration could be given to the use of traditional tiles, but it was noted that the use of traditional tiles would mean a steeper roof. Members acknowledged that this was a Conservation Area and that the immediate surrounding dwellings were mainly Edwardian style with traditional tiled roofs but acknowledged that there were many different styles in Church Stretton and a steel roof would mean a lower roofline and so be less intrusive in the landscape.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to the conditions as set out in Appendix 1 to the report.

(At this juncture, the Chairman, Councillor David Evans, returned and took the Chair.)

88 2 North Sutton, Great Sutton, Ludlow, Shropshire, SY8 2AJ (19/00121/FUL)

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, she drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit that morning and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Cecilia Motley, local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- Diddlebury Parish Council supported the proposal and was keen to keep farmers with young children in the Parish;
- Many homes in the area had been and had to be brought up to a decent standard;
- This would provide a slightly larger home for a growing family; and
- Would have little impact on the Shropshire Hills AONB. There were not many places where you could look downwards on North Sutton and the dwelling would hardly be seen from the road; and
- She acknowledged that it was contrary to policy but considered that this proposal would enhance rather than detract.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. It was,

RESOLVED:

That, contrary to the Officer’s recommendation, planning permission be granted for the following reasons:

- The proposal would be an enhancement and be in-keeping with the local area; and
- The proposal was distinctive, but would have no impact on the landscape and/or scenic beauty of this part of the Shropshire Hills Area of Outstanding Natural Beauty.

89 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 12 March 2019 be noted.

90 Date of the Next Meeting

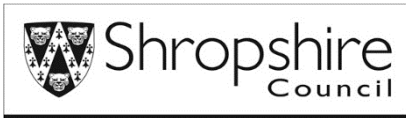
RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 9 April 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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Committee and date

South Planning Committee

9 April 2019

Development Management Report

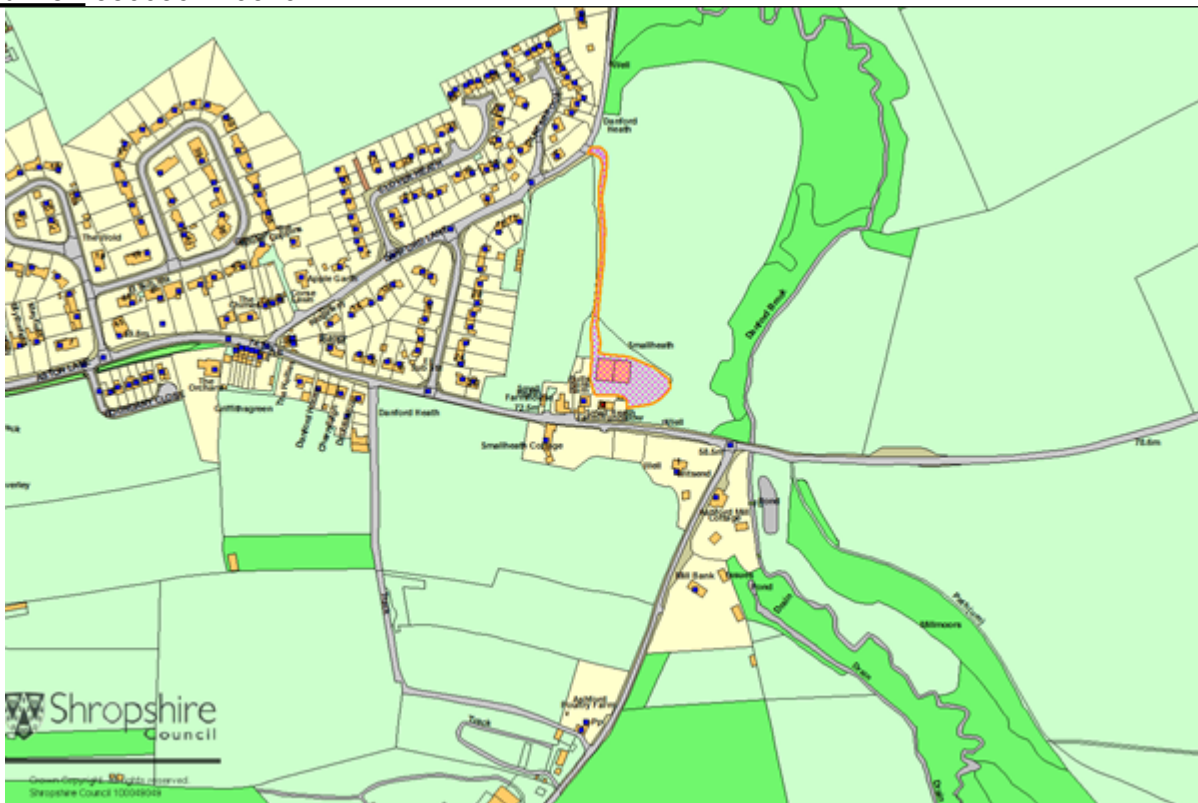
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 16/03673/COU	Parish:	Claverley
Proposal: Change of use of redundant agricultural buildings Units 2 & 3 to B1 (light industrial) and Units 4, 5 & 6 to B8 (storage and warehousing)		
Site Address: Buildings to The North of Small Heath Farmhouse Ashford Bank Claverley Wolverhampton		
Applicant: Mr Robert Lee		
Case Officer: Elizabeth Attwood	email: planningdmse@shropshire.gov.uk	

Grid Ref: 380036 - 293297



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

1.0 Note

- 1.1 The description of development has been amended from;
 - 1.1.1 Change of use of redundant agricultural buildings Units 1, 2 & 3 to B1 (light industrial) and Units 4, 5 & 6 to B8 (storage and warehousing) to
 - 1.1.2 Change of use of redundant agricultural buildings Units 2 & 3 to B1 (light industrial) and Units 4, 5 & 6 to B8 (storage and warehousing).
 - 1.1.3 The is because Unit 1 has recently been granted permission as a B2 (General Industry) use under 17/01357/COU as explained below. Therefore, it needs to be removed from this application although the red line boundary remains unchanged.
 - 1.1.4 The hours of use condition has been amended to match the hours imposed by the Inspector in respect of the recent appeal relating to Unit 1.

2.0 Background

- 2.1.1 Members may recall considering this application on 7th March 2017. The resolution was to approve as recommended by Officers, however Members sought a s106 Agreement in respect of a routing agreement for vehicles travelling to and from the site.
- 2.1.2 The site is owned by several members of the same family and despite a considerable passage of time the s106 Agreement has not been signed.
- 2.1.3 In the intervening time, Unit 1 continued to be occupied by a car repairer and a separate retrospective application 17/01357/COU (Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of redundant agricultural building to B2 (General Industry)) was submitted and refused under delegated powers on 3rd May 2017. The reason being;
 - 2.1.4 1. It is considered that the scale of the operations and volume of cars associated with the B2 use of the site is such that it has an adverse impact upon the openness of the Green Belt and the visual amenity and character and appearance of the open countryside. Furthermore, the nature of the operations and proximity of the site to the closest sensitive receptions is such that the activities on the site would result in a detrimental impact upon the residential amenity of the occupiers of the neighbouring dwellings. Accordingly, the use of the site for B2 (General Industry) is contrary to national guidance contained within paragraphs 79, 109 & 123 of the NPPF and local policies CS5, CS6, CS13 & CS17 of the adopted Core Strategy and policies MD2, MD6, MD7b & MD12 of the SAMDev Plan.

- 2.1.5 The applicant appealed the refusal and on 22nd January 2018 the Planning Inspector 'Allowed' the appeal thereby granting planning permission for Unit 1 as a B2 (General Industry) use. (Units 2 – 6 are not affected by this approval).
- 2.1.6 A full copy of the Inspector's decision is attached as Appendix 2 for information. However, in her consideration, particularly in relation to traffic and highway safety, the Inspector stated;
- 2.1.7 *'Other concerns raised relate to the type, amount, route and timing of vehicles accessing the appeal site, with routes to the site including residential roads. The appellant has provided a typical log of vehicles accessing the site and uses within the adjacent buildings. This suggests that vehicle numbers are low, particularly in relation to large, commercial vehicles and this evidence has not been disputed by the Council or by interested parties. I acknowledge that the route to the appeal site includes residential roads and rural lanes. However having regard to the submitted evidence about the likely number and type of vehicles accessing the site, the type of vehicles likely to have been used in connection with the previous use of the site and subject to the imposition of suitably worded conditions controlling the timing of the use and deliveries to and from the site, I do not consider that traffic associated with the proposed development would be materially harmful to the living conditions of the occupiers of neighbouring dwellings'.¹⁷*
- 2.1.8 *'Concerns have also been raised in relation to highway damage and highway and pedestrian safety associated with heavy traffic associated with the use, particularly given the presence of a primary school and nursery nearby. However, as stated, from the evidence it appears that traffic levels associated with the existing use and as proposed to be controlled by conditions is/would be relatively low and not significantly greater than that associated with the previous agricultural use. No objections were raised to the application by the Highway Authority. The high speed testing of cars does not form part of the use the subject of the application'.²²*
- 2.1.9 *'There is no substantive evidence to suggest that the use would be likely to result in any danger to nearby residents resulting from fires or explosions. Similarly, there is no evidence that the use has/would affect property values and in any event, this is not a material consideration in determining planning applications and proposals'.²³*
- 2.1.10 *'Though the appellant has sought planning permission retrospectively and has used the site in the absence of planning permission, this is not a reason to withhold planning permission now'.²⁴*
- 2.1.11 *'Whilst I have sympathy with local residents who appear from the evidence to have experienced a number of problems associated with the use that has been taking place on site, for the reasons stated, I consider that the use as proposed and subject to appropriate restrictions is acceptable in this location without detriment to either residents or the local area'.²⁵*
- 2.1.12 The decision is an important material planning consideration in respect of application 16/03673/COU and the need for a routing agreement. Officers had suggested a condition relating to routing for delivery vehicles however the Inspector did not impose the condition and advised that;

2.1.13 *'I have not imposed the suggested condition relating to the route to be taken by delivery vehicles as this condition seeks to control the use of land outside of the application site and would therefore be unlawful'.³⁰*

2.1.14 It would be difficult to sustain an argument that it is essential for there to be a traffic routing agreement for Class B1 uses, which by definition are business uses which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, and for a Class B8 use restricted to the small area proposed, with a condition also prohibiting distribution use, when the Appeal Inspector has determined that one was not necessary for a Class B2 General Industrial use contained in the same building. Therefore, Members are respectfully requested to reconsider their previous decision that the applicant should enter into a s106 Agreement (for traffic routing), and that the application be approved without the need for a routing agreement but subject to the following conditions:

3.0 Appendix 1. Conditions

STANDARD CONDITION(S)

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

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

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

2. Within one month of the date of this approval, 2 nesting boxes suitable for starlings or house sparrows shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.

Reason: To ensure the provision of nesting opportunities for birds in accordance with section 15 of the National Planning Policy Framework.

3. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Bats and Lighting in the U.K. guidance.

Reason: To minimise disturbance to bats, European Protected Species and to safeguard neighbour amenity.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2 Part 7 class F and H; shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

5. No storage of goods or materials of any description shall take place outside the buildings as identified on the Location and Block Plans.

Reason: To ensure that the proposed development will not prejudice either the enjoyment by neighbouring occupiers of their properties or the general appearance of the locality and openness of the Green Belt.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2 Part 3 Class I; shall be carried out.

Reason: To maintain the scale and character of the development and to safeguard residential and highway safety.

7. The use hereby permitted shall not be carried out on Monday - Fridays between 08.00 and 18.30 and Saturdays 08.00 and 13.00, and at no time on Sundays, Bank or Public Holidays.

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

8. No deliveries shall arrive, or goods be dispatched from the site outside the following times:

a) 08.00 am and 18.30 pm on Monday- Friday;

b) 09.00 am and 13.00 pm on Saturdays; and

c) no deliveries shall arrive, or goods be dispatched from the site on Sundays, Bank or Public Holidays.

Reason: To minimise noise disturbance to neighbouring residents.

9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any Order revoking and re-enacting that Order with or without modification, the Class B8 Use shall be restricted to units 4, 5 and 6 shown on the approved building floor plan drawing and shall not include use as distribution centres.

Reason: In the interests of highway safety.

10. The use of units 2 and 3 shall be restricted to Class B1 Business as defined by the Town and Country Planning (Use Classes) Order 1987, as amended.

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

Informatives

1. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

3. In arriving at this decision, the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National planning policy Framework paragraph 38.
4. In determining the application, the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
NPPF: National Planning Policy Framework
NPPG: National Planning Practice Guidance

Core Strategy Policies:
CS5: Countryside and Green Belt
CS6: Sustainable Design and Development Principles
CS13: Economic Development, Enterprise and Employment
CS17: Environmental Networks

SAMDev Plan:
MD2 Sustainable Design
MD6 Green Belt & Safeguarded Land
MD7b General Management of Development in the Countryside
MD12 Natural Environment

4.0 PREVIOUS REPORT

4.1 The text of the previous report to the South Planning Committee is set out below:

“1.0 THE PROPOSAL

1.1 The application is seeking full planning permission for a change of use of redundant agricultural buildings Units 1, 2 & 3 to B1 (light industrial) and Units 4, 5 & 6 to B8 (storage and warehousing). There are no planned changes to the elevations and the existing vehicular access will be utilised.

1.2 The application is part retrospective in that Units 4, 5 and 6 are currently used for the storage of a Car & Pick-up, Bicycle Equipment and a van and building supplies.

1.3 Unit 1 has been occupied by a car repairer since May 2015. Damaged cars are taken to the site, repaired and then offered for sale. This use which falls under B2 (General Industry) & *Sui Generis* respectively, this use is unauthorised and is considered inappropriate in this location. The matter is being dealt with separately by the Council as an Enforcement Case. It is not part of this application.

1.4 The site belongs to G H Lee Farms and was previously used for potato storage which has subsequently been moved to another part of the farm.

2.0 SITE LOCATION/DESCRIPTION

2.1 The buildings at Small Heath Farm are located at the eastern end of the village of Claverley. The site is accessed via a farm track off Danford Lane which is a residential area.

2.2 The site extends to 0.74 acres and comprises a hardstanding yard and circulation area and two agricultural buildings side by side. The buildings are a steel portal frame, concrete block and profile sheeting construction under duo pitched fibre cement sheet roofs and extend to 497 sq.m. There are roller shutter doors on the north and south elevations.

2.3 The western building is divided into 5 units with Units 2, 4, 5 & 6 being very modest in size; Unit 3 is located in the centre of the building and is the full length of the building. The eastern building comprises Unit 1 and is the largest.

2.4 The site is located in the open countryside Green Belt, with agricultural land to the north and east, a pony paddock to the west with houses beyond. Immediately to the north and east, a pony paddock to the west with houses beyond. Immediately to the south is a residential dwelling behind a timber panel fencing and a conifer hedge.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Member has requested that the application is decided by Planning Committee. The Parish Council objects to the proposal. There are numerous representations objecting to the unauthorised use of Unit 1. The Principal Planning Officer, in consultation with the Chair of the Planning Committee, has agreed that the application should be decided by Committee.

4.0 Community Representations

4.1 Claverley Parish Council – Object:

Considers that light industrial/storage/warehousing is a totally inappropriate use for the agricultural buildings situated so close to a residential area. This is having a very adverse impact on the neighbourhood. In the opinion of the Parish Council this type of business activity should be situated on an industrial estate and not near to a residential area in a rural village. Access to the site is via narrow country lanes and then through residential areas unsuitable for the many vehicles delivering and collecting from this site and posing an increased danger to pedestrians and children.

4.2 SC Highways Development Control - No objection in principle due to the limited use which is unlikely to have any greater impact than the previous agricultural use of the building.

4.3 SC Ecology – No Objections:

Suggests condition in respect of the erection of two bird boxes and the submission of a lighting plan. Informatives in relation to nesting wild birds, storage of materials and trenches and pipework are also suggested. The informatives are noted however, this is a change of use and no actual development is proposed. Therefore, they are considered unnecessary.

4.4 SC Public Protection - No objection to the proposal since the car repair element has been removed from the application and recommends that hours of use are conditioned. Further comments and suggestions which relate to car repairs are noted however they are not relevant to the application as the car repair element has been removed as noted above.

4.5 SC Drainage - No objections and recommends an informative in respect of a sustainable drainage scheme for the disposal of surface water from the development. This is a change of use application and therefore no actual development is taking place. Therefore, it is not necessary to include the suggested informative.

- Public Comments

4.6 A site Notice and two rounds of 65 direct neighbour letters have publicised the application. A total of 37 letters of objection have been received. However, these relate to the current unauthorised use of Unit 1 for car repairs which has resulted in a significant number of vehicular movements associated with the site, including; HGV's, car transporters, pickup trucks with trailers delivering damaged cars for repair and prospective purchasers visiting the site and not the current application for the B1 and B8 use.

The relevant comments received are;

- This is not a suitable site for light industrial use, this type of business should be situated where there is infrastructure in place to support it.
- It is a farm building in a farming area and should be kept for farming use
- Claverley is not a suitable location for an industrial operation of any sort.

