



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

Date: Monday, 3 December 2018

**Committee:
North Planning Committee**

Date: Tuesday, 11 December 2018

Time: 10.00 am – PLEASE NOTE THE EARLIER START TIME

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

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

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

Members of the Committee

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

Substitute Members of the Committee

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

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the North Planning Committee held on 19th November 2018, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 10.00 a.m. on Monday, 10th December 2018.

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 5 Mill Street, Whitchurch, Shropshire, SY13 1SE (16/04460/FUL) (Pages 7 - 20)

Erection of four town houses, four apartments and two retail units following demolition of all buildings on site

6 Proposed Residential Development Land South of Holly Cottage, Rosehill Road, Stoke Heath, Shropshire (18/04470/OUT) (Pages 21 - 34)

Outline application for the erection of 2No dwellings (all matters reserved)

7 Proposed Residential Development, Land To The West Of Weston Lullingfields, Shropshire (18/04485/OUT) (Pages 35 - 54)

Outline Application for the Erection of 2 Dwellings to include Access

8 Appeals and Appeal Decisions (Pages 55 - 62)

9 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 8th December 2019 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.



Committee and Date

North Planning Committee

11th December 2018

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 19 November 2018

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

2.00 - 3.11 pm

Responsible Officer: Emily Marshall

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

Present

Councillor Paul Wynn (Chairman)

Councillors Roy Aldcroft, Pauline Dee, Roger Hughes, Vince Hunt (Vice Chairman), Mark Jones, Paul Milner, Peggy Mullock and Steve Davenport (Substitute) (substitute for Joyce Barrow)

38 Apologies for Absence

Apologies for absence were received from Councillors Joyce Barrow (substitute: Steve Davenport), Gerald Dakin and Rob Gittins.

39 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 16th October 2018 be approved as a correct record and signed by the Chairman.

40 Public Question Time

There were no public questions, statements or petitions received.

41 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 application 18/04308/FUL, 24 Lilac Grove, Oswestry, Councillor Mark Jones declared that as the applicant he would withdraw from the meeting during consideration of the application.

42 Residential Caravan Site Known As The Paddocks, Warrant Road, Stoke Heath, Shropshire (18/04479/VAR)

The Technical Specialist Planning Officer introduced the application for the variation of Condition No.s 1 and 7 attached to Planning Permission 18/01257/VAR dated 07 June 2018 to double the number of caravans on Plot 7 from 2 to 4.

The Principal Planning Officer confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area and commented that Members had inadvertently viewed Plot 6, but they had viewed the site as a whole and this did not prejudice their ability to determine the application.

Members' attention was drawn to the information contained within the Schedule of Additional letters. In addition, the Technical Specialist Planning Officer informed the Committee that since the report had been published, Shropshire Council's Gypsy Liaison Officer had provided comments, confirming that the planning statement detailed at paragraph 1.4 of the Planning Officer's report was correct and very much part of the culture and tradition of gypsy and traveller families and also that there were no vacancies on any of the Council's owned and managed sites.

Councillor Kenny Beardmore, on behalf of Stoke Upon Tern Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the proposals.

RESOLVED:

That planning permission be granted, subject to the imposition of appropriate and revised planning conditions as discussed within the Officer's report and as set out in Appendix 1.

43 Springhill Farm, Warrant Road, Stoke Heath, TF9 2JR (18/04131/VAR)

The Principal Planning Officer introduced the application for the variation of condition no. 8 attached to planning permission 18/00679/FUL to revise wording to read - The site shall be used for keeping game birds for no more than 17 weeks in any calendar year with associated equipment (including but not limited to feedstuffs and water containers), but excluding the pens and feeders, removed from the land between 1st August and 1st January in any one calendar year.

It was confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Councillor Kenny Beardmore, on behalf of Stoke Upon Tern Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the proposals.

RESOLVED:

That authority be delegated to the Head of Service to approve subject to the conditions as set out in appendix 1 and any amendments to these conditions as considered necessary by the Head of Service.

44 24 Lilac Grove, Oswestry, Shropshire, SY11 2SD (18/04308/FUL)

In accordance with his declaration at minute number 41, Councillor Mark Jones withdrew from the meeting during consideration of this application.

The Principal Planning Officer introduced the application for the erection of a single storey extension, explaining that the application had been presented to Committee for determination as the applicant was a Member of Shropshire Council and of the North Planning Committee.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the proposals.

RESOLVED:

That planning permission be granted, subject to the conditions as set out in Appendix 1.