5.0 THE MAIN ISSUES

Principle of development in the Green Belt
Visual impact and landscaping
Highway Safety
Residential Amenity
Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development in the Green Belt

6.1.1 The site is located within the Green Belt where Part 9 of the National Planning Policy Framework (NPPF) applies. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6.1.2 The NPPF weighs in favour of approval of all sustainable development unless there are specific policies within the Framework that indicate development should be restricted. Part 9 of the NPPF specifically relates to development in the Green Belt and attaches great importance to protecting it. Therefore, the presumption in favour of sustainable development does not apply here, as stated in paragraph 14 of the NPPF.

6.1.3 With respect to Shropshire Councils Core Strategy policy CS5 supports small scale economic development /employment generating development in the countryside including the conversion or replacement of suitably located buildings; this is subject to the additional controls which apply to Green Belt areas. In explanation it states that the emphasis of the policy is on sustainability and rural rebalance linking with objectives for rural renaissance. The policy seeks to support appropriate land and resource based uses and economic diversification.

6.1.4 Policy CS13 supports these objectives recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of activity associated with agricultural and farm diversification amongst others. This over-arching policy on economic development seeks to address the key issues and challenges that face the Shropshire economy, however, in rural areas, in countryside away from settlements, it is important to recognise that small scale economic development, agricultural and non-agricultural farm diversification schemes are areas of economic activity for which policy provision needs to be made.

6.1.5 Paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

6.1.6 Policy CS6 confirms that there is a need to consider the scale and design of proposals, where development is most appropriately sited, environmental and other impacts. MD2 requires development to respect locally distinctive or valued character.

6.1.7 Policy MD6 states that development must be able to demonstrate that it does not conflict with the purposes of the Green belt and supports development of previously developed sites, which would not have a greater impact upon the openness of the Green belt than the existing development, providing *inter alia*, the development is for employment or economic uses.

6.1.8 The proposal involves the reuse of an existing agricultural building which is no longer required for farming operations as these are carried out at other sites belonging to the applicant. There will be no alteration to the existing buildings. Therefore, there will be no greater impact upon the openness of the Green Belt.

6.1.9 Accordingly, the proposed reuse of an otherwise redundant building is considered to represent appropriate development in the green belt, as there will be no demonstrable impact upon the openness of the green belt, and a new rural enterprise will be created.

6.2 Visual impact and landscaping

6.2.1 Policy CS6 aims to protect the natural environment taking into account local context and character, and policy CS17 seeks to ensure that all development does not adversely affect Shropshire's visual assets and landscape.

6.2.2 As noted previously there are no alterations proposed to the existing buildings, and all manner of farm vehicles, machinery and agricultural paraphernalia could be stored on the site, and this would not look out of place or incongruous in the context of the site.

6.2.3 However, the site occupies a relatively isolated, prominent location and there is no screening to the north or east. Therefore, it is considered necessary to restrict the external storage of goods associated with a B1 and B8 Use of the site, which extends to 0.74 acres, as this would have an adverse impact upon the openness of the Green Belt as well as having a detrimental effect upon the visual amenity of the rural area.

6.2.4 Furthermore, policy MD7b states that; *Where proposals for the re-use of existing buildings require planning permission, if required in order to safeguard the character of the converted buildings and/or their setting, Permitted Development Rights will be removed from any planning permission.*

6.2.5 With the above in mind, it is considered that the use of the site can be suitably controlled via the imposition of suitably worded conditions to ensure that there would be no adverse impact upon the visual quality of the site.

6.3 Highway Safety

6.3.1 Paragraph 32 of the NPPF states that; *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

6.3.2 The extant use of the site as a farm yard and agricultural buildings means that the HGV (tractor and trailer) movements are unlimited. It is appreciated that this may have historically been seasonal only. However, this could change without the need for planning permission to 24hrs a day 365 days a year.

6.3.3 The total size of the building is only 497sq.m. A B1 Use should not result in any HGV movements and the limited B8 Use will ensure that any potential vehicular movements are acceptable from a highways and transport perspective; bearing in mind the fallback position noted above.

6.3.4 The existing access is suitable and the surrounding road network, although narrow, is not heavily trafficked and hence the traffic associated with the site will not be detrimental to highway safety. The Council's Highway Engineer has confirmed that he has no objection.

6.4 Residential Amenity

6.4.1 Core Strategy policy CS6 seeks to ensure that residential amenity is safeguarded as this contributes to the health and wellbeing of communities.

6.4.2 A B1 (Business) comprises;

- Offices, not within A2, (A2 includes banks, building societies, estate and employment agencies, professional and financial services);
- Research and development studios, laboratories, high tech;
- Light industry

6.4.3 A B1 is a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Therefore, it is appropriate in this location as it will not adversely impact upon the residential amenity of the adjacent residential property or the villagers.

6.4.4 A B8 comprises wholesale warehouse, distribution centres and repositories. A large scale B8 use would not be appropriate in this location due to the potential for a significant number of vehicular movements including vans and HGV's. However, the B8 element will be restricted to three of the small units (4, 5 & 6). Therefore, any impact will be limited due to their size. Furthermore, Permitted Development (PD) which allows B1 to change to B8 and vice versa (subject to certain limitations) will be removed.

6.4.5 SC Public Protection have no objections and hours of use will be controlled via the imposition of a condition. Suggested hours are:

- Monday – Friday 08.00 – 18.00;
- Saturday 08.00 – 13.00
- No operations on Sundays and Bank Holidays.

6.5 Ecology

6.5.1 Paragraph 109 of the NPPF states that; The planning system should contribute to and enhance the natural and local environment. Policy CS17 seeks to protect and enhance Shropshire's environmental assets and policy MD12 seeks to avoid harm to Shropshire's natural assets.

6.5.2 Therefore, as suggested by the Council's Ecologist conditions in respect of the erection of bird boxes and the submission of a lighting plan will be imposed.

7.0 CONCLUSION

7.1 The proposal comprises the reuse of an existing vacant building and therefore there will be no adverse impact upon the openness of Green Belt. The proposal would represent appropriate development and support economic growth in the rural area creating job opportunities and prosperity. The use of the site will be limited to the buildings only with no external storage and therefore there will be no adverse impact upon the character and appearance of the site and its rural setting. There would be no adverse impact upon residential amenity, highway safety or the biodiversity of the site. The proposed development is therefore compliant with to the adopted Core Strategy policy CS5, CS6, CS13 & CS17 and SAMDev policies MD2, MD6, MD7a & MD12 and the guidance set out in the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

NPPF: National Planning Policy Framework

NPPG: National Planning Practice Guidance

Core Strategy Policies:

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS13: Economic Development, Enterprise and Employment

CS17: Environmental Networks

SAMDev Plan:

MD2 Sustainable Design

MD6 Green Belt & Safeguarded Land

MD7b General Management of Development in the Countryside

MD12 Natural Environment

RELEVANT PLANNING HISTORY:

16/00597/COU Application under Section 73a of the Town and Country Planning Act 1990 for change of use of redundant agricultural buildings to B2 (general industrial) and/or B8 (storage and warehousing) - (Retrospective) WDN 9th March 2016

17/01357/COU Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of redundant agricultural building to B2 (General Industry) REFUSE 3rd May 2018 BUT ALLOWED ON APPEAL (See below)

Appeal

18/02674/REF Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of redundant agricultural building to B2 (General Industry) ALLOW 22nd January 2018

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member

Cllr Tina Woodward

Appendix 1 Conditions (Set out in the body of the report at 3.0 ABOVE Appendix 1A Previously suggested conditions Appendix 2 Appeal Decision Letter

APPENDIX 1A: Previously suggested conditions

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

3. Prior to the first occupation of the buildings hereby permitted, 2 nesting boxes suitable for starlings or house sparrows shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.
Reason: To ensure the provision of nesting opportunities for birds in accordance with section 11 of the National Planning Policy Framework.
4. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Bats and Lighting in the U.K. guidance.
Reason: To minimise disturbance to bats, European Protected Species.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2 Part 7 class F and H; shall be erected, constructed or carried out.
Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.
6. No storage of goods or materials of any description shall take place outside the buildings as identified on the Location and Block Plans.
Reason: To ensure that the proposed development will not prejudice either the enjoyment by neighbouring occupiers of their properties or the general appearance of the locality.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2 Part 3 Class I; shall be carried out.
Reason: To maintain the scale and character of the development and to safeguard residential and highway safety.
8. The uses hereby permitted shall not operate outside the hours of Monday - Fridays between 08.00 and 18.00 and Saturdays between 08.00 and 13.00, and shall not operate at any time on Sundays, Bank or Public Holidays.
Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.
9. No deliveries shall arrive, or goods be dispatched from the site outside the following times:
 - a) 08.00 and 18.00 on Monday- Friday;
 - b) 08.00 and 13.00 on Saturdays; and
 - c) no deliveries shall arrive, or goods be dispatched from the site on Sundays, Bank or Public Holidays.Reason: To minimise noise disturbance to neighbouring residents.
10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any Order revoking and re-enacting that Order with or without modification, the Class B8 Use shall be restricted to units 4, 5 and 6 shown on the approved building floor plan drawing and shall not include use as distribution centres.
Reason: In the interests of highway safety.
11. The use of units 1, 2 and 3 shall be restricted to Class B1 Business as defined by the Town and Country Planning (Use Classes) Order 1987, as amended.
Reason: To define the permission for the avoidance of any doubt.

Informatives

1. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.
2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

4. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National planning policy Framework paragraph 187.
5. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

NPPF: National Planning Policy Framework

NPPG: National Planning Practice Guidance

Core Strategy Policies:

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS13: Economic Development, Enterprise and Employment

CS17: Environmental Networks

SAMDev Plan:

MD2 Sustainable Design

MD6 Green Belt & Safeguarded Land

MD7b General Management of Development in the Countryside

MD12 Natural Environment

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Appeal Decision

Site visit made on 11 December 2018

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2019

Appeal Ref: APP/L3245/W/18/3204332

Unit 1, Buildings north of Small Heath Farm, Claverley WV5 7DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nicholas Corns against the decision of Shropshire Council.
 - The application Ref 17/01357/COU, dated 21 March 2017, was refused by notice dated 3 May 2018.
 - The development is change of use of redundant agricultural building to B2 (General Industry).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of redundant agricultural building to B2 (General Industry) at Unit 1, Buildings north of Small Heath Farm, Claverley WV5 7DY in accordance with the terms of the application, Ref 17/01357/COU, dated 21 March 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The planning application form states that the change of use started on 1 January 2015 and at the time of my visit the building and surrounding land was in use in connection with a car repair business. I have determined the appeal accordingly.
3. The description of development used in the heading above and in my decision reflects the description stated on the planning application form. This differs from the description stated on the Councils decision notice and the appeal form. However as it does not appear that the amendment to the description was formally agreed by the appellant and as the original description appears to adequately describe the development before me, in granting permission I have used the original description.
4. On 24 July 2018 the Government published its revised National Planning Policy Framework (the Framework). The revised Framework is applicable to planning decisions from the date of publication and sets out the Government's planning policies for England. It is therefore a material consideration in the determination of this appeal. The main parties have been consulted on the revised Framework and in reaching my decision I have had regard to it where relevant and to any responses received from the main parties.

Main Issues

5. The main issues are:

- whether the development is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- the effect of the development on the character and appearance of the area;
- the effect of the development on the living conditions of the occupiers of neighbouring dwellings having regard to noise and disturbance.

Reasons

Whether the development is inappropriate development

6. The appeal site comprises part of a former agricultural building and adjacent land located in the Green Belt, on the edge of the village of Claverley. Access to the site is via a track accessed off Danford Lane.
7. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) relates to countryside and Green Belt and states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Paragraph 146 of the Framework states that the re-use of buildings of permanent and substantial construction and material changes in the use of land are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. Policy MD6 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015 (SAMDev) relates to the Green Belt and also refers to Green Belt purposes.
8. Whilst the Council considers the re-use of the building to not be inappropriate development, it has concerns regarding the use of the land adjacent to the building for the storage of cars and the impact that this has on the Green Belt. Land within the appeal site and adjacent to the building comprises areas of hardstanding, forming part of a larger area of hardstanding surrounding the appeal building and the adjacent building.
9. The southern boundary of the appeal site is formed by a timber fence with land to the east of the appeal site and wider hardstanding area having a much more open character and appearance. Land levels fall away to the east. At the time of my visit twelve vehicles were parked outside the building, though the appellant acknowledges that a larger number of vehicles have been parked at the site at times. The appellant has stated a willingness to accept a condition limiting the total number of vehicles parked at the site to ten and I consider that such a condition would meet the tests for planning conditions as set out in paragraph 55 of the Framework. Bearing in mind that the previous use of the site for potato storage is likely to have resulted in some external parking and storage albeit seasonal, I consider that subject to the imposition of such a condition, the use would preserve the openness of the Green Belt and would not result in an urbanising effect or conflict with the purposes of including land within the Green Belt.
10. Taking the above matters into consideration, I conclude that the development as proposed would not be inappropriate development in the Green Belt having regard to relevant paragraphs of the Framework and Policy CS5 of the CS and Policy MD6 of the SAMDev. It accords with these policies which seek, amongst other things, to ensure that the Green Belt is protected from inappropriate

development, that openness is preserved and that there is no conflict with Green Belt purposes.

Character and appearance

11. As stated, the appeal site forms part of a former agricultural site. No external changes are proposed to the building and any external parking would be limited to a maximum of ten vehicles parked on land close to the appeal building. Whilst the site is relatively isolated and elevated from surrounding open land, subject to the imposition of a control over the number and location of parked vehicles, I consider that the use would not have a detrimental impact on the character and appearance of the area, particularly given that some external parking and storage would have been likely to have been associated with the previous agricultural use of the site.
12. I therefore conclude that the development as proposed would not have a significant adverse effect on the character and appearance of the area. It consequently accords with policies CS5, CS6 and CS17 of the CS, policies MD2, MD6, MD7b and MD12 of the SAMDev and relevant paragraphs of the Framework insofar as they relate to character and appearance. These policies seek, amongst other things, to ensure that development is well designed and protects landscape character.

Living conditions

13. A small number of residential properties are located close to the appeal site to the south and west with a number of other residential properties located further away including on Danford Heath and Danford Lane. I note that concerns have been raised in relation to the impact of the development on living conditions by a large number of local residents and by the Parish Council. I have had regard to these concerns.
14. A Noise Assessment Report Reference 3709-R1 (NAR) was submitted to the Council prior to its determination of the application. The NAR was assessed by the Council's Regulatory Services department who raised a number of issues with it but nevertheless concluded that based on its findings and assuming that the use takes place inside the building during the times proposed by the application, that no significant amenity impact is likely.
15. The hours proposed by the application are 0830 to 1800 Monday to Friday, 0900 to 1300 on Saturday with no work on Sundays and Bank Holidays. Whilst the appellant acknowledges that he has been operating beyond these hours previously, he has expressed a willingness to comply with the hours proposed in order to enable him to continue to operate from the site. He has also stated willingness for all works to take place within the building with the roller doors closed and confirmed that the washing of vehicles now takes place off site.
16. I note from the evidence that the previous use of the site has been a cause of concern for local residents and that the Council has expressed concerns about the practicalities of works taking place inside the building with the roller shutter doors closed. However having regard to the submitted NAR and subject to the imposition of suitably worded conditions controlling the timing and operation of the use on site, I consider that the use of the site by the appellant is capable of taking place without materially affecting the living conditions of the occupiers of neighbouring dwellings. I consider that the potential impact of the

requirement for all openings of the building to remain closed whilst works are taking place on working conditions could be overcome by the installation of ventilation within the building and this would be a matter for the appellant should it be required.

17. Other concerns raised relate to the type, amount, route and timing of vehicles accessing the appeal site, with routes to the site including residential roads. The appellant has provided a typical log of vehicles accessing the site and uses within the adjacent buildings. This suggests that vehicle numbers are low, particularly in relation to large, commercial vehicles and this evidence has not been disputed by the Council or by interested parties. I acknowledge that the route to the appeal site includes residential roads and rural lanes. However having regard to the submitted evidence about the likely number and type of vehicles accessing the site, the type of vehicles likely to have been used in connection with the previous use of the site and subject to the imposition of suitably worded conditions controlling the timing of the use and deliveries to and from the site, I do not consider that traffic associated with the proposed development would be materially harmful to the living conditions of the occupiers of neighbouring dwellings.
18. Although I note that activities have been carried out at the site without planning permission and whilst these appear to have been taking place at hours outside of those proposed, I do not consider that this demonstrates that the appellant would be highly likely to not comply with any conditions imposed, particularly as he has stated a willingness to accept all of the conditions suggested by the Council. Any future failure to comply with any conditions imposed which results in a significant adverse impact on living conditions would soon become apparent to the Council which has the discretion to pursue enforcement action if it is expedient to do so. Much of the objection to the development appears to relate to what has been taking place on site rather than what is proposed by the application before me.
19. Taking the above matters into consideration, I conclude that subject to the imposition of suitably worded conditions the development would not have a significant adverse effect on the living conditions of the occupiers of neighbouring dwellings having regard to noise and disturbance. It therefore accords with Policy CS6 of the CS and to relevant paragraphs of the Framework insofar as they relate to living conditions. These policies seek, amongst other things, to safeguard living conditions.

Other Matters

20. In reaching my decision I have had regard to a number of other matters raised in relation to the development.
21. Concerns have been raised with regard to environmental pollution. However whilst the use relates to car repairs, there is no substantive evidence to indicate that environmental pollution has occurred on site or is likely to occur should permission be granted. I have been provided with a copy of an advice and guidance letter from the Environment Agency to the appellant dated 4 April 2016 who were satisfied with site practices and procedures at that time.
22. Concerns have also been raised in relation to highway damage and highway and pedestrian safety associated with heavy traffic associated with the use, particularly given the presence of a primary school and nursery nearby.

However, as stated, from the evidence it appears that traffic levels associated with the existing use and as proposed to be controlled by conditions is/would be relatively low and not significantly greater than that associated with the previous agricultural use. No objections were raised to the application by the Highway Authority. The high speed testing of cars does not form part of the use the subject of the application.

23. There is no substantive evidence to suggest that the use would be likely to result in any danger to nearby residents resulting from fires or explosions. Similarly there is no evidence that the use has/would affect property values and in any event this is not a material consideration in determining planning applications and proposals.
24. Though the appellant has sought planning permission retrospectively and has used the site in the absence of planning permission, this is not a reason to withhold planning permission now.
25. Whilst I have sympathy with local residents who appear from the evidence to have experienced a number of problems associated with the use that has been taking place on site, for the reasons stated, I consider that the use as proposed and subject to appropriate restrictions is acceptable in this location without detriment to either residents or the local area.

Conditions

26. I have had regard to the conditions suggested by the Council and note the appellant's willingness to accept them should the appeal be allowed.
27. Although development is already taking place at the site I have imposed a condition specifying the approved plans as this provides certainty, particularly with regard to the permitted area for the parking of vehicles. I have also imposed conditions restricting where the use can take place, the hours of use and setting out the location and maximum number of vehicles permitted to be stored/parked on site.
28. In addition I have removed permitted development rights for any change to the approved use including to any other use within the B2 use class. All of these conditions are in order to protect the living conditions of nearby residential occupiers and some are also in order to protect the character and amenity of the area and the openness and character of the Green Belt. In some cases I have amended the wording suggested by the Council slightly in the interests of clarity.
29. Though not suggested by the Council I have imposed a condition restricting the use of air compressors, air powered tools or other similar noise generating tools and equipment on site without prior approval by the Council. The appellant has stated that no such tools are currently used, though they have been previously and appear from the evidence to have adversely impacted on living conditions. The Council's Regulatory Services department suggested such a condition in its consultation response. The main parties have been consulted on this and raise no objections to such a condition being imposed.
30. I have not imposed the suggested condition relating to the route to be taken by delivery vehicles as this condition seeks to control the use of land outside of the application site and would therefore be unlawful.

Conclusion

31. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following submitted plans: drawing numbers 010A and 011A.
- 2) All works associated with the use hereby approved shall take place inside the building with all openings within the building being kept closed at all times when works are being carried out. No external works associated with the use hereby approved shall take place.
- 3) No more than ten vehicles associated with the use hereby approved and awaiting repair or recovery shall be stored/parked within the site on land outside the building.
- 4) The use hereby permitted, with the exception of the outside storage/parking of vehicles referred to in condition 3, shall only be carried out on Monday – Friday between 0800 and 1830 and on Saturday between 0900 and 1300 and at no time on Sunday or Public Holidays. In addition no deliveries to or despatch of vehicles from the site shall take place outside of these permitted hours.
- 5) There shall be no use of air compressors, air powered tools/equipment or other similar noise generating powered tools/equipment on site without the prior written approval of the use of such tools/equipment by the Local Planning Authority.
- 6) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any Order revoking and re-enacting that Order with or without modification, the Class B2 Use hereby approved shall be restricted to Unit 1 as shown on the approved plans and shall be used for the repair of motor vehicles only and for no other use falling within the B2 Use Class.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Schedule 2 Part 3 Class I shall be carried out without planning permission.

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Committee and date
 South Planning Committee
 9 April 2019

Development Management Report

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

Summary of Application

Application Number: 18/00945/FUL	Parish:	Morville
Proposal: Erection of one affordable dwelling with detached 2-bay garage block		
Site Address: Proposed Exception Site Dwelling NE Of The Barn Underton Bridgnorth Shropshire		
Applicant: Mr Neil Williams		
Case Officer: Sara Jones		email: planningdmse@shropshire.gov.uk

Grid Ref: 368100 - 291843



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Recommendation :- Committee resolved, contrary to the Officers recommendation, to grant planning permission, subject to a S106 Agreement to ensure the dwelling remains an affordable dwelling in perpetuity and conditions. The amended design is acceptable, subject to the receipt of acceptable details to address the Arboricultural issues raised by the SC Tree Officer and recommended conditions (Appendix 1). A Section 106 Agreement to ensure the dwelling remains an affordable dwelling in perpetuity has been completed.

REPORT

1.0 THE PROPOSAL

- 1.1 This application was first considered at the Planning Committee (South) on the 25.09.2018 where it was resolved, contrary to the Officers recommendation, to grant planning permission, subject to a S106 Agreement to ensure the dwelling remains an affordable dwelling in perpetuity. However whilst drawing up the legal agreement the applicant has decided to submit an amended plans which propose changes to the design of the dwelling. Re-consultation has taken place with the neighbouring properties and legally, where a planning application has been to committee, if anything material changes before the decision is issued, that committee is not aware of, it has to go back to the Committee.
- 1.2 As previously the applicant seeks full planning permission for the construction of an affordable dwelling house and detached garage under the Councils Single Plot Exception Site scheme on land north east of The Barn, Underton. (The original Report and the Committee Minutes are appended to this Report).
- 1.3 The main amendments, may be summarised as follows:
- The roof of the dwelling has been lined up and levelled out. The changes propose two separate, angular roof pitches to replace one larger, shallower pitch.
- Originally the scheme included the land being re-profiled to include a level platform upon which the dwelling was to be built. The amended scheme proposes the topography of the site has been largely left as it is rather than re-profiled. The dwelling has therefore been amended to create a balcony/terraced area on the north eastern elevation.
- The design of the garage roof has been changed from a gabled to a hipped roof.
- 1.4 The applicant has also decided to submit Arboricultural details which were originally proposed to be addressed by way of an appropriately worded pre-commencement condition together with details of the external materials to be used.
- 1.5 As previously the dwelling would be a single storey building with the accommodation confined to the ground floor and consisting of two bedrooms and an open plan sitting room with dining area and kitchen. The amended scheme includes a curved balcony area where previously there was proposed to be a patio and a “house” bathroom where originally there was proposed to be an en-suite arrangement.

- 1.6 As originally proposed the dwelling would have an individual appearance the walls being clad in timber and the roof covered in tiles.
- 1.7 Since the application was considered at the Planning Committee details of the external materials have been submitted, these may be described as follows:

Roofing materials

Natural slate - Slatescape Passaro

External walls

Brickwork plinth – Imperial, Ironbridge 50/50 mix

Horizontal timber boarding – Siberian Larch left natural

uPVC window frames – Synseal in Chartwell Green

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within an area defined by planning policy to be open countryside. It is located to the western side of the settlement of Underton and assessed via a private drive which serves the existing barn conversion known as The Barn. The private drive joins the highway some 500 metres to the east. The site occupies an elevated position, the land falling away to the east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application was first considered at the Planning Committee (South) on the 25.09.2018 where it was resolved, contrary to the Officers recommendation, to grant planning permission, subject to a S106 Agreement to ensure the dwelling remains an affordable dwelling in perpetuity. However whilst drawing up the legal agreement the applicant has decided to submit an amended plans which propose changes to the design of the dwelling. Re-consultation has taken place with the neighbouring properties and legally, where a planning application has been to committee, if anything material changes before the decision is issued, that committee is not aware of, it has to go back to the Committee.

4.0 Community Representations

Please Note: All responses are available to view in full on the Council's website.

- Consultee Comments

- 4.4 SC Trees – (01.03.2019.)

Confirms that having reviewed the submitted Arboricultural Method Statement (AMS) (OOTC/PC18/293/MS, Old Oak Tree Care, 24th January 2019) and whilst he is content with its findings and recommendations, notes that it is based upon the previously approved layout. As revised drawings have been submitted (registered 19th February 2019) and AMS must be reviewed by its author to ensure that both its findings and recommendations remain unchanged and equally applicable to the new layout and design, or amendments are made to the AMS accordingly. The Tree Protection Plan within the AMS is a critical component of the measures to be employed to protect trees during development and it is essential that this Plan is based upon the final approved layout.

Further as previously concerns are raised regarding the slopes on the site and the potential need for extensive cut and fill type operations to provide a level development platform for the house and its detached garage. Questions whether any cut be required within the root zone of the oak tree north of the site, or any fill (or even a retaining feature such as a wall or gabions) within the root zones of ash trees to the south.

Requests further information about current and future site levels and reference made within the AMS to show that the subject has been considered. Requests further information or reassurance be provided prior to determination of this application, as appropriate to show that the issue of site levels and the potential impact on tree roots has been considered and taken into account within the approved drawings and the AMS. Considers that this matter important to ensuring the viable and safe retention of significant trees adjacent the site.

- 4.11 - Public Comments
Neighbour re-consultation letters sent 19.02.2019. No representations received.

5.0 THE MAIN ISSUES

Visual impact considerations of the amended scheme
Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Visual impact considerations of the amended scheme

- 6.1.1 The amended design is considered reflective of contemporary materials and design. The siting remains unaltered within the application site and the proposed building would not be any more prominent than previously accepted.
- 6.1.2 As noted above the SC Tree Officer has raised issues which require clarification. The concerns initially raised have been largely addressed by the additional information contained in a letter from the applicants Tree Consultants (Old Oak Tree Care –dated 13.03.2019). However the issue regarding the location of drainage infrastructure within the root protection areas of trees to the south and east of the dwelling remain to be addressed. At the time of writing this report further information is awaited.

6.2 Residential Amenity

- 6.2.1 It was previously accepted that the erection of a dwelling as proposed would lead to no undue loss of residential amenity by virtue of loss of privacy, overbearing or overshadowing impacts. It is considered that the amendments proposed would not alter that view.

7.0 CONCLUSION

- 7.1 The amended design is acceptable, subject to the receipt of acceptable details to address the Arboricultural issues raised by the SC Tree Officer. A Section 106 Agreement to ensure the dwelling remains an affordable dwelling in perpetuity has been completed.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
Shropshire Core Strategy and SAMDev Plan Policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD7a Managing Housing Development in the Countryside
MD12 The Natural Environment
MD13 The Historic Environment
S3 Bridgnorth Place Plan Area
SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

11/04105/FUL Application under Section 73a of the Town and Country Planning Act 1990 for change of use from private stable yard to commercial equestrian livery; construction of manege and erection of detached holiday let (part retrospective) NPW 15th November 2011
11/05373/FUL Erection of one detached holiday let with formation of new driveway; installation of septic tank drainage system; landscaping scheme WDN 14th March 2012
13/04683/FUL Erection of a dwelling to be used as holiday let; installation of septic tank REFUSE 23rd May 2014

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Ecology Report
Arboricultural Report
Arboricultural Method Statement & Letter Old Oak Tree Care
Supporting Statement

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Robert Tindall

Appendices

APPENDIX 1 – Conditions

APPENDIX 2 – Original Committee Report (25.09.2018)

APPENDIX 3 – Minutes of the Meeting held on 25.09.2018

APPENDIX 1

Conditions

STANDARD CONDITIONS

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

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

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

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

3. The external materials shall be as samples submitted 16.01.2019.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of the visual amenities of the area.

4. The development shall be implemented in accordance with the approved final Arboricultural Method Statement and Tree Protection Plan. The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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.

5. Work shall be carried out strictly in accordance with the Ecological Appraisal prepared by Greenscape Environmental Ltd (July 2018).

Reason: To ensure the protection of great crested newts, a European Protected Species.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

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

7. Prior to first occupation / use of the building, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. A minimum of 1 external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. 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, in accordance with MD12, CS17 and the NPPF.

8. Prior to first occupation / use of the building, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. A minimum of 1 artificial bird boxes, of either integrated brick design or external box design, suitable for House Sparrow, Swallow & Wren should be installed on site. The boxes should be sited in an appropriate location and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and the NPPF.

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

9. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

10. The dwelling hereby permitted shall not exceed 100 square metres gross internal floor area, including any future extensions. No further internal habitable space shall be created by internal alterations.

Reason: To ensure that the dwelling is of a size appropriate to the local affordable housing market.

11. Notwithstanding the provisions of Schedule 2 part 1 of the Town and Country Planning (General Permitted Development)(England)Order 2015 (or any Order revoking or re-enacting that Order), no garage, carport, extension or other building shall be erected within the curtilage of the dwelling hereby permitted without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control of the siting and external appearance of any buildings to be erected in the interest of visual amenity and to maintain the future affordability of the dwelling.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

3. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD7a Managing Housing Development in the Countryside
MD12 The Natural Environment
MD13 The Historic Environment
S3 Bridgnorth Place Plan Area

SPD on the Type and Affordability of Housing

APPENDIX 2 – Committee Report 25.09.2018.



Committee and date

South Planning

Committee 25

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 18/00945/FUL	Parish: Morville
Proposal: Erection of one affordable dwelling with detached 2-bay garage block	
Site Address: Proposed Exception Site Dwelling NE Of The Barn Underton Bridgnorth Shropshire	
Applicant: Mr Neil Williams	
Case Officer: Sara Jones	email: planningdmse@shropshire.gov.uk

Grid Ref: 368100 - 291843



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Recommendation:- Refuse

It is acknowledged that Shropshire has an acute housing need for affordable homes, and in this case the basis of the application is a specific medical need, level access and the applicants desire to remain in the local area due to community involvement. The proposal would however constitute development that is poorly sited in relation to the surrounding built form of this part of Underton and would unnecessarily encroach into the open countryside. As such the site would not reflect the local character of the dwellings in the area by reason of it being set back from the roadside and accessed via a long private drive. Whilst it is noted that this drive serves the existing barn conversion currently occupied by the applicants this dwelling was created through the re-use of an existing farmstead which is part of the countryside landscape and not part of the settlement.

As such the proposal would be contrary to Policy MD7a 'Managing Housing Development in the Countryside' of Shropshire Council's SAMDev Plan, Policy CS5 'Countryside and Green Belt' of the Core Strategy and Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (SPD).

REPORT**1.0 THE PROPOSAL**

- 1.1** This application seeks full planning permission for the construction of an affordable dwelling house and detached garage under the Councils Single Plot Exception Site scheme on land north east of The Barn, Underton.
- 1.2** The dwelling would be a single storey building with the accommodation confined to the ground floor and consisting of two bedrooms with en-suite facilities and an open plan sitting room with dining area and kitchen.
- 1.3** The proposed dwelling would have an individual appearance the walls being clad in timber and the roof covered in tiles. The building has been designed to include a significant element of roof, areas of glazing and also traditional features such as a chimney.

2.0 SITE LOCATION/DESCRIPTION

- 2.1** The site is located within an area defined by planning policy to be open countryside. It is located to the western side of the settlement of Underton and accessed via a private drive which serves the existing barn conversion known as The Barn. The private drive joins the highway some 500 metres to the east. The site occupies an elevated position, the land falling away to the east.
- 2.2** Permission to convert former agricultural buildings was approved in 1990 (planning permission 90/0399). Planning permission has more recently been refused for the erection of a holiday let dwelling on this site on the grounds that it would not be located in a position within or adjoining a settlement which meets the criteria set out in Core Strategy Policy CS16, and would not be required in connection with any established tourism development at the site. In addition the building was, by reason of its substantial two storey massing, overtly domestic features including projecting

canopy roof over the balcony area and use of a palette of material not in keeping with the local area, considered not to promote or reinforce local distinctiveness and would detract from the visual amenity and rural character of the area, and would therefore be contrary to policies CS6 and CS17 of the Shropshire Core Strategy and also paragraph 60 of the NPPF.

- 2.3** Furthermore an application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use has recently been determined as requiring planning permission as the works required in order to implement the scheme appeared to extend beyond the scope of that allowed under Class Q. The building subject of that application lies to the south of The Barn currently inhabited by the applicants.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1** The Ward Member has requested that the application is determined by the Planning Committee. The Senior Planning Officers in consultation with the chairman and vice chairman have considered this request and concluded that the application does raise issues which warrant consideration by Committee.

4.0 Community Representations

Please Note: All responses are available to view in full on the Council's website. Where consultees have made more than one set of comments, the latest comments are set out first below, in order to show where any earlier concerns have been overcome.

- Consultee Comments

- 4.1** Morville Parish Council - No objections.
- 4.2** SC Affordable Housing – (31.05.2018.)
- 4.2.1** Confirm that Mr Williams and Ms Miles have demonstrated strong local connections to the administrative area of Morville Parish Council. After considering the couples housing needs and personal circumstances, they confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied in terms of eligibility.
- 4.3** SC Affordable Housing – (17.04.2018.) Further information requested.
- 4.4** SC Trees – (06.09.2018.)
- 4.4.1** Confirms that whilst there are still some reservations regarding proximity of the proposed dwelling to offsite trees, the most recent version of the Site Layout Plan SA27652/06 Rev E is considered to be acceptable from an arboricultural perspective.
- 4.4.2** The submitted Arboricultural Report (Old Oak Tree Care, 30th May 2018) proposes suitable measures to be taken to enable construction of the proposed dwelling without causing significant damage or harm to retained and adjacent trees. However, the layout of the scheme has altered since the report was prepared and

thus a new Tree Protection Plan will be required.