45 Proposed Dwelling Opposite Browns Of Wem, Pool Head, Wem, Shropshire (18/02237/FUL)

The Principal Planning Officer introduced the application for the change of use of land and conversion of a show bungalow to residential dwelling and associated works (re-submission) and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

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

- She shared the concerns of Whixall Parish Council, in that the proposed development was contrary to Whixall's Open Countryside Designation; and
- She had concerns that if granted, this application would lead to an influx of similar applications.

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

During the ensuing debate some Members expressed concerns that there appeared to be discrepancies between the survey that had been submitted with the application and the building they had viewed on the site visit. Members felt that it was important

to have a thorough understanding of the condition of the building, to ensure that it was restorable, otherwise it would amount to a new build in open countryside, which would be unacceptable.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously agreed to delegate authority to the Head of Planning Services, to determine the application, subject to the receipt of a satisfactory building survey.

RESOLVED:

That authority be delegated to the Head of Planning Services to determine the application, subject to the receipt of a satisfactory building survey.

46 Land East Of Erdington Close, Shawbury, Shropshire (18/03983/FUL)

The Principal Planning Officer introduced the application under Section 73A of the Town & Country Planning Act 1990 for the extension and resurfacing of an agricultural field access track and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters which included representations from the local ward Councillor, Shawbury Parish Council and three local residents. The Principal Planning Officer also informed Members that as the application was retrospective, condition 1 needed amending and conditions 2 and 3 could be deleted.

Mr Stuart Horton on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate Members expressed concerns that following the removal of the agricultural storage building from the proposed development, there was no justification for the track. Therefore, the development had become incongruous development, in open countryside being without adequate agricultural justification and as such was not considered in accordance with the requirements of Policy MD7b: General Management of Development in the Countryside of the SAMDev Plan and CS5 of the Council's Core Strategy.

For these reasons Members unanimously expressed the view that planning permission should be refused, contrary to the Officer's recommendation and that enforcement action be taken and the track removed as soon as possible.

RESOLVED:

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

The development is incongruous development, in open countryside being without adequate agricultural justification and as such not considered in accordance with the

requirements of Policy MD7b: General Management of Development in the Countryside of the SAMDev Plan and CS5 of the Council's Core Strategy.

47 Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals for the northern area be noted.

48 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 11th December 2018, in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

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Committee and Date
North Planning Committee
11th December 2018