- 4.4.3 The scheme requires extensive cut and fill works to provide an elevated platform for the dwelling. Detailed method statements will also be required, with engineering specifications and drawings as appropriate, showing how the proposed development platforms will be achieved on site without encroaching significantly into the root protection area (RPA) of offsite trees Hw12, Hw13, As10, As11 and Ok5. This may entail the use of substantial retaining walls or gabions or other such feature, constructed outside, or with minimal incursion into, the RPA of adjacent trees.
- 4.4.4 Therefore, whilst there is no objection in principle to this application on arboricultural grounds, should permission be granted recommend conditions requiring a final tree protection plan and further arboricultural method statement to be agreed with the Local Planning Authority.
- 4.5 SC Trees – (16.07.2018.)
- 4.5.1 The Arboricultural Report (Old Oak Tree Care, 30th May 2018) identifies the trees within and adjacent the site and assesses their condition and suitability for retention in light of the proposed development. It describes the arboricultural impacts of the proposals and suggests measures for mitigation of damage to retained onsite and adjacent trees.
- 4.5.2 I agree that the most significant tree is the mature oak identified as Ok5 in the tree report, which has been classified as a category A tree in accordance with the criteria of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. Category A and B trees are generally regarded as being the most suitable for retention and protection during development of a site. Tree Ok5 is located offsite but overhangs the western boundary. I agree that it is important to avoid causing damage or harm to this tree as a result of any approved development taking place. Suitable tree protection measures have been provided in the tree report.
- 4.5.3 I also do not object to the loss of three category C silver birch and a hybrid poplar in order to create a new access point to the site. These trees are within the site and have no wider amenity value.
- 4.5.4 I do, however, disagree with the classification of ash trees As10 and As11 as category C. The tree report records these mature trees as being in good structural and physiological condition and in my opinion they should be more correctly classified as category B. The tree report states that these trees cannot be considered as valuable assets to the area, questioning their longevity due to likelihood of dying from Chalara die-back disease of ash. However, it is not certain that these particular trees will succumb to the disease, nor, if they did, how far into the future that might be. What is known, however, is that heavy pruning of a mature ash tree will stimulate fresh growth that is more susceptible to infection from Chalara. The tree report recommends removing all overhanging branches from these trees up to 5m above ground level, as access facilitation pruning to enable construction of the proposed development.

- 4.5.5 In my opinion it would be preferable to amend the layout, so as to move the proposed dwelling slightly further from the eastern boundary and thereby reduce the need for significant pruning works to trees As10 and As11. First analysis of the Proposed Site Layout plan (SA27652/06 Rev C, Berrys, Feb 2018) suggests that there is scope to move the dwelling slightly diagonally across the site towards the northern corner, taking it out of the canopy spread of ash trees As10 and As11. This would have the additional benefit of also moving the dwelling further away from the mature oak tree Ok5, which would help to ameliorate proximity related concerns (such as excessive shading, overhang, leaf fall, tree safety and overbearing presence) arising from having the front of a single storey dwelling practically touching the canopy of a mature tree.
- 4.5.6 I would appreciate a response to this suggestion to slightly adjust the layout from the applicant or their agent, prior to forming my final opinion on this application.
- 4.6 SC Trees – (30.04.2018.)
Additional information is requested in order to demonstrate the arboricultural implications of the proposed development.
- 4.7 SC Ecology – (16.08.2018.)
Recommend conditions and informatives.
- 4.8 SC Ecology – (26.04.2018.)
Additional information is requested relating to ecology, bats and environmental network.
- 4.9 SC Highways – No objections.
“It is considered that it is unlikely that the addition of one dwelling here, will significantly adversely affect highway safety or local conditions.”

The access from this proposed property is onto a private road which junctions with the highway, the junction being adequate.”
- 4.10 SC Drainage – Recommend informative.
- 4.11 - Public Comments
Site notice displayed/dated 12.04.2018. Expired 03.05.2018.
- 4.12 One representation received from the CPRE
“In the instance of this particular case, it is apparent that Shropshire Council’s Housing Enablement Officer has accepted that the eligibility criteria have been met. We are confident that you will be able to rule on a suitable site location in line with the rules within the SPD about site location within named loose-knit settlements.”

“We also note the comments made by Berrys on 8 May and their reference to our website. We do indeed fully endorse Shropshire Council’s “single plot” rural exception site rules, which as well as enabling local people to continue to live

locally, also help Shropshire Council to reach a higher percentage of affordable housing across the county than would otherwise be the case. As to the housing targets being too high, we are aware that Berrys as a firm submitted nearly 60 separate representations during the latest consultation on the Local Plan Review, mostly endorsing the high housing targets, or higher, currently preferred by Shropshire Council's Planning Policy team."

4.13 One representation received in support of the application.

5.0 THE MAIN ISSUES

Principle of development
Siting and visual impact considerations
Residential amenity
Ecology
Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.

6.1.2 Paragraph 11 of the National Planning Policy Framework (NPPF – 2018) builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

6.1.3 The National Planning Policy Framework ('NPPF') has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.

6.1.4 Principally, the site is outside of the development boundary of any Market Town, Key Centre, Community Hub or Cluster, as defined within Shropshire Council's Site Allocations and Management of Development ('SAMDev') Plan. The site is therefore defined in planning policy terms as being within the open countryside.

6.1.5 Policy CS5 states that development may be permitted where it constitutes accommodation for an essential countryside worker or named individuals with strong local connections who are in demonstrable housing need. Such developments falling under the criteria of being for an essential rural worker or for affordable housing are subject to prior completion of a legal agreement to control both initial and future occupancy and to cap the resale value. This is discussed further within Shropshire Council's Type and Affordability of Housing Supplementary Planning Document ('SPD').

6.1.6 The Council's Single Plot Exception Site policy includes households who occupy accommodation which is deemed to be unsuitable for either their current or

reasonably foreseeable future needs for a medical condition or mobility issue. In this case Shropshire Council's Affordable Housing team confirms that the applicant is eligible for an affordable dwelling under the Council's Single Plot Exception Site scheme.

6.1.7 Amongst other criteria, Shropshire Council's Type and Affordability of Housing SPD prescribes a maximum floor space of 100 square metres for owner-occupied affordable homes on single plot exception sites in order to help to ensure that they remain affordable to other local people in housing need in the future. It is important to note that this limit currently does not include any detached outbuildings such as garages. The SPD also specifies a maximum plot size of 0.1 hectares. In this case the proposed dwelling would not exceed the 100 square metre threshold and the plot size would be less than 0.1 hectare.

6.1.8 Given that the applicant is eligible for a single plot affordable dwelling, the acceptability or otherwise of this particular proposal rests on an assessment of the material planning considerations set out below.

6.2 Siting and visual impact considerations

6.2.1 SAMDev Policy MD2 'Sustainable Design' and Core Strategy Policy CS6 'Sustainable Design and Development Principles' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. Proposals are required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity.

6.2.2 Development is encouraged where it is sensitively designed, reflects the needs of the local community and contributes towards infrastructure and affordable homes for local people. This is largely echoed within Policy CS5 'Countryside and Green Belt' of the Core Strategy and MD12 'Natural Environment' of the SAMDev Plan which seeks to protect, maintain and where appropriate enhance the local environment; and Policy CS17 'Environmental Networks' of the Core Strategy.

6.2.3 This is a sensitive case in that whilst it is noted that there is an acute affordable housing need throughout Shropshire, planning policy is very clear that new development will be strictly controlled in order to protect the countryside, as such both matters should be awarded significant amounts of weight.

6.2.4 The proposed dwelling would be accessed off the private drive which serves the existing barn conversion. This drive winds up from the public highway between existing dwellings known as Westholme and Underton Cottage to The Barn some 500 metres from the highway. The settlement of Underton is characterised by development which addresses the public highway running through the settlement. The proposed site is divorced from the settlement being located some 250 metres from the public highway up a private driveway. As such it is considered that the proposal would not meet the locational criteria of Policy MD7a 'Managing Housing Development in the Countryside' of Shropshire Council's SAMDev Plan, Policy CS5 'Countryside and Green Belt' of the Core Strategy and Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (SPD).

6.2.5 Whilst the proposed dwelling would have an individual design not necessarily considered to be in keeping with the local vernacular, the site is not particularly prominent and, in the light of para. 127 (c) of the NPPF which states that decisions should ensure (amongst other criteria) that developments :

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

6.2.6 The design is considered reflective of contemporary materials and design. The siting within the application site has been amended to take in account the constraints imposed by the existing trees and reduce the need for significant pruning works to trees. The proposed building would not be particularly prominent, and its impact on the visual amenity of the landscape character of the area would be limited, it is nevertheless considered that the proposed location of the building, would not be appropriate development in the countryside and no justification has been identified to warrant such development contrary to adopted local planning policies.

6.3 Residential Amenity

6.3.1 Core Strategy Policy CS6 seeks to safeguard residential amenity. It is accepted that the erection of a dwelling as proposed would be to a large extent screened from the existing dwellings by the existing trees and considered that the separation distances are sufficient to ensure that there would be no undue loss of residential amenity by virtue of loss of privacy, overbearing or overshadowing impacts.

6.4 Ecology

6.4.1 Any new development in the open countryside must ensure that it does not result in harm to any protected species and increase biodiversity to be compliant with the requirements of Section 15 of the National Planning Policy Framework. The application has been supported by an Ecological Assessment (Greenscape Environmental) which has been assessed by SC Ecology Team.

6.4.2 There are ponds within 250m of the site. The pond to the north is dry, and the pond to the south is said to be separated by a stream. Natural England's rapid risk assessment comes out as green (offence highly unlikely) due to the size of the development and distance from the pond. Greenscape Environmental have provided a reasonable avoidance method statement which may be conditioned should planning permission be granted.

6.4.3 It is considered that appropriate conditions and informatives would ensure that ecological interests are protected.

6.5 Drainage

6.5.1 Details submitted with the application confirm that the foul drainage would be disposed of via a septic tank and that the surface water would be disposed of via soakaways. A Foul Drainage Assessment form has also been submitted with the application. The Councils Drainage Team and raise no objection subject to informatives. The drainage will require approval under building regulations to

ensure that it functions satisfactorily.

7.0 CONCLUSION

7.1 it is acknowledged that Shropshire has an acute housing need for affordable homes, and in this case the basis of the application is a specific medical need, level access and the applicants desire to remain in the local area due to community involvement. The proposal would however constitute development that is poorly sited in relation to the surrounding built form of this part of Underton and would unnecessarily encroach into the open countryside. As such the site would not reflect the local character of the dwellings in the area by reason of it being set back from the roadside and accessed via a long private drive. Whilst it is noted that this drive serves the existing barn conversion currently occupied by the applicants this dwelling was created through the re-use of an existing farmstead which is part of the countryside landscape and not part of the settlement.

7.2 As such it is considered that the proposal would not meet the locational requirements of Policy MD7a 'Managing Housing Development in the Countryside' of Shropshire Council's SAMDev Plan, Policy CS5 'Countryside and Green Belt' of the Core Strategy and Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (SPD).

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol

Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD7a Managing Housing Development in the Countryside
MD12 The Natural Environment
MD13 The Historic Environment
S3 Bridgnorth Place Plan Area

SPD on the Type and Affordability of Housing

Contact: Tim Rogers (01743) 258773

RELEVANT PLANNING HISTORY:

11/04105/FUL Application under Section 73a of the Town and Country Planning Act 1990 for change of use from private stable yard to commercial equestrian livery; construction of manege and erection of detached holiday let (part retrospective) NPW 15th November 2011
 11/05373/FUL Erection of one detached holiday let with formation of new driveway; installation of septic tank drainage system; landscaping scheme WDN 14th March 2012
 13/04683/FUL Erection of a dwelling to be used as holiday let; installation of septic tank REFUSE 23rd May 2014

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Ecology Report
Arboricultural Report
Supporting Statement
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Robert Tindall

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APPENDIX 3 – Extract Minutes of the meeting held on 25 September 2018

19 Proposed Exception Site Dwelling NE Of The Barn, Underton, Bridgnorth, Shropshire (18/00945/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit and had viewed the site and had assessed the impact of a proposal on the surrounding area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Robert Tindall, 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:

- Other more remote affordable dwellings had been approved;
- The site was located within the settlement of Underton;
- Although of a modern design and given that there was already a good mix of architecture in Underton, he considered the use of timber and clay tiles to be acceptable;
- The applicants did not enjoy good health and their current dwelling was far too large for them to manage; and
- He urged approval of the dwelling.

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans and it was:

RESOLVED:

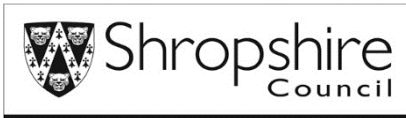
That, contrary to the Officers recommendation, planning permission be granted, for the following reasons:

- The proposal would ensure appropriate delivery of affordable housing;
- The design of the building is acceptable;
- The site is in or adjacent to the named settlement of Underton in accordance with the Council's Type and Affordability of Housing Supplementary Planning Document and accordingly is acceptable in relation to the built form of Underton and does not unacceptably encroach in to the open countryside; and
- The applicants had demonstrated a strong local connection.

Subject to:

- A Section 106 Legal Agreement to ensure the dwelling remains an affordable dwelling in perpetuity; and

- That Planning Officers be granted delegated powers to attach appropriate conditions.



Committee and date

South Planning Committee

9 April 2019

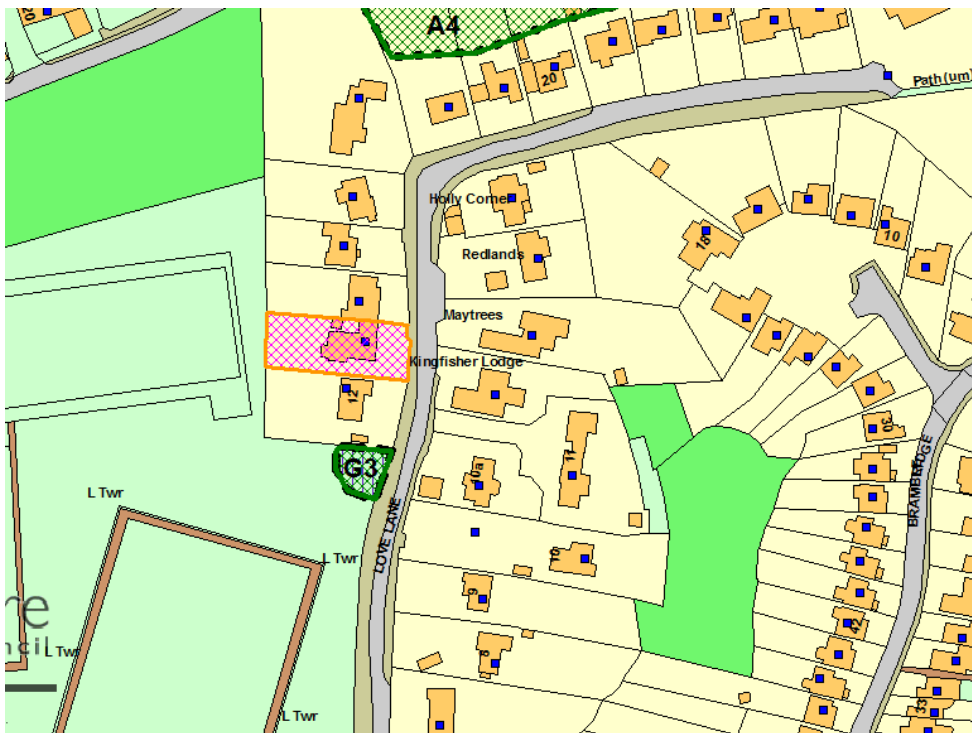
Development Management Report

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

Summary of Application

Application Number: 18/01233/FUL	Parish:	Bridgnorth Town Council
Proposal: Erection of part two storey part single storey extension to form self-contained ancillary residential accommodation __Amended Plans Received__		
Site Address: 13 Love Lane Bridgnorth Shropshire WV16 4HE		
Applicant: Mrs D Hilton		
Case Officer: Elizabeth Attwood	email: planningdmse@shropshire.gov.uk	

Grid Ref: 371708 - 293772



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

- 1.1 The proposal comprises the erection of part two storey part single storey extension to form self-contained ancillary residential accommodation for a dependant relative. The extension is two storey at the front and single storey behind. The single storey element wraps around the rear of the original dwelling house. The two storey element has a hipped roof with a pitched roof dormer on the front roof elevation and a flat roofed dormer on the rear elevation.
- 1.2 The annex accommodation will replace the existing garage, passage way and detached brick outbuilding and will have its own access from the existing drive. It will provide a snug, kitchen, dining, living area and WC on the ground floor, and bi-fold doors leading to the rear garden. Stairs will lead to an en-suite double bedroom above in the roof space. A shared utility room has interconnecting doors providing access to the kitchen for the main house. The proposed accommodation is self-contained but the annex will share parking and private amenity space with the host property.
- 1.3 The existing conservatory off the lounge will be removed and will be replaced by the wrap around single storey extension.
- 1.4 Matching facing bricks and rendering are proposed
- 1.5 Amended drawings in line with officer suggestions have been submitted and neighbours and the Town Council have been re-consulted.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within the built-up area of Bridgnorth and comprises a detached bungalow situated within a generous rectangular shaped plot on the north side of Love Lane. The area comprises single, 1.5 and 2 storey dwellings with a variety of roof designs; and some having flat roof, hipped roofed or gable roofed dormer windows, and some have benefited from loft conversions and extensions; including the nearest neighbour (no.14). The area comprises a wide variety of age and style of properties to the north of the town centre.
- 2.2 No.13 is finished in white painted render and has a gable roof finished with concrete interlocking tiles. Windows and doors are white Upvc and there is a flat roofed garage off the right hand side (north elevation). This abuts the neighbour's No.14) garage/single storey side extension. The rainwater goods associated with the neighbour's existing extension appear to overhang onto the application site.
- 2.3 The rear garden is bounded by timber panel fencing, walling and well established hedging. The frontage has raised flower beds and an in and out circular tarmac drive which provides off street parking for several vehicles.