Item
5
Public

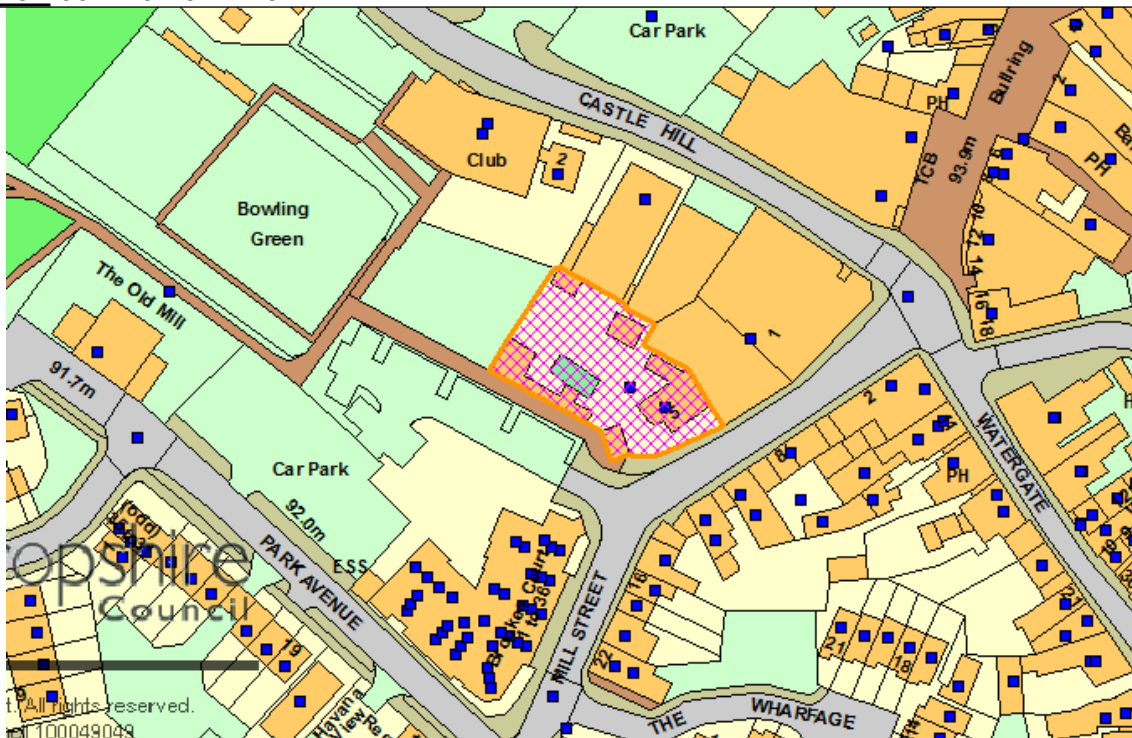
Development Management Report

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

Summary of Application

<u>Application Number:</u> 16/04460/FUL	<u>Parish:</u>	Whitchurch Urban
<u>Proposal:</u> Erection of four town houses, four apartments and two retail units following demolition of all buildings on site		
<u>Site Address:</u> 5 Mill Street Whitchurch Shropshire SY13 1SE		
<u>Applicant:</u> Mr M Bate		
<u>Case Officer:</u> Mark Perry		<u>email:</u> planningdmnw@shropshire.gov.uk

Grid Ref: 354129 - 341418



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

REPORT

1.0 THE PROPOSAL

- 1.1 The submitted application is for the demolition of one dwelling and associated outbuildings and the erection of 4 town houses, 4 apartments above two retail units. The proposed dwellings would be arranged in a 3 storey terrace and each dwelling would contain 2 bedrooms. The proposed apartments would be over two floors above the new retail units and would each provide 1 bedroom units of living accommodation.
- 1.2 Small gardens would be provided for the proposed dwellings and there would be a communal parking area to the rear of the development and associated cycle and bin storage. Access to the parking area would be similar to the existing arrangement although widened following the demolition of the garage building.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within the area that is identified as “Town Centre” in the SAMDev plan, but it falls just outside of the “Primary Shopping Area” the edge of which is just 160 metres to the north east. The site also falls within the town’s Conservation Area.
- 2.2 The site currently contains a two storey, red brick, double fronted dwelling which adjoins the shop unit next door. The dwelling is not listed but dates back to at least 1901 as it is shown on historic maps. The building is of some distinction and does make a positive contribution towards the character of the immediate area. However a survey of the building has indicated that it has suffered some settlement and the property has been compromised as a result. The site contains other buildings associated with the residential use of the site and these are considered to be of little heritage value.
- 2.3 The existing dwelling fronts, but slightly set back from Mill Street. On the corner of Mill Street there is a single garage which opens directly onto the wide pedestrian path which leads past the bowling greens to the town park. On the opposite side of the path is the former canal wharf, part of which has now been developed into a 4 storey retirement apartment block with extensive car parking to the rear.
- 2.3 To the rear (northern side) of the application site are the rear boundaries of the mainly commercial properties that front on to Castle Hill. These properties sit in a very elevated position resulting in their rear elevations towering above the application site.

3.0 COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In the opinion of the Chair and Vice-Chair of the planning committee they consider that the comments made by the Town Council warrant consideration by the members of the planning committee.

4.0 Community Representations

4.1 - Consultee Comments Town Council- Objection

Whilst recognising the Government is committed to securing economic growth, as are this Council for Whitchurch. Whitchurch Town Council still consider that the proposed plans are over-development of the site. The Council do not consider that, within the defined network and hierarchy of Whitchurch centre, that this site is resilient to anticipated future economic changes, especially as it is outside the main retail area of the town.

4.2 Highways- No objection subject to conditions and informatives. Preferable for the retail unit to have a rear door for deliveries.

4.3 Affordable Housing- at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.4 Public Protection- No objection subject to conditions regarding noise protection to residents.

4.5 Welsh Water- No objection subject to conditions

4.6 Archaeology- No objection subject to conditions requiring programme of archaeological works.

4.7 Drainage- The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

4.8 Conservation- No objections subject to conditions

4.9 - Public Comments 7 representations received objection on the following grounds:

Noise and disturbance from building works
No need for retail units- already empty shops in the town
Impact on pedestrians using footpath
Insufficient parking
Impact on tree
No need for more housing
Impact on residents from nearby pub
Impact on drainage

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Impact on heritage Assets
Drainage

Highway safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application site is located within the Whitchurch development boundary as detailed in the adopted SAMDev plan. Policy S18 of SAMDev sets out that Whitchurch will be a focus for significant development and will deliver around 1,200 dwellings, these will be provided on the allocated housing sites and also infill development within the town's development boundary. Adopted policy therefore supports the principal of housing development on the site.
- 6.1.2 The site is located within an area identified in SAMDev as being the town centre, although it does fall outside of what is shown as being the 'Primary Shopping Area'. Policy CS15 of the Core Strategy aims to ensure that development within town centres maintain and enhance their vitality and viability. Town centres are the preferred location for new retail, office and other town centre uses. Policy MD10a identifies the site as falling within a category B as Whitchurch has a town centre and the identified 'Primary Shopping Area'. In such locations there is a presumption for main town centre uses, this includes the creation of retail uses as the applicant has shown on the submitted plans. Paragraph 85 of the NPPF recognises that residential development plays an important role in ensuring the vitality of town centres and encourages residential development on appropriate sites. It is considered that the proposed mix use development of retail and residential would contribute positively towards to the town centre's vitality and viability.
- 6.1.3 Objections have been received commenting on how there are already a number of vacant retail units within the town, this is not an uncommon situation with many towns suffering as a result of economic downturn. However, this would not be a reason in itself to refuse planning permission as the site is identified as being within the town centre location. The creation of further shop units would increase the variety and supply of retail floorspace. The creation of new floor space could meet the needs of a potential retailer; whereas existing vacant units do not. The issue of vacant units is a consequence of market forces and not a matter that could be used to refuse an application in such a sustainable location where there is clear policy support for such a use.
- 6.1.4 The site is also located in a sustainable town centre location where there is easy access to local services and facilities. Further supporting the scheme is its location which is within the Conservation Area. The existing dwelling is approximately 125 years old and has been the subject of a number of different extensions, alterations and additions. From the roadside the building does appear to be in a sound condition, however further inspection does show that there has been movement and cracking with floors and ceilings out of alignment. There has been various attempts at remedial works over the years with varying degrees of success. To the rear of the dwelling there is a collection of outbuilding building which have little historic or aesthetic value. It is considered that the existing dwelling and the outbuilding has a neutral impact on the character and appearance of the conservation area. Any redevelopment of the site must ensure that the area is either enhanced or maintained.

6.2 Demolition of the existing dwelling

- 6.2.1 In order to facilitate the complete redevelopment of the site it will be necessary for the existing dwelling to be demolished. The existing dwelling dates back to around 1901 and is considered to be a non-designated heritage asset. The frontage of the dwelling does have a strong visual presence although changes that have occurred to the rear have had a negative influence on some of the key views within the Conservation Area.
- 6.2.2 As the site is within the Conservation Area the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply. Proposals within Conservation Areas are required to preserve or enhance their character or appearance.
- 6.2.3 The applicant has provided a structural report for the dwelling which has identified various defect with the existing building. Some of the issues raised are only cosmetic however the building does have structural issues and as a consequence it cannot be mortgaged. There has been attempts at remedial action in the past with limited success. The level of works required would likely make it financially unviable to bring it up to modern standards. It is considered that the loss of the dwelling and the redevelopment of the site is an appropriate course of action.

6.2 Siting, scale and design of structure

- 6.2.1 There are two distinct elements to the scheme. The first is a two and a half storey building which would front directly onto Mill Street. This would involve the creation of two new shop units on the ground floor measuring 63 sqm and 85 sqm. Above these there would be 4 x 1-bed flats.
- 6.2.2 The second part is a 3-storey development which would create 4 x 2-bed dwellings, these would front onto a public footpath which runs between Mill Street and Jubilee Park. A new access would be created in the position of the existing garage block which would provide access in between the two new blocks and lead to a small private parking area. 8 parking spaces would be provided along with bin and cycle storage areas. Access would also be provided to the small private gardens at the rear of the proposed dwellings.
- 6.2.3 The block containing the retail units and the flats would have a traditional form with a traditional shop front at the ground floor, traditional sash windows and dormer windows on the second floor. The position of the building would be closer to the road than the existing dwelling is, this would allow the unsightly flank wall of the adjacent building to be obscured and create a continuous building line helping to enclose the street, create a stronger character to the streetscene and improve the appearance of the conservation area. The gable wall of the retail units will be prominent to those travelling north along Mill Street and anyone using the path from the park. The gable end will include a secondary shop window and a bay window above to add interest. The design and scale of the retail/ flat building part has been amended from its original submission following the concerns of the Conservation Officer. The changes involved reducing the height of the building and the inclusion of dormer windows. The height of the building would be taller than the adjacent retail units to the north but smaller than the retirement apartments to the south which is a mixture of 3 and 4 storeys. The dwellings and shops on the opposite side of the road are two storey, however it is considered that the proposed development

would be in keeping with the scale and proportions of other buildings within and around the town centre where there is a wide mix of scales and proportions of the built development.