- 2.4 The erection of the bungalow, garage and outbuilding was approved on 3rd April 1952. With the exception of the conservatory (which is off the centre/south western corner of the property and which replaced the original ‘sun room’ and will be removed as part of the current proposal), and the loft conversion (undertaken in 1996), the ‘original dwelling’ has not been extended off the north western corner. Therefore, the property benefits from Permitted Development (PD) as a ‘fall back’ position, which is a material planning consideration in determining the application.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Bridgnorth Town Council has objected contrary to the Officer recommendation and the Ward Member has requested/confirmed that the application is determined by the Planning Committee. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the material planning considerations in this case warrant the application being determined by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

- 4.1 Bridgnorth Town Council have been consulted on each set of amended drawings and are noted below in the order which they have been received.

- ☐ Recommend refusal as Members were concerned about the potential loss of light and loss of residential amenity to the neighbouring property (number 14) and they ask that Shropshire Council be mindful of the objections raised.

An amended roof design half hip instead of a gable and a pitched roof front facing dormer window rather than a flat roofed dormer have been submitted and a further rounds of consultation were undertaken. Comments received are as follows;

- ☐ Members could see no significant changes to these plans that would alter their previous objections and wished to reiterate their previous recommendation of refusal.

- ☐ Recommend refusal. Members do not consider that the proposed changes address their concerns.

- 4.2 SUDs – advise that a sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management.

- 4.3 SC Affordable Housing - There are no affordable housing obligations associated with this proposal.

- 4.4 - Public Comments

A Site Notice and four direct neighbour letters have publicised the application;

Seven representations have been received from the nearest affected neighbour, and three from his Agent. Four additional objections from residents (some who do not live in Love Lane) have objected. The issues raised can be viewed in full on SC Public Access however can be summarised as follows;

- ❑ The description as self-contained ancillary accommodation is a contradiction – if proposals are self-contained they cannot be ancillary,
- ❑ The application has been submitted on a full application rather than a householder, the application is misleading,
- ❑ The council will not be able to condition any permission so that it remains ancillary
- ❑ The application should be considered in respect of it creating a new independent residential property (therefore private amenity space, parking and turning should be shown on the drawings)
- ❑ A new dwelling on the site is overdevelopment,
- ❑ A high blank brick wall would be overbearing to the neighbours property and garden space,
- ❑ Loss of light due to position directly on the south of no.14;
- ❑ The extension is not subservient, the scale would dwarf the adjacent property,
- ❑ The en-suite window should be obscurely glazed and non opening,
- ❑ Maintenance of no.14 would be difficult and there would be an overhang,
- ❑ No drainage or landscape details are provided,
- ❑ There is a large hedge on the boundary between no 13 and 14,
- ❑ The neighbour at no.12 is blind and has moved out due to a fire which needs to be considered when communicating with her,
- ❑ The amendments do not overcome the previous objections,
- ❑ Party Wall issues,
- ❑ The 6 month delay in submitting amended drawings is a deliberate attempt to waste time and delay matters;
- ❑ There should be no more leniency to the ongoing saga and it should be determined based on the submitted drawings,
- ❑ Insufficient separation distances,
- ❑ Construction will be difficult, a proper structural assessment is required,
- ❑ Access for construction traffic will be difficult,
- ❑ The extension is not in keeping,
- ❑ The adjoining property is charming & the proposed extension will detract from its current beauty. At the moment the properties are similar enough to complement each other.

The neighbour at no.14 has also suggested an alternative design, his agent has suggested that the bungalow may have been extended in the past and therefore does not benefit from PD rights. The neighbour has also employed a Rights of Light Surveyor who has considered the proposal in terms of The Building Research Establishment (BRE) "Site Layout Planning for Daylight and Sunlight: a good practice guide" 2011 by PJ Littlefair, and has suggested that; No daylight or sunlight study in support of the application, or to evidence compliance with the nationally recognised BRE guidelines has been submitted. As a result, they have undertaken a Case Appraisal of the issue and note that the proposed development

is likely to:

- ② Breach the BRE 45-degree test on plan and elevation in relation to the rear sitting room window
- ② Partially breach the BRE Vertical Sky Component test for daylight in respect of the rear sitting room window.

A full copy of this report is available for viewing on Public Access.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Residential Amenity
Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Extensions to residential properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles. This policy states that development should be appropriate in siting, scale or design does not overwhelm or dominate the appearance of an original building or that the proposal does not have any detrimental impact on the level of residential amenity or harm visual amenity. Furthermore, the National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design and Policy MD2: Sustainable Design of the SAMDev expects development proposals to contribute to and respect locally distinctive or valued character and existing amenity value.

6.1.2 The property is in the built up area of Bridgnorth in a sustainable location where new residential dwellings would be acceptable in principle. The proposed development is ancillary, albeit self-contained to the existing dwelling. However, it would not be suitable to be occupied as a separate dwelling due to parking and private amenity space and character issues. Therefore, a condition limiting the occupation of the proposal as an annex only is deemed necessary.

6.2 Siting, scale and design of structure

6.2.1 The roof design and front facing dormer window have been amended which have reduced the scale and bulk of the roof. As a result the proposal is now deemed acceptable and is not considered to be an overdevelopment of the site. The extension is set back from the front elevation of the original dwelling and the ridge height will be slightly lower than the original roof. This should ensure that the original building remains the dominant element with the extension being subservient. The rear single storey extension is a fairly typical modern extension for this type of dwelling. Adequate private amenity space and off street parking are retained the loss of the garage.

6.3 Visual impact and landscaping

6.3.1 As noted in para. 2.1, the street comprises a varied mix of age, style and sized of properties. The extension will be constructed in matching facing materials and thus will not adversely impact upon the character and appearance of the dwelling. The proposal will result in the removal of the existing flat roofed garage, which is of its time, but does not contribute to the visual amenity of the immediate area. Currently, the front door to the property is on the side elevation and the addition of a door on the front elevation is considered to be an improvement to the appearance of the property. Hence, there will be no detrimental impact within the streetscene.

6.4 Residential Amenity

6.4.1 The proposed two storey element to replace the original garage will be adjacent the garage/store belonging to no.14. The neighbouring property has a Velux rooflights in the side elevation of the roof to the kitchen. However, these are a secondary light source and the primary light source is via the window on the front elevation.

6.4.2 The application property is as built in 1952; with the exception of the conservatory (which is off the centre/south western corner of the property and which replaced the original 'sun room' and will be removed as part of the current proposal), and the loft conversion (1996), the 'original dwelling' including the garage is as approved in 1952 and has not been extended off the north western corner. Therefore, Permitted Development exists for side and rear extensions. i.e. the 'fallback' position.

6.4.3 The 'fallback' position is that under Class A of The Town and Country General Permitted Development (England) Order 2015 (GPDO), the applicant could build a side extension 1/2 the width of the original property, up to 4m in height (3m to the eaves-within 2m of a boundary), and Class E which permits outbuildings up to 2.5m in height within 2m of a boundary and elsewhere up to 3m with a flat roof or 4m with a pitched roof without the need for planning permission, or any consultation with the neighbour.

6.4.4 The current proposal measures 2.3m to the eaves and 4.0m to the lowest part of the sloping roof. As the roof height increases, it gets further away from the neighbour's Velux roof lights. The application site is to the south of the neighbour and therefore the sun will be at its highest at the point where the new roof is at its highest. Thus, there will be no significant adverse impact upon the daylighting or sunlighting to the neighbour's kitchen from the Velux as a result of the two storey element of the proposed extension. However, if it was considered that the height of the roof was of concern, the design could be amended in line with the GPDO (without the need for planning permission). This could result in the eaves being higher i.e. 3m rather than the current 2.3m, and a flat roof at a height of 4.0m rather than a "hipped design. This would result in an extension which looks considerably less sympathetic than what is shown on the amended drawings.

6.4.5 The proposed single storey rear flat roofed extension projects past the existing dining room external wall by 1.43m to the rear. The height of single storey extension is 3.18m from ground level. Bearing in mind that there is already an outbuilding belonging to the applicant on the boundary closest to the neighbour's

converted utility room and a 2.0m high wall or fence could be erected under PD along the common boundary, and a larger wholly rear extension could be built under PD, the proposed extension single storey flat roofed rear element is considered acceptable, and will have no significant adverse impact upon the residential amenity of the neighbouring property through loss of light or over dominance.

6.5 Other matters

- 6.5.1 There are no rules in planning law which prevent householders from building on the boundary line, but there must be no overhang of eaves or rainwater goods on to 3rd party land. The rainwater goods associated with the objector's garage extension overhang onto the application site. This is separate matter and not relevant in determining this application.
- 6.5.2 The existing garage is built on the boundary, however the proposed extension will be slightly off set from the common boundary and the single storey element will have a parapet wall. This will ensure that there will be no overhang of eaves or rainwater goods onto the neighbour's land. Maintenance issue of this small gap is a private matter and is not a material planning consideration in determining this application.
- 6.5.3 The objecting neighbour has submitted a report prepared by a Rights of Light Surveyor which advises that the proposal may impact on the 45° Test in respect of the utility room which is now used as a sitting room. The Council does not have an adopted 45° Code and therefore little weight can be attributed to this assumption, or the request for additional plans.
- 6.5.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine applications in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. A judgement then has to be made on the extent to which a proposal conflicts with the Development Plan and whether any such conflicts are outweighed by other material considerations.
- 6.5.5 For the reasons discussed previously, in respect of the existing structures and features along or on the common boundary and the options for permitted development which is allowed under Class A and Class E of The Town and Country General Permitted Development (England) Order 2015 (GPDO), which would not require any input or consideration by the Local Planning Authority or neighbour or Town Council consultation, the comments made by the Rights to Light Surveyor are noted however they do not outweigh consideration under adopted policies MD2 and CS6 which deal with the need to safeguard residential amenity more generally.
- 6.5.6 Issues relating to the Party Wall Act are private matters which do not fall under the jurisdiction of the Council.

7.0 CONCLUSION

7.1 The proposal is judged to be in scale and character with the original dwelling and would not harm residential amenity or the visual amenity of the surrounding area. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to the conditions to reinforce the critical aspects.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS6 Sustainable Design and Development Principles
MD2 Sustainable Design

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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 Christian Lea Cllr William Parr
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. The external materials shall match in colour, form and texture those of the existing building.
Reason: To ensure that the works harmonise with the existing development.
4. The development hereby permitted shall only be used in association and incidental to the enjoyment of the existing residential dwelling (13 Love Lane) and shall not at any time be sold, let or otherwise disposed of or allowed to be occupied as a separate unit of residential accommodation.
Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage.

Informatives

In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS6 Sustainable Design and Development Principles
MD2 Sustainable Design



Committee and date
 South Planning Committee
 9 April 2019

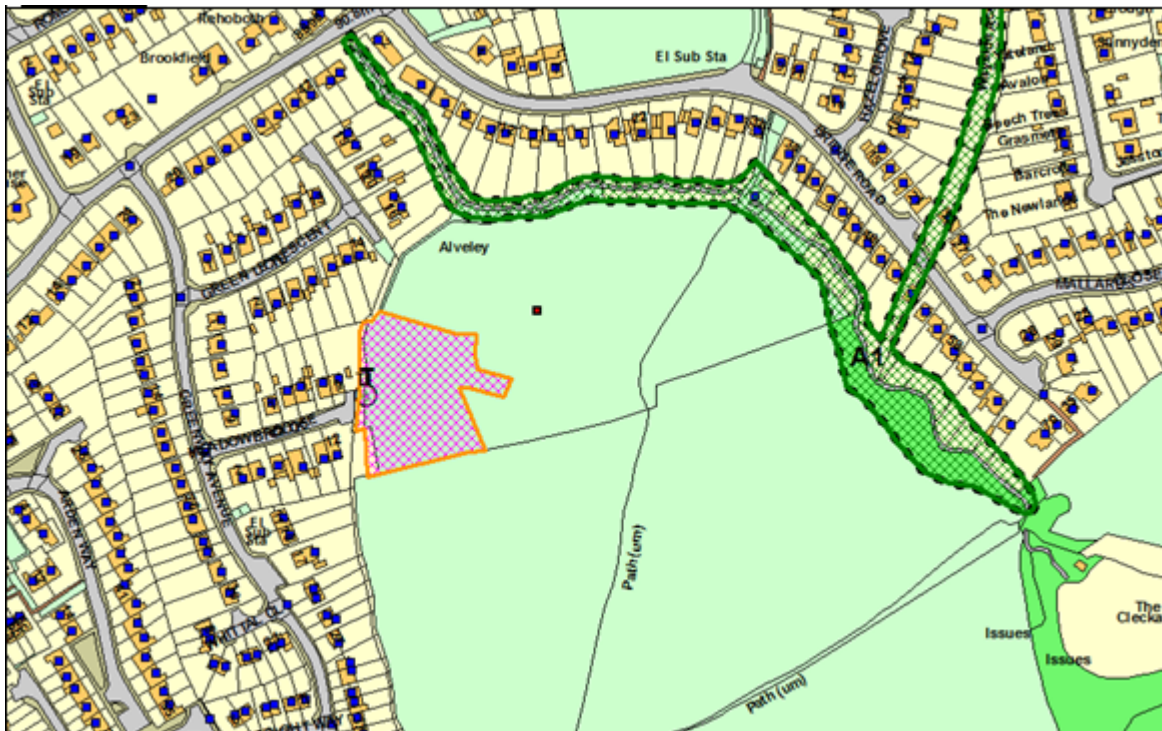
Development Management Report

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

Summary of Application

Application Number: 18/03172/FUL	Parish:	Alveley And Romsley
Proposal: Erection of 6 affordable dwellings and associated works		
Site Address: Proposed Development Land East Of Meadowbrook Close Alveley Shropshire		
Applicant: Mr Harry Pitt		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 376405 - 284457



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Recommendation:- Permit, subject to the completion of a Section 106 Agreement to secure the properties as affordable dwellings and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed development has been the subject of a number of amendments following its initial submission, in response to comments made by technical consultees and third parties. The proposal, as amended, is to erect six affordable dwellings on a parcel of land immediately adjacent to, but outside of, the Alveley village Green Belt inset.
- 1.2 Access to the proposed development would be obtained from Meadowbrook Close. This would entail crossing the watercourse at the eastern end of Meadowbrook Close, through the installation of culvert pipes over which the new road into the development would run. It is not intended to offer this road for adoption by the Highway Authority. The road would curve gently to the east on entering the site to allow for the retention of an existing oak tree on its northern side. The land under the canopy of this tree would be part of the open space for the proposed development. A larger, approximately rectangular area of open space, bounded by existing and proposed hedgerows to the west, south and east, would be on the southern side of this road section.
- 1.3 The road would follow a curving alignment taking it in a northerly direction, with a spur to the east forming the vehicle turning head which would be of a sufficient size to accommodate refuse collection vehicles. On the south eastern side of the road, and to the south of the turning head, would be two dormer bungalows in the form of a semi-detached pair. Each dwelling would contain two bedrooms and an open plan kitchen, dining and lounge area on the ground floor, with a third bedroom, ensuite and dressing room within the first floor roof space. The roof space bedroom in each would be lit by a dual pitched roof dormer on the rear elevation, with two rooflights on the front elevation serving the stairs and ensuite. The front garden areas to each property would provide parking for two vehicles, with a semi-circular lawn area positioned adjacent to the back edge of the footpath to separate the parking areas. The areas immediately to the side and rear of the dwellings would be paved, with the garden areas also including bicycle stores. 1.8m high close boarded fencing would enclose the rear garden areas, along with existing fencing to the south and new hedgerow planting on the easternmost garden boundary with the field.
- 1.4 On the north western side of the road there would be two pairs of semi-detached properties, of two different designs. The first pair would be two bedroomed bungalows with open plan kitchen, dining and lounge areas. The second pair would be two storey, three bedroomed dwellings, with separate living rooms to the kitchen dining area. There would be forecourt parking to accommodate two vehicles for each dwelling, with a lawn separating the parking areas for the bungalows. . The

front garden areas to each property would provide parking for two vehicles, with a semi-circular lawn area positioned adjacent to the back edge of the footpath to separate the parking areas. The areas immediately to the side and rear of the dwellings would be paved, with the garden areas also including bicycle stores. 1.8m high close boarded fencing would enclose the rear garden areas, supplemented with hedgerow planting on the boundaries to an area of open space and the field.