- 6.2.4 The proposed block of terraced dwellings will front onto the public footpath which leads through to the park. These dwellings would be set back from the edge of the footpath by a walkway which would lead to the front doors of the proposed dwellings. Due to the change in levels the front doors and the walkway would be elevated above the footpath; metal railings would run along the edge of the elevated section and adjacent to the footpath.
- 6.2.5 At present the views from the footpath are of the bank brick wall which flank the application site and partially obscure the variety of outbuildings within the application site. The land to the north of the application site sits substantially higher this results in the rear elevations of those properties fronting Castle Hill dominating the site and any views from Mill Street or the footpath. The development of this part of the site will obscure the somewhat unsightly and dominant buildings. It is considered by Officers that the construction of the dwellings would enhance the appearance of this part of the site.
- 6.2.6 Each of the proposed dwellings will have a small area of private amenity space to the rear. Due to the change in levels, the gardens will need to be cut into the hillside. Whilst the gardens are small, they will provide enough space for occupiers to sit out, dry washing, store bikes etc. With the very short distance to Jubilee Park it is considered that there is adequate amenity and play space available as part of the development and locally. The application site is in a town centre, in such locations it is expected that there is a higher density of development and occupiers would not expect to have the same amount of garden space as dwellings further away from the town centre.
- 6.2.7 It is considered by Officers that the design and scale of the proposed dwellings is appropriate and will integrate with the surrounding built development and that the dwellings will provide an adequate amount of private amenity space for residents.

6.3 Impact on Neighbours

- 6.3.1 The site is surrounded by a mix of commercial and residential uses. It is considered that the proposed flats and dwellings would provide adequate separation from any neighbouring residential uses to ensure that there is not any detrimental loss of privacy, overlooking or loss of light.
- 6.3.2 The proposed change from one dwelling to 8 residential units plus 2 retail units may result in an increase in traffic movements from resident's cars and deliveries to the shops. However, the number of parking spaces within the site is limited to 8 which would encourage occupation by those that do not have cars or for residents to use public car parks elsewhere in the town. As a consequence the number of additional movements would not be so significant as to impact upon amenities of neighbours, especially in a town centre location where there are already significant number of both cars and delivery lorries/ vans throughout the day.
- 6.3.3 It is considered that the proposed development is of an appropriate design and layout and there would not be any detrimental impact upon the amenities of

neighbouring occupiers.

- 6.3.4 Any substantial development within close proximity to other residential buildings will inevitably result in an amount of disturbance whilst the construction works are taking place. To minimise any impact on neighbours it is appropriate to restrict the hours of construction by condition.

6.4 Highway Safety

- 6.4.1 The access into the development will be in a similar position to the existing access, which is on the corner of Mill Street and the entrance into the car park for the adjacent retirement apartments. The new access will be wider as the existing garage block will be demolished, this will also allow the access to be moved away from the point where it meets the footpath through to the park. The access will only be used by a small number of vehicles due to the small amount of parking space to the rear of the development.

- 6.4.2 Any deliveries to the retail units will need to be from the front where at present there are waiting restrictions and a short stretch of short stay on street parking. Such an arrangement is not uncommon in historic town centres and it is a matter of management to make sure that any deliveries arrive when the roads are quiet and vehicles are able to park nearby. There is some space available to the rear of the retail units which could be utilised for the parking of small commercial vehicles, this area could be marked out for such purposes. To mitigate the limited off street parking and the absence of amenity land for those occupying the flats, the applicant has detailed the provision of undercover cycle storage. The above would be conditioned accordingly if members are minded to approve the application.

- 6.4.3 It is considered that taking into account the site context which is in a busy town centre location, the amount of activity generated by a limited number of vehicle movements would not impact upon the safety of highway users. The scheme also provides an opportunity to clearly demarcate the vehicular access into the site which will provide visibility to anyone using the public footpath from the park.