- 1.5 The bungalows and dormer bungalows would feature short projecting front gables. Their external wall finish would be predominantly off white render, with a vertical boarding detail above and below the principal gable windows. Their roofs would be of smooth grey tiles. The elevation drawings to the two storey dwellings show a brick wall finish, with brick cills and headers to the windows, with a central gable feature containing the front doors having a rendered finish.
- 1.6 It is proposed to install a package sewage treatment plant in the field immediately to the north of these dwellings that would discharge to the adjacent watercourse. The location of soakaways are shown on the drainage arrangement drawing, but a note on that drawing states they are indicative only pending ground investigation to confirm soil parameters, infiltration rates and water table.
- 1.7 The application is accompanied by a planning statement, ecology report, arboricultural report and a construction management statement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site forms part of a field which is bordered by dwellings on Meadowbrook Close and Greenleys Crescent to the west, the remainder of the field to the north and east which is traversed by a public footpath, beyond which are the dwellings on Bridge Road, and agricultural land to the south. There are a number of trees by the watercourse adjacent to Meadowbrook Close, which includes a mature oak tree which is the subject of a Tree Preservation Order.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Officer view is contrary to the officer recommendation and the Shropshire Council Local Member has requested Committee determination. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that due to sensitivity of development in this Green Bely location and the material planning considerations have been raised, that determination of this application should be by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

Where technical consultees have made several comments, the latest comments are set out first below in order to show where earlier concerns have been overcome.

4.1 Alveley and Romsley Parish Council – Strongly Objects:

The notes that the proposal no longer requires the immediate removal of the mature oak tree which is now subject to a tree preservation order. However, the Council is concerned that the groundworks for the road and bridge that would access this development would inevitably damage the root system for this tree and threaten its long term survival.

Access to the proposed development via Meadowbrook is extremely problematic. Meadowbrook is a cul-de-sac which is not wide enough to accommodate the variety of traffic which will need to access the proposed development, both during and after construction. On-pavement parking is already commonplace in Meadowbrook, creating safety risks for residents and pedestrians. This development would substantially increase the problem and the safety risk to exiting residents.

The rendered finish of the new houses would be out of keeping with the style and finish of the neighbouring properties, and the need to realign the new houses will accentuate the discrepancy.

4.2 SC Highways Development Control (28-03-19) – No Objection:

Shropshire Council as Highway Authority have now had an opportunity to consider the further information submitted by the applicants agent, sent 15th March 2019 and submitted revised Construction Management Statement (Final2), confirming that Meadowbrook Close will be used for heavy plant for 1-2 days in order to bring in the pipe for the culvert and light plant and equipment will access the site via Meadowbrook Close during the construction period.

Whilst it would be desirable that all vehicles associated with the construction of the development use the access off the A442, it is considered that measures can be put in place during the construction period will not lead to conditions that would be detrimental to highway safety. Whilst a Construction Management Plan has been submitted, it is recommended that a condition is attached to any permission granted that requires the applicant to adhere to the submitted Construction Management Statement, and any statements should be reviewed to reflect the phasing of the Development, any revised plan should include details of proposed communication with neighbouring properties on Meadowbrook Close in terms of delivery times and access vehicles.

In terms of the applicants suggestion with regard to a formal road closure, it is not something we would normally request as part of the construction, however the Developer/contractor will need to submit a formal application to Shropshire Council's Streetworks team, for permission to work on the Highway, which will include the closure of the turning head. Consideration should also be given to introducing a temporary traffic regulation order to restrict parking on Greenway Avenue and Meadowbrook Close whilst the pipe for the culvert is delivered and constructed, and signing on the local Highway network to inform delivery drivers to the site.

4.2.1 SC Highways Development Control (08.10.18) – No Objection:

Shropshire Council as Highway Authority would have no objection to the Development road remaining private.

In terms of access to the site, then it is acknowledged that residents have raised concerns with regard to the restricted carriageway width of Meadowbrook Close. Whilst from a Highways perspective we would typically require a carriageway width of 4.8metres, this can be reduced on occasion to 4.2 metres. Meadowbrook Close whilst is considered restricted carriageway width, from a Highways perspective we have to take into account that it has good forward visibility so drivers can take into account oncoming vehicles. We also have to consider that Meadowbrook Close currently provides access to 12 properties, which are primarily are bungalows, and therefore it would be considered to be lightly trafficked, and the restricted carriageway width encourages lower vehicle speeds.

The proposed development seeks to provide affordable dwellings, which in number of average trips is generally lower than open market housing as the occupants typically generate less trips outside the peak hours and have lower rates of car ownership. We therefore have to consider the number of trips this development is likely to attract and the impact on the surrounding Highway. In terms of location, then the development would be considered a sustainable location, with access to local amenities such as the Medical Centre and Primary School, providing opportunities for walking and cycling.

Concerns have been raised with regard to the parking of vehicles that already takes place on Meadowbrook Close, and the level of parking proposed within the development. In terms of proposed layout of the development whilst it is to remain private then it is considered that there is sufficient parking and turning areas within the curtilage of the site, and will not impact on Meadowbrook Close. The majority of properties on Meadowbrook Close have a minimum of two parking spaces per dwellings, it is acknowledged however that with deliveries and visitors, parking may take place on Meadowbrook Close, and because of the restricted carriageway width, these vehicles are likely to park on the footway. However, it should be noted that parking on the footway causing an obstruction is a Police issue.

Concerns have been raised with regard to the construction access, it is noted that the applicant has confirmed that alternative arrangements have been made, and no construction traffic will access the site via Meadowbrook Close. (This statement has subsequently been amended by the applicant in relation to the culvert construction, as discussed at paragraph 6.5.3 below). It is recommended that in the event planning permission is granted, a condition is attached to any permission that requires the applicant to submit a Construction Management plan, that will provide details of the proposed routing of vehicles, and what measures will be put in place to ensure construction vehicles do not access the site from Meadowbrook Close.

In terms of Policy consideration, Paragraph 109 of the NPPF states that:
'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative

impacts on the road network would be severe'. In order to refuse the proposed development on Highway grounds we would need to be satisfied that the proposed development would have an unacceptable impact on highway safety.

In view of the scale of Development and type of housing proposed, it is not considered that the development should be refused on Highway grounds.

Shropshire Council as Highway Authority raise no objection to the granting of consent, however would recommend that a condition is attached to any permission granted which requires the applicant to submit a Construction Management Plan prior to commencement and that measures should remain in place for the duration of the Development.

4.2.2 SC Highways Development Control (24.07.18) – Further information required on road specifications, parking layout, bridge/culvert construction and whether the proposed road would be adopted or remain private

4.3 SC Drainage (18-02-19) – Comment:

1. The proposed surface water soakaways calculations are indicative only as an assumed soil infiltration rate has been used in the calculations. Percolation tests should be carried out in accordance with BRE Digest 365 and the drainage calculations should be revised based on the actual percolation test results.

2. Full details, plan and sizing of the proposed package sewage treatment plant including should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development and the sizing of the package sewage treatment plant should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

Condition:

No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Informative Notes:

Consent or an exemption certificate is required as appropriate from the Environment Agency for discharging treated foul effluent into the watercourse. However, if the ditch/ watercourse is occasionally dry, the treated foul effluent must discharge into a drainage field.

4.3.1 SC Drainage (09.10.18) – Comment:

Outstanding drainage details and calculations requested in our drainage comments of 24.07.18 and 02.08.18 have not been addressed.

- 4.3.2 SC Drainage (02.08.18) – Comment:
Culverting of the new access road over the watercourse requires Ordinary Watercourse Consent from Shropshire Council.

A hydraulic calculations should be provided based on the surface water runoff from natural catchments using IH 124 Method for catchments > 0.4km² or the ADAS Method for catchments 0.4km² designing for storm events of up to 1 in 100 year + 35% for climate change.

Reason: To ensure that it complies with the Land Drainage Act 1991

- 4.3.3 SC Drainage (24.07.18) – Comment:

1. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

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

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development.

If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new driveway run onto the highway.

The site to the west along the watercourse is at risk of surface water flooding. The applicant should ensure that the finished floor level is set above any known flood level or at least 150mm above the ground level.

The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority. If main foul sewer is not available for connection, full details, plan and sizing of the proposed septic tank/ package sewage treatment plant including percolation tests for the drainage field should be submitted for approval.

4.4 SC Trees (24.10.18) – No Objection:

I have reviewed the further arboricultural and engineering details submitted 25th September 2018 and I can report that I do not object to the proposed development on arboricultural grounds, providing the extensive tree protection measures and working methods are adopted as described in the revised arboricultural report (Old Oak Tree Care, OOTC/PC18/251 Rev 1).

The engineering drawing for the culvert (3105-MCA-DRG-001 Rev A01, section C-C) suggests that the stepped backfill behind the headwall should minimise excavation of the existing bank profile in the vicinity of the protected oak tree. However, the potential for damage to significant roots of this tree is noted and therefore it is imperative that the method described in sections 8.12 and 8.13 of the tree report is strictly adhered to.

Equally important is the use of a no-dig cellular confinement system and network of air ducts for the access road, where it crosses the Root Protection Area (RPA) of the protected oak tree. Sections 8.1 to 8.8 and Appendix I of the tree report and its associated drawings (Figures 1 – 3) give details of the construction method to be used, but it is noted (section 8.11 of the tree report) that precise engineering drawings are required. The submitted ‘typical footway and carriage detail’ and sectional drawings of the culvert and access road (3105-MCA-DRG-001 Rev A01, sections A-A and B-B) do not include the design and specification of the network of air ducts to be used to provide for gaseous exchange beneath the road. This is essential for ongoing health of the protected tree’s roots under the road.

Also important are the root zone enhancement measures specified in sections 8.9 and 8.10 of the tree report, which specify how mulching is to be used within the extended RPA of the protected oak tree.

I would therefore recommend attaching the following conditions to any permission granted for this application:

- All pre-commencement tree works, wood chip mulching and tree protection measures detailed in the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care) shall be fully implemented to the written satisfaction of the LPA, before any construction-related equipment, materials or machinery are brought onto the site.

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.

- Prior to commencement of development, a task-specific method statement and detailed engineering drawing(s) shall be submitted to the written satisfaction of the LPA, for the specialised ‘no-dig’ construction and associated drainage and air vent features to be used to construct the section of access road within the root protection area of the retained oak tree identified as Ok3 in the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care).

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.

- The development shall be implemented in strict accordance with Sections 6, 7 and 8 and Tree Protection Plan (Appendix B Rev 1) of the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care) and with the approved Method Statement and its associated drawings for construction of the access road and associated drainage and air vent features. The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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.

- No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

- The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the first dwelling. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

4.4.1 SC Trees (31.08.18) – No Objection:

I have no objection on arboricultural grounds to the proposed development, providing suitable measures are put in place to safeguard existing trees on the site and new trees are planted where appropriate, as part of a quality landscaping

scheme.

- 4.4.2 SC Trees (03.08.2018) – Comment:
Recommend deferring determination of this application until a suitable arboricultural report is received.
- 4.5 SC Ecology (09.08.2018) – No Objection:
An Ecological Assessment was carried out on this site in December 2017 by Churton Ecology. The ecological survey covers a much larger area than is being affected by this planning application.

Habitats

‘The development site is part of a much larger field of poor semi-improved grassland, with grass species dominant and only a few herbs present. The field is damp and supports patchy rush and sedges, as well as a few damp-loving herbs along the margins. Lack of management in recent years has allowed this grassland to become a thick and tall sward. The site is bordered by i) a broad high hedgerow along the south boundary ii) a tiny stream with associated shrub and trees along part of the west boundary and iii) Blackthorn hedge along the north-west boundary.’

‘The area of swampy ground was holding water on the survey date (after a snow melt) but is likely to be dry/damp for much of the year – there was no evidence of aquatic plants.’

‘Hedgerow is a UK priority habitat, and the south boundary is an ‘important’ hedgerow’ under the Hedgerow Regulations 1997. ‘The south side of the hedgerow has a broad open and potentially sunny margin of rough grassland with some scrub content.’

‘The tiny stream along the west boundary runs through a narrow corridor of trees and shrub. A section near the access (just off site) appears to have been felled, and the stream culverted; the west boundary here is fence. Downstream of this, there are very occasional trees or scrub on the east bank – a mature Oak, two Alder and a multi-stemmed immature Sallow. The west bank is garden boundary and supports a mix of immature Cypress trees, fence and a little native shrub (Hawthorn and Elder). The stream corridor is accompanied by a 5-6m margin, along the field edge, of tall herb’, including damp-loving and shade-loving species.

The stream, southern hedgerow and mature trees should be protected during the development through the implementation of a Construction Environmental Management Plan. Appropriate buffer zones between development works and the stream, hedgerow and mature trees should be maintained, with no groundworks or storage of materials within the buffers.

‘With planting of a new native hedgerow along the south-west boundary (alongside the newly landscaped area), the gap created by recent landscaping on adjacent land in the original wildlife corridor will be re-instated.’

‘The tiny stream bordering the site along the west, and the nearby large stream, are

both classed as 'corridor' on the Shropshire Environmental Network. The east part of the field in which the site lies is classed as 'buffer' habitat.' 'With the necessary precautions in place regarding run-off in the construction phase and drainage in the operational phase' and the planting of native tree, hedgerow and shrub species of local provenance, I am satisfied that the functions of the Environmental Network will be maintained.

Bats

'The mature Oak along the west boundary, near the proposed access' has moderate suitability to support bat roosts.

No direct impacts on this tree are anticipated. As mentioned previously, this tree should be protected with an appropriately-sized buffer, with no groundworks or storage of materials within the buffer.

Should any works to the tree be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.

'Bat species are likely to forage and commute along the boundary habitats. The field, in its ungrazed state; may also offer some foraging opportunities.'

Bat boxes should be erected on the new dwellings to provide potential roosting opportunities for bats.

'The potential impact of illumination of the west stream corridor, the boundary hedgerows, potential tree roosts in the Oak and new roosts put up as enhancements, in the operational phase, may result in the deterioration of bat roosts and foraging and/or commuting habitat.'

Otters and water voles

The tiny stream offers very little foraging opportunities for Otter; the larger stream [to the 'north'] may be used infrequently for foraging by this species but its proximity to housing renders it unlikely to be used for holts or shelter near the site.'

'Both streams lack suitability for Water Vole – the banks are too shallow, with a section of the tiny stream lined with sheer stone wall, and the margins lack suitable bank-side vegetation. 'Any Vole noted (a neighbour has noted Voles) is likely to be Bank or Field Vole which frequent the grassland on the site.'

The Construction Environmental Management Plan will ensure that the stream (and any associated flora and fauna) will be protected during the development.

Reptiles

'The thick grassland is considered to have some potential to support reptiles (Slow-worm and/or Grass Snake) and comments by a neighbour suggest that these

species may have been seen in nearby gardens.’

‘The fact that this field has been historically cropped or grazed (sheep grazed until approximately three years ago, additional cutting some time prior to this) severely depreciates any possible local importance of the site for reptiles and indicates that it would not be a core reptile habitat i.e. a habitat that is stable in the long-term and fairly extensive in area’.

‘Since this site is i) likely to be used only for minor dispersal in spring and summer and is unlikely to be used as a hibernation area because the field is considered to be too damp and ii) the [larger] field offers an additional 1.86ha of similar grassland habitat, the loss of 0.3ha habitat is unlikely to have a negligible (detrimental) impact on local populations if they are, indeed, present.’

‘However, reptiles migrating or foraging in the grassland may be killed or injured during construction works; this would constitute an offence.’

‘Prior to any works commencing, the grassland must be cut before early April. A flail topper is recommended because cuttings are mulched and spread out in the process and this avoids cut grass lying on the surface. Some toppers can be used behind and alongside a tractor but using a hedge cutter flail arm is an alternative here to reduce the need to drive machinery over the wetter ground.’

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.

Habitat piles could be created in suitable locations along the site boundaries to enhance the refuge opportunities for reptiles.

Any future development further into the field will require a reptile survey.

Great crested newts

No mapped ponds are present within 250m of the site. ‘A tiny unmapped garden pond in an adjacent garden is set into decking and supports Frog, Toad and small newts (personal comment by owner). It is highly unlikely that a breeding population of Great Crested Newt is present in this pool because of its tiny size, sheer sides and relative isolation from other pools’.

The site currently supports suitable sheltering habitat throughout, but historically (while the grassland was grazed) only the hedgerows would have offered good terrestrial habitat. Given i) the lack of suitability of the tiny pool for breeding GCN and ii) the distance of the other pools from the site, it is highly unlikely that Great Crested Newt is present on the site.

The working methods for reptiles will also ensure that amphibians are protected during the works.

Birds

The hedgerows and trees provide potential nesting opportunities for birds.

Any vegetation removal should take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

Bird boxes should be erected on the new dwellings to provide potential nesting opportunities for birds.

Other species

No evidence of any other protected or priority species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

Conditions and informatives

Conditions recommended requiring the approval of a construction environmental management plan; provision of bat and bird boxes and external lighting.

Informatives relating to bats and trees; nesting birds; wildlife protection.

4.6 SC Rights of Way – No comments.

4.7 SC Affordable Housing – No Objection:
No objection and would support the proposal on the basis of evidenced housing need. I can confirm that as of March 2019 there are 15 households on the Housing Waiting List that have indicated a local connection. Previous experience has shown that in rural areas, there is usually 'hidden need' i.e. those households that are in need, but do not register.

The scheme would be a replica of the cross subsidy scheme at the Working Men's Club (ref.15/03425/FUL) i.e. discounted rented dwellings and discounted market dwellings (3 of each, hence cross subsidy).

We can confirm that there is evidence of need to support the proposal.

- Public Comments

4.8 30 Objections have been received which are summarised below (6 parties have submitted several letters during the period the application has been under consideration). The full text of the comments may be viewed on the Council's web site.

Site not included in the preferred sites put forward via the Local Plan Review. Other sites in the emerging Local Plan that will accommodate affordable housing. Could lead to further development of another six if the six properties are approved before the final plans are passed for the Alveley Community Hub.

Loss of Green Belt land; No exceptional circumstances to allow the development. In recent survey only 5% of villagers were prepared to see a loss of Green Belt land.

Village is treated as countryside for the purposes of Development Plan housing policies.

Would be urban encroachment.

Proposed access is problematic bridging a watercourse.

Destructive of an established streetscape.

Revised scheme still includes a two storey dwelling, whereas all dwellings in Meadowbrook Close are bungalows.

Soakaways are being put forward when the area is a heavy clay cap, with extreme implications for uncontrolled run-off towards the brook. Highlights how inappropriate this site is for development.

Soakaways as a method of disposal of surface water run-off will not work.

Outfall pipe from sewage treatment plant passes through land outside of the application site boundary.

No access to water treatment plant for maintenance purposes.

Why is a sewage treatment plant being proposed rather than connection to the main foul sewer in the village; has it been established that the watercourse has sufficient year-round flows of water to take the output from a sewage treatment plant?

Noise disturbance from treatment plant.

Heavy construction traffic entering Meadowbrook Close would cause disruption and distress to residents.

Agent originally advised that no construction traffic would access the site from Meadowbrook Close but this is contradicted by the revised statement of 26-11-18, and is contrary to the advice of the Highways Officer.

Beyond belief that high volume/heavyweight materials will be transported in minimal quantities on small vehicles.

Applicant has no right of access to the site for heavy machinery from Bridge Road.

Bringing heavy machinery across the fields would affect a recognised public footpath used by dog walkers, ramblers and school children.

Construction Method Statement inadequate and has vital information missing.

Disruption from installation of culvert operation alone likely to be severe in accordance with the NPPF.

Culvert pipes installation would disrupt use of turning area and damage root zone of adjacent oak tree.

No structural calculations to show culvert could accommodate road and traffic loads or that it would have adequate capacity.

Will increase flood risk.

Area susceptible to flooding.

Should have been notified of the submission of additional information.

Applicant has failed to demonstrate land ownership for all aspects of the development.

Frequent cancellation and amendment of drawings does not instill confidence that development should take place.

There may be two or more cars per household.

Despite opportunities to walk or cycle many people will still use their cars.

Highways Officer does not provide any evidence to substantiate claim that affordable dwellings generate less trips outside peak hours and have lower rates of car ownership than open market dwellings.

No dependable public transport infrastructure.

Parked vehicles could obstruct access for emergency vehicles along Meadowbrook Close.

Meadowbrook Close is too narrow to serve additional dwellings being only 4.2 metres wide.

Will there be any stipulation to prevent the affordable dwellings being extended?

Harm character of area.

Harm privacy and visual amenity of adjacent dwellings.

Current residents of the Close are mainly elderly and many have health problems.

Houses should be replaced by bungalows.

Will not function well or add to the overall quality of the area.

Layout designed to allow for further dwellings.

No evidence of need.

Other areas around the village that can be utilised for development.

Field is a rich micro-environment for owls, bats etc.

Do not agree with contents of ecological survey.

Where would any excavated material be disposed of?

Additional burden on already stretched infrastructure and facilities of the village.

4.7.1 Alveley Green Belt Preservation Group – Object:

Should be refused or deferred pending the Local Plan and review of current Green Belt boundaries.

In the latest housing needs survey only 5% of respondents said new housing should be in the Green Belt.

The seven households the development would accommodate would be better on the Central Garage site where local facilities (School, play area and bus route) are

closer, but noting the downside of that site being on the other side of the A442. No evidence that the properties would be occupied by those who need to work locally.

Majority of Alveley residents, including those in social or Housing Association properties, commute by private car to the West Midlands conurbation or the market towns.

Support the objections of Alveley residents and particularly those living in Meadowbrook Close.

Would set a precedent for the settlement to become oversubscribed in social/affordable housing.

House owners will struggle with the liability for septic tank maintenance.

Not clear if new road, bridge or culvert would be adopted by the highway authority.

5.0 THE MAIN ISSUES

Principle of development

Affordable Housing

Siting, scale and design of structures

Visual impact and landscaping

Highway Safety

Residential Amenity

Drainage

Ecology

Open Space

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy, the National Planning Policy Framework (NPPF) has been published and needs to be given weight in the determination of planning applications. The NPPF in itself constitutes guidance for Local Planning Authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan.

6.1.2 For the purposes of the assessment of this application the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of Development (SAMDev) Plan, and a range of Supplementary Planning Documents.

6.1.3 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named

villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. This proposal, however is for a 100% affordable housing development outside of the Alveley Green Belt inset boundary. Core Strategy Policy CS5 relates to the Countryside and Green Belt, where affordable housing to meet a local need in accordance with national planning policies and policy CS11 (Type and affordability of housing) may be permitted on appropriate sites, where the need and benefit for the development is demonstrated by the applicant.

- 6.1.4 While this site is situated in the Green Belt where there is a presumption against inappropriate development, the National Planning Policy Framework lists a number of exceptions at paragraph 145. These exceptions include **f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exceptions sites);*"

Core Strategy Policy CS11 is supplemented by the Council's adopted Type and Affordability of Housing Supplementary Planning Document. In pre-application discussions the Council's Housing Enabling Team advised that they would support the principle of affordable housing that corresponds with the tenure/type and size of the evidenced need.

- 6.1.5 There is considered to be no in-principle planning policy objection to affordable housing development on land within the Green Belt on the edge of the village. Whether or not this particular proposal is acceptable turns on consideration of the detailed matters set out below.

6.2 Affordable Housing

- 6.2.1 With regard to evidenced need the agent has made reference to discussions with the Council's Housing Enabling Officer confirming that as of 1st January 2018 there were seven households on the waiting list who have expressed a first preference to live in Alveley and who have a strong local connection. Four of the households on that waiting list require two bed roomed accommodation, with the remaining three households seeking a one bed unit, a three bed unit and a four bed unit. The Council's Housing Enabling Officer has provided an update to these figures, advising that as of March 2019 there are 15 households on the housing waiting list that have indicated a local connection. She comments also that previous experience has shown that in rural areas there is usually a 'hidden need' i.e. those households that are in need, but do not register. It is considered that this proposal could not be refused on the grounds of there being no unmet need for affordable housing in the village.

- 6.2.2 A Section 106 Agreement would be required as part of any grant of planning permission to secure the properties as affordable housing, in a similar manner to that used for the affordable housing development on land south of Daddlebrook Road, Alveley (Ref. 15/03425/FUL). This will also address the issue of the appropriate tenure for the dwellings, which would be three discounted rent dwellings and three discounted market dwellings, hence it being a cross subsidy scheme. The Housing Enabling Officer confirms there is evidence of need to support the proposal.

6.3 Siting, scale and design of structures

6.3.1 The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 127 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate an appropriate amount and mix of development. These themes of the NPPF are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.3.2 The proposed house types would be well proportioned and appropriate for this location. The use of render and brick for the external wall finishes and the brick detailing would reflect features found in and around Alveley. The scale of the proposed dwellings and their ridge heights would be similar to that found in the adjacent housing developments, which are a mix of bungalows and two storey houses. The density of the proposed development and the garden sizes would also be comparable to other housing in the immediate locality.

6.4 Visual impact and landscaping

6.4.1 Core Strategy policies CS6 and CS17 also seek to protect and enhance those features which contribute to local character, which includes the hedgerows and trees to the south and west of the application site. The proposed development would retain these features and supplement them with additional hedge planting. The species mix, density of planting, measures for their protection while they become established and the replacement of any losses are matters which can be addressed through conditions on any approval issued. The means of enclosure to the vehicle turning head area has not been specified on the application drawings and this is also a matter which could be addressed satisfactorily through a planning condition.

6.4.2 The County Arboriculturalist is content that the protected oak tree close to the access road culvert can be safeguarded by the road construction works being carried out in accordance with the method statement set out in the tree report, to avoid significant root damage, and the use of a no-dig cellular confinement system and network of air ducts for the access road, where it would cross the root protection area of the protected oak tree. There are some design and specification details required, as set in the County Arboriculturalist's comments at 4.4 above and the recommended conditions set out there would be attached to any approval issued.

6.5 Highway Safety

6.5.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic 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 reduced. It also seeks to secure safe developments. The National Planning Policy Framework, at paragraph 108, advises that in assessing development proposals it should be ensured that a safe and suitable access to the site can be achieved for all users, and that any significant impacts on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Opportunities to promote sustainable transport modes should also be explored. It continues by stating at paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.5.2 It is acknowledged that Meadowbrook Close, which currently serves 12 dwellings (Two of which also have frontages onto Greenway Avenue), has a relatively narrow carriageway width of some 4.2 metres. The Council's Developing Highways Area Manager – South and Central, has commented that while a carriageway width of 4.8 metres is typically sought, this can be reduced on occasion to 4.2 metres. In this particular case account can be taken of the good forward visibility available so drivers can take into account oncoming vehicles. The existing turning head area provides a wider section of highway for vehicles to pass that would be entering or leaving the proposed development, in which the carriageway width would be 4.8 metres for its curving alignment. Meadowbrook Close is likely trafficked and the restricted carriageway width encourages lower vehicle speeds. There are considered to be no highway capacity issues of sufficient weight to prevent Meadowbrook Close from accommodating safely the additional traffic likely to be generated by the proposed dwellings. The local highway network to which Meadowbrook Close connects is also not considered to have any capacity problems. The amount of off road parking available, at two spaces per dwelling, would be sufficient for the development proposed and the road turning head would be able to accommodate safely service vehicles.
- 6.5.3 The final version of the construction traffic management plan submitted shows that it is intended that heavy machinery and plant would be delivered to the site across fields from the A442, in order to avoid the use of either Meadowbrook Close or Bridge Road. However there would be a need to use Meadowbrook Close for the installation of the heavy pipes and aggregates required for the construction of the culvert. Once the culvert is in place the route via Meadowbrook Close would be used by light plant and equipment only. Examples of such equipment given include mini digger, power barrows, plate compactor and small delivery lorries. A parking area for vehicles of site operatives and visitors would be provided within the site on the area that would become open space to avoid vehicles seeking to park on Meadowbrook Close. The applicant proposes that deliveries of building materials to the site would be in small loads to minimise its storage on site, with the bulk of materials being stored off site at his farm. Wheel washing facilities would be used to address the possibility of mud being deposited on the road and the emission of dust would be controlled by a sprayer. It is considered that these measures would be sufficient to ensure that, during the construction phase, the development would not lead to conditions that would be detrimental to highway safety.

6.6 Residential Amenity

- 6.6.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are those on Meadowbrook Close. The juxtaposition of the existing and proposed dwellings, and the separation distances between them, would ensure that there would be no mutual loss of privacy or overbearing impacts. In addition there would be no such conflicts between the proposed dwellings in the development itself.
- 6.6.2 It is inevitable that building works anywhere cause some disturbance to adjoining residents. The temporary impacts would be mitigated by the Construction Method Statement discussed at 6.5 above in relation to highway safety. It can also be addressed by a condition restricting construction times to 07.30 to 18.00 Monday to Friday; 08.00 to 13.00 on Saturdays and no construction on Sundays, Bank or Public Holidays.

6.7 Drainage

- 6.7.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an increase in runoff. SAMDev Plan policy MD2 also seeks to incorporate sustainable drainage techniques in developments. The proposed drainage arrangements in this application comprise of the installation of a sustainable drainage system and use of an existing water course for the disposal of surface water, and the use of package treatment plant for the disposal of foul sewage. It was envisaged in the Planning Statement originally submitted with the application that the outfall from the latter would be to an associated field drainage system.
- 6.7.2 The culverting of the water course requires a separate Ordinary Watercourse Consent from Shropshire Council as land drainage authority.
- 6.7.3 The comments received from third parties have raised concerns over the suitability of the land for the installation of soakaways, and on the flows within the watercourse. The Council's Drainage Consultants have advised that further drainage details and calculations are required to ensure that the systems would be effective, but as their comments set out in section 4.3 above show, they have advised that the proposed foul and surface water can be the subject of a pre-commencement planning condition on any approval issued.
- 6.7.4 The additional drainage details submitted showed the proposed location of soakaways for surface water drainage, and the package sewage treatment plant having an outfall to the watercourse/stream. A further revision to that drawing was subsequently submitted, accompanied by a set of drainage calculations. The Council's Drainage Consultants have commented that these calculations are indicative only as an assumed infiltration rate has been used in the calculations, rather than actual percolation tests for the land. Full details of the sizing of the proposed package treatment plant would also need to be provided and if the watercourse into which it would discharge occasionally runs dry or does not have a sufficient flow rate it could not be used as a point of discharge. (Consent or an exemption certificate is require as appropriate from the Environment Agency for

discharging treated foul effluent into the watercourse). The applicant has been asked to revisit the potential for connecting to the public foul sewer and to comment on what drainage arrangements would be proposed should actual percolation tests show the ground to be unsuitable for soakaways, and there being insufficient flows in the watercourse. It is hoped to a response to these scenarios in time for the Committee meeting.

6.7.5 In any event, however, The Council's Flood and Waste Water Management Team is content that the precise foul and surface water drainage details can be the subject of a pre-commencement planning condition on any planning approval issued in this case. This would prevent any development taking place in advance of the approval of a satisfactory drainage scheme. Should no drainage scheme be approved, the development could not be carried out.

6.8 Ecology

6.8.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species. National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible.

6.8.2 The Council's Ecology Team has considered the Ecological Assessment submitted with the application. They are content that the proposed development could be carried out without harming ecological interests. Planning conditions are recommended with respect to development being carried out in accordance with an approved construction environmental management plan; the provision of bat and bird boxes; and the approval of any external lighting scheme.

6.9 Open Space

6.9.1 SAMDev Plan policy MD2 advises that the amount of public open space to be provided by a residential development should be calculated on the on the basis of 30sqm per bedroom. This proposed development would contain 16 bedrooms, which would equate to a target amount of some 480sqm of open space. The proposal would contain areas of open space in excess of this minimum target (In the order of some 560sqm together with some 83sqm in the vicinity of the oak tree, which would be in locations accessible to existing residents as well as those of the proposed dwellings, and would be viewable from the road.

7.0 CONCLUSION

7.1 There is considered to be no in-principle planning policy objection to affordable housing development on land within the Green Belt on the edge of the village. As of March 2019 there are 15 households on the housing waiting list that have indicated a local connection. There is often also a 'hidden need' in rural areas. It is considered that this proposal could not be refused on the grounds of there being no unmet need for affordable housing in the village. The proposed house types would be well proportioned and appropriate for this location, as would be the layout. The County Arboriculturalist is content that the protected oak tree close to the access road culvert can be safeguarded during the construction works

- 7.2 There are considered to be no highway capacity issues of sufficient weight to prevent Meadowbrook Close from accommodating safely the additional traffic likely to be generated by the proposed dwellings. The local highway network to which Meadowbrook Close connects is also not considered to have any capacity problems. The amount of off road parking available, at two spaces per dwelling, would be sufficient for the development proposed and the road turning head would be able to accommodate safely service vehicles.
- 7.3 The juxtaposition of the existing and proposed dwellings, and the separation distances between them, would ensure that there would be no mutual loss of privacy or overbearing impacts. In addition there would be no such conflicts between the proposed dwellings in the development itself. The temporary impact of construction works on the residential amenities of the area and on the local road network can be satisfactorily mitigated by works adhering to the construction method statement and a restriction on construction hours.
- 7.4 Drainage and ecological interests can be satisfactorily safeguarded through the recommended planning conditions.
- 7.5 The application is recommended for approval, subject to the completion of a Section 106 Agreement to secure the properties as affordable dwellings.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD3 - Managing Housing Development

MD6 - Green Belt & Safeguarded Land
MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment
Settlement: S3 – Bridgnorth

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

18/00204/FUL Erection of 6 affordable dwellings and associated works WDN 10th July 2018

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p> <p>Planning Statement Ecology Report Arboricultural Report Construction Management Statement</p>
<p>Cabinet Member (Portfolio Holder) Cllr R. Macey</p>
<p>Local Member Cllr Tina Woodward</p>
<p>Appendices APPENDIX 1 - Conditions</p>

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. 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.

4. All pre-commencement tree works, wood chip mulching and tree protection measures detailed in the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care) shall be fully implemented before any construction-related equipment, materials or machinery are brought onto the site.

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.

5. Prior to commencement of development, a task-specific method statement and detailed engineering drawing(s) shall be submitted to and approved in writing by the Local Planning Authority for the specialised 'no-dig' construction and associated drainage and air vent features to be used to construct the section of access road within the root protection area of the retained oak tree identified as Ok3 in the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care). The work shall be carried out in accordance with the approved details.

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.

6. The development shall be implemented in strict accordance with Sections 6, 7 and 8 and Tree Protection Plan (Appendix B Rev 1) of the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care) and with the approved Method Statement and its associated drawings for construction of the access road and associated drainage and air vent features. The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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.

7. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree and hedge planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

8. The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the first dwelling. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

9. 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. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) 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 175 of the NPPF.

10. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes), sparrows (32mm hole, terrace design) an/or starlings (42mm hole, starling specific).

The boxes shall be sited in suitable locations, 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 and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

11. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

12. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

13. Before development commences details of the proposed finished ground floor levels of the dwellings, relative to existing ground levels, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition in the interests of the visual amenities of the area.

14. The access, turning area, parking areas and visibility splays shall be constructed in accordance with details to be approved in writing by the Local Planning Authority, with the access and turning area constructed to at least base course macadam level and the visibility

splays provided before any dwelling is first occupied. The turning and parking areas shall thereafter be retained for those purposes and the visibility splays shown on the approved drawings kept clear of obstruction.

Reason: In the interests of highway safety.

15. The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

16. Demolition, construction works or deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

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

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

MD2 Sustainable Design
MD3 Delivery of Housing Development
MD6 Green Belt
MD7a Managing Housing Development in the Countryside
MD12 The Natural Environment

SPD on the Type and Affordability of Housing

3. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in

before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

4. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

5. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

6. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of reptiles or amphibians are present.

If a hibernating hedgehog is found on the site then it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

7. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.



Committee and date
 South Planning Committee
 9 April 2019

Development Management Report

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

Summary of Application

Application Number: 18/05705/FUL	Parish:	Worfield
Proposal: Erection of single storey rear extension with roof terrace above		
Site Address: 47 Folley Road Ackleton Shropshire WV6 7JL		
Applicant: Mr & Mrs Drummond		
Case Officer: Lynn Parker	email: planningdmse@shropshire.gov.uk	

Grid Ref: 377054 - 298471



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

- 1.1 This application is for the erection of a single storey extension with roof terrace above to the east facing rear of the dwelling at no. 47 Folley Road, Ackleton. The extension is proposed to measure approximately 11.8m wide x 2.58m in depth x 2.75 high and to project wholly from the original rear elevation of the dwellinghouse. The proposed dimensions and positioning mean that it could therefore be constructed under permitted development rights – it is the terrace above which requires planning permission. The development is proposed to enlarge the existing kitchen, dining area and lounge to form an open plan layout, particularly providing more light and views out into the rear garden from the kitchen. (The existing lounge and dining area are currently open plan). It is proposed to replace the existing first floor study and two bedroom windows with bifolding doors out onto a terrace on the extension roof with a 1.1m high clear safety glass screen around the perimeter.
- 1.2 Facing brick walls and white UPVC windows are proposed to match the existing dwelling. No alterations are proposed to accesses or parking, and no trees or hedges would be affected by the proposed development.
- 1.3 During the course of the application and in response to officers' concerns, amended plans have been submitted indicating 2m high obscure glazed safety screens to each side of the proposed terrace. The amended drawing additionally includes a Location Plan with lines annotated at 45° from the corners of the terrace to illustrate the field of normal visibility from it. A second set of amended plans has refined the visual appearance of the safety screens by rounding off their corners, all other details are retained.
- 1.4 The applicants have also provided a presentation (which includes potentially sensitive photographs and therefore is not available to view online) which explains their reasons for the proposal and responds to the neighbours' concerns. This document is précised below:
- o The wish is to move their kitchen from its position to the rear of the house because it is currently enclosed by two walls and is dark.
 - o The applicants can already look into the gardens and terraces of the neighbouring properties from all their existing bedroom windows.
 - o Only bedrooms would lead out onto the terrace – guests would not be brought through these very private spaces to be entertained on the terrace.
 - o As the terrace is east facing, the sun would disappear from it by mid-day, therefore there is no intention of the terrace bring socially congregated in the summer evenings. An existing section of the garden already provides facilities for entertaining if necessary within the late afternoon/evening sun.
 - o Privacy screens were always intended in order to prevent views from the terrace into the neighbouring properties.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within open Green Belt countryside that washes over the settlement of Ackleton which is half way between Albrighton to the north east and Bridgnorth to the south west. It is accessed directly from the C4263, the main route through Ackleton, which extends from the B4176 to the south. This part of Ackleton is characterised by two storey, detached modern properties of individual design which flank both sides of the road. They are set in generous plots with driveways, garaging and low level landscaping within their frontages.

2.2 The plot at no. 47 measures approximately 14.3m wide x 58m in depth, the dwelling being set back from the road by approximately 20m and the rear garden 30m in depth. This is generally commensurate with the size of the adjacent plots. The property is constructed in red brick with a grey tiled roof and white UPVC windows. It is designed with a dual pitched roof, low eaves, three pitched roof dormer windows to the front and a wide flat roof dormer to the rear, a chimney to the north side and a pitched roof porch centrally within the west facing front elevation. Like the other adjacent dwellings on this side of the road, a detached garage is located within the frontage adjacent to the south west corner of the property. The dwelling has not been previously extended. The rear garden comprises two levels, the slightly lower one being further to the east, the upper containing a slabbed patio directly outside the dwelling. The rear perimeter is defined by a mixture of timber fencing and mature landscaping.

2.3 There are similar neighbouring properties on both sides of the property. No. 45 to the north side is set back from no. 47 by approximately 2.5m and has a ground floor window in its south facing side elevation closely adjacent to the 1.8m high boundary fencing, the top of which is visible over it. Otherwise the windowless side gable and timber clad dormer cheek area are adjacent. The distance between these two dwellings is approximately 1.8m. No.49 to the south side is set at a lower level and approximately 4.5m forward of no. 45, although the addition of its rear conservatory brings the rear elevations in line. In addition to a conservatory, no. 49 has previously benefitted from a single storey rear extension, then a first floor extension above it. The distance between the dwellings at no. 49 and no. 47 is approximately 1.75m. The boundary between them is defined by 1.8m high fencing and a line of Fir trees on no. 49s side which currently provide an effective screen as they extend up to the height of the top of the rear dormer window at no. 47. There is agricultural land beyond the rear boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development is considered to accord with the requirements of the Councils relevant adopted policies, but a contrary opinion from the Parish Council has been received. The Principal Planning Officer in consultation with the Committee Chairman and Vice Chairman, have confirmed that based on material planning reasons, a Committee decision is required in this case under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

4.0 Community Representations**4.1 - Consultee Comments****4.1.1 Worfield And Rudge Parish Council – Councillors refer to their original comment in January.**

Objection for the following reason. If this extension is permitted in the format which is shown on the application, i.e. with a large roof terrace, there will be a resultant total lack of privacy for neighbouring properties. Historically when this row of houses was first built, No 47 was the last to be completed. It was constructed after the building of its two nearest neighbouring houses almost as an "infill". The upshot of this was that the plot upon which No 47 sits is slightly narrower than the others. This fact contributes to the issue of proximity and potential for encroachment on privacy. However a roof terrace would definitely cause an issue in this context.

4.2 - Public Comments**4.2.1 Site notice displayed on 10th January 2019. Initially three public representations were received in relation to the proposal as submitted all expressing objections, one each from the neighbour either side, and one from a planning consultant acting on their behalf and which includes diagrams. All public representations are available to view in full online, however their concerns are summarised as follows:**

- o The proposed extension will result in a material loss of daylight to the lounge, conservatory, dining room and kitchen of no. 49, and the kitchen of no. 45.
- o The proposed roof terrace will allow direct vision into the rear bedroom windows of no. 49, and downward vision into the lounge, conservatory, dining room and kitchen, and the side and rear of no. 45 also partially into the lounge, dining room and rear bedroom windows.
- o All privacy to the external garden areas of no. 49 and no. 45 will be forfeit. This is exacerbated for no. 49 by the 1m difference in floor level.
- o The roof terrace would afford the end-users panoramic views over the rear gardens of my clients: this total loss of privacy is unacceptably harmful and contrary to guiding principle of good planning.
- o The views that will be afforded from the roof terrace will far exceed what the occupiers of no. 47 can currently see from their first floor windows. The impact will be two-fold (a) the scope of the view panoramic; and (b) the time spend enjoying that view will be considerably longer.
- o The roof terrace is obviously intended as a recreation and entertainment area which will generate noise, nuisance and visual disturbance.
- o The constant potential presence of neighbours, in an elevated position, looking out over your private rear garden is exceptionally harmful to the residential amenity my clients currently enjoy and are seeking to protect.
- o Noise generated on the proposed elevated roof terrace, rather than within the garden, will travel unencumbered over boundaries and beyond.
- o Any flat roof extension to the rear would facilitate it being used as a roof terrace whether or not it required planning permission.
- o No. 47 Folley Road (Plot 6 of 7) was the last to be constructed and had size and position restrictions imposed on it in order for it to fit the remaining

land. The current application challenges and negates the decision made reliant on these restrictions.

- o The use of screening either side would introduce issues of over-dominance and the development being overbearing. The degree of dominance, given the difference in levels, the orientation, and the proximity to neighbouring properties of the extension sides with screens atop would be wholly unacceptable.

4.2.2 Following notification of the amended plans, further objection comments have been submitted by the planning consultant on the neighbours' behalf as follows:

- o My clients are exceptionally disappointed and dismayed that the roof terrace remains within this project and maintain their OBJECTION in the strongest possible terms.
- o The introduction of side screens may limit some of the potential for overlooking at either side, but the loss of privacy that would result to the private rear gardens of both no. 45 Folley Road and 49 Folley Road would still be considerable and significantly harmful to the current enjoyment of their gardens.
- o The impact of the side screens increases and significantly worsens the potential over-dominance of the project on both adjacent properties.

5.0 THE MAIN ISSUES

- o Principle of development
- o Impact on the Green Belt
- o Design, scale and character
- o Impact on neighbours/residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved.

6.1.2 With consideration given to the representations submitted by the residents of the neighbouring dwellings, and site visits having been carried out to the properties of all parties concerned, the proposed development is not considered to have adverse impact on the residential amenities of neighbouring properties that would result in a recommendation for Refusal. The character and context of the existing dwelling would be retained as the proposed extension is of an appropriately domestic scale and design, utilising matching and suitable materials. The principle of the development is therefore acceptable.

6.2 Impact on the Green Belt

6.2.1 Green Belt Policies CS5 and MD6, and Section 13 of the National Planning Policy Framework require that the openness, permanence and visual amenity of the land within its boundaries are preserved. Inappropriate development is, by definition,

harmful to the Green Belt and should not be approved except in very special circumstances. Exceptions to inappropriate development are identified in paragraph 145 of the NPPF and include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original.

6.2.2 As noted above in paragraphs 2.2 and 1.1 above, the dwelling has not been previously extended and the proposed dimensions and positioning mean that the extension can be constructed under permitted development rights – it is the terrace which requires planning permission. The use of the extension roof as a terrace would not result in disproportionate additions over and above the size of the original dwelling nor by its open nature would it introduce a first floor height solid mass that could be harmful to the attributes of the Green Belt.

6.3 Design, scale and character

6.3.1 The proposed development would be located across the rear elevation of the dwelling where it would be positioned over an existing area of hardstanding and to project a restrained 2.58m out to the rear, where a depth of 8.0m could currently be achieved under permitted development rights. Taking the safety barriers and screens into account, the usable area of the proposed terrace area would amount to approximately 28m² - roughly equivalent to that of the existing patio over which the extension is proposed. More than sufficient outside amenity space would be retained for the dwelling. Therefore the scale of the proposed extension is not considered to be significant, would be clearly subservient and compared with the size of the existing dwelling would be a modest addition.

6.3.2 The design of the proposed extension would be in keeping with the modern character of the dwelling. The clean lines and linear emphasis of the property would be respected and retained and the development is proposed to be constructed in materials to match those of the existing dwelling. The use of clear glazed safety barriers and obscure glazed privacy screens on the terrace would provide visual interest to an otherwise plain flat roof without introducing a denser structure that may not have such a high quality or lightweight appearance. This in conjunction with the alterations to the first floor windows would enhance the appearance of the rear elevation of the dwelling.

6.4 Impact on neighbours/residential amenity

6.4.1 The proposed site, the neighbouring sites either side and indeed the remaining dwellings along this section of the eastern side of Folley Road are laid out in a similar way i.e. set back from the road with detached garages off their south eastern corners and linear format dwellings which span the width of their plots. The width of the dwellings within their plots which places their side elevations approximately 1m from the boundary line does allow for a high level of vision across the neighbouring rear gardens. Furthermore, this combined with the relative stepped back or forward positions in relation to their adjacent dwellings results in the neighbouring amenity space directly outside the rear being more viewable at least on one side of each property. At no. 47, this occurs in relation to the rear at no. 45 to the north, which is clearly visible from the bedroom window on that side. It is therefore presented that the 'panoramic' views purported by the objectors would be resulting from the proposed roof terrace, do already exist from the first floor rear windows. Viewing of the existing 'panoramic' outlook is further supported by the

high level of the first floor window cills at no. 47 which make it necessary to be standing close up to the windows in order to see out of them. The suggestion in representations received that, 'it would be atypical behaviour to spend prolonged periods of time staring out of upper floor windows' would not be true for this property, as enjoyment of views over the wider landscape to the east could only be achieved by standing at the window, not for instance by sitting in a chair within the room.

- 6.4.2 Once the existing relationship of no.47s first floor windows with the outside amenity spaces of the adjacent neighbouring dwellings is understood, it is clear that the terrace proposed with obscure glazed privacy screens to each side would limit rather than expand the current line of vision from them. The installation of privacy screens to each side of the terrace would channel views from it directly down the rear garden of no. 47. Existing views from the bedroom window down into the side window at and amenity space directly outside no. 45 to the north side would be eradicated. Similarly should the occupier at no. 49 to the south decide to remove the Fir tree screen, their privacy would be protected by the terrace screen which would be further from the boundary on this side at approximately 2m, 3m from the conservatory.
- 6.4.3 With regards to the potential for the proposed development to be overbearing in relation to the neighbouring properties, it is considered that this type of impact would not be a significant one. The proposed extension would emulate the existing arrangement at no. 45 where a single storey flat roof element is closely adjacent to the boundary fencing and projects clearly above it. However, the proposed extension at no. 47 would not contain a north facing side window, whereas the neighbouring dwelling has a south facing side window which is clear glazed and partly visible above the top of the boundary fencing. It is considered that the addition of obscure glazed privacy screening atop the proposed extension would have less impact on the neighbouring property to the north as a light weight translucent structure than the extension itself which could be constructed under permitted development rights at the height and in the position proposed close to the boundary fencing. Furthermore on this side the proposed development would be located directly to the south of the adjacent neighbour at no. 45 where it be unlikely to result in overshadowing impacts. The position of the proposed extension on the south side is sufficiently further from the boundary at 2m for any overbearing impact to be minimised. Again, as the proposed privacy screens are a lightweight translucent structure rather than solid wall, it is unlikely that there would be overbearing or overshadowing impacts from them on the neighbouring property to the south at no.49, particularly as there are currently Fir trees on the neighbours side of the south side boundary that are higher than the proposed development.
- 6.4.4 The public representations also make comments in relations to plot restrictions at no. 47. However, the plot at no. 47 and its adjacent neighbours are all 58m in depth. The widths when measured across the dwellings range minimally from approximately 14.3m at no.47, to 15.3m at no. 45 being the widest, to 13.8m at no. 49 being the narrowest. The overall plot size at no. 47 also falls between that of its two neighbours at approximately 835m², where no. 45 amounts to 912m² and no. 49 to 790m². These three plots are therefore of commensurate scale in addition to layout.

6.4.5 The comments and reassurances submitted by the applicants and noted at paragraph 1.4 above, are also relevant to the concerns raised by neighbours.

7.0 CONCLUSION

7.1 It is considered that this proposal is not contrary to adopted policies and would not adversely affect the character and appearance of the existing dwelling, would not significantly impact on the residential amenities of neighbouring properties or harm the appearance of the street scene.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

LDF Core Strategy Policies:
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD2 Sustainable Design
MD6 Green Belt And Safeguarded Land

RELEVANT PLANNING HISTORY:

None relevant

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJL68ZTDIHG00>

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 Michael Wood
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

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

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

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

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

CONDITION THAT IS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The external materials shall be as specified on the submitted application form and approved plans.

Reason: To ensure that the works harmonise with the existing development.

4. The privacy screens at the northern and southern ends of the roof terrace shall be installed before the roof terrace is brought into use and shall thereafter be maintained in position.

Reason: To safeguard the residential amenity of the adjacent dwellings.

Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

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

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

LDF Core Strategy Policies:
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 Sustainable Design
MD6 Green Belt And Safeguarded Land

3. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 38.

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Committee and date

South Planning Committee

9 April 2019

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS

AS AT COMMITTEE 9 APRIL 2019

LPA reference	13/00519/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Peter Yeoward
Proposal	Seasonal change of use from agriculture to site 21 pens and runs in fields C & D on the submitted plan for rearing pheasant chicks from the 1st May and to growing-on the pheasant poults for egg laying and breeding stock until 31st December in fields A and B on the submitted plan.
Location	Newcastle Court Newcastle Shropshire SY7 8QL
Date of appeal	06.03.19
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/02403/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Donald Walker
Proposal	Erection of a carport
Location	24 Love Lane Bridgnorth Shropshire WV16 4HE
Date of appeal	13/03/2019
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/04455/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Todd Turbin
Proposal	Erection of a part single, part two storey rear extension
Location	Greenacres Cross Lane Head Bridgnorth Shropshire WV16 4SJ
Date of appeal	14/03/2019
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/02281/FUL
Appeal against	Non-Determination
Committee or Del. Decision	N/A
Appellant	Churchill Retirement Living
Proposal	Demolition of the existing buildings and redevelopment to form 50 retirement living apartments, including communal facilities, access, car parking and landscaping
Location	Land At Innage Lane Bridgnorth Shropshire WV16 4HJ
Date of appeal	18/03/2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	