6.5 Drainage

- 6.5.1 The applicant has detailed that surface water from the proposed development would be disposed of via soakaways. The technical details of the soakaways would be subject to a planning condition which would then be assessed by the Council's Drainage Team.
- 6.5.2 Welsh Water initially had concerns about the sewer network capacity within the vicinity of the site. The applicant has identified that the existing surface water flow discharges into the existing foul and surface water sewer. The creation of soakaways for the new development would remove some of the flows from the existing system. In principle Welsh Water raise no objection to the scheme but do require a condition to be imposed which requires a drainage strategy to be approved prior to any development commencing on the site.

6.6 Archaeology

- 6.6.1 The site is partially within and immediately adjacent to the historic core of

Whitchurch where there is the possibility of archaeological deposits of Roman, medieval and post-medieval date being present. The applicant has submitted a Historic Environment Desk Based Assessment which addressed the likely impact of the proposed development. The assessment concludes that there should be further investigations during the later stages of the demolition and site clearance works. A phased programme of archaeological works would be secured by condition if members are minded to approved the application.

6.7 Impact on Trees

6.7.1 The site is the garden of the existing dwelling and it has been landscaped and planted accordingly which includes some ornamental tree planting. All of the trees within the site are small and are not considered to be of such merit where they make a contribution to the visual amenity of the wider area. As such it is considered that the clearance of vegetation from the site would not harm the amenity of the area.

7.0 CONCLUSION

7.1 The proposed development will create a mixed use development in a sustainable town centre location, the scheme would increase the availability and variety of retail premises in the town. The redevelopment of the site provides an opportunity to enhance this part of the town's Conservation Area which to some extent is harmed by the existing outbuilding buildings and also the stark presence of the rear elevations of those building fronting Castle Hill; these would be either removed or obscured as part of the development. The site is in a sustainable location where there is easy access to services and facilities and the proposed uses will help to contribute to the town's vitality and viability. The proposal buildings are considered by Officers to be of an appropriate design and scale which would sit comfortably within the street scene and the Whitchurch Conservation Area. The proposal would not have any detrimental impact on the amenities of neighbours or the safety of highway users. Accordingly the scheme is considered to comply with policies CS3, CS6, CS11, CS15 and CS17 of the adopted Core Strategy and policies MD2, MD10a and MD13 of SAMDev.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:

CS3 - The Market Towns and Other Key Centres
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing

CS15 - Town and Rural Centres
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD10A - Managing Town Centre Development
 MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

16/04460/FUL Erection of four town houses, four apartments and two retail units following demolition of all buildings on site PDE

11. Additional Information

[View details online:](#)

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
--

Local Member Cllr Thomas Biggins Cllr Peggy Mullock

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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall commence until a drainage strategy for the site has been submitted to and approved in writing by the local planning authority. The strategy shall include a scheme providing for disposal of foul, surface and land water and demonstrate the drainage arrangements of the existing property to be demolished, including details of surface water flows proposed for removal from the public sewerage system. If necessary a scheme to upgrade the existing public sewerage system in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter the strategy shall be implemented in accordance with the approved details prior to the occupation of the development and no surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

4. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

5. No development shall take place, including any works of demolition, until a Construction Method Statement (Traffic Management Plan) has been submitted to, and approved in writing by, the local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- the parking of vehicles of site operatives and visitors**
- loading and unloading of plant and materials**
- storage of plant and materials used in constructing the development**
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate**

- wheel washing facilities**
- measures to control the emission of dust and dirt during construction**
- a scheme for recycling/disposing of waste resulting from demolition and construction works**
- a traffic management and HGV routing plan**

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

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

6. Prior to being installed the construction details of the acoustic properties of the glazing to be used to all street facing elevations shall be provided. Glazing shall be capable of providing at least 28dB while providing suitable ventilation. Alternatively a noise assessment can be carried out and submitted for approval detailing background noise levels and proposing a level of noise protection which achieves noise targets set out within the world health organisation document Guidelines on Community Noise. The development shall thereafter be implemented in accordance with the approved details.

Reason: to protect the health and well being of future residents.

7. No demolition approved by this permission shall commence until a photographic survey (Level 2) survey, as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') of the interior/ exterior of the buildings has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the building prior to development.

8. The following additional details shall be submitted to, and approved in writing by, the local Planning Authority:

- (i) The provision of an area within the rear parking court for the parking of a small service vehicle in relation to the retail units.
- (ii) Measures to demarcate the vehicle access route between the rear parking court and the existing dropped-kerb and to provide visibility to users of the adjacent pedestrian footpath link. The approved details shall be fully implemented before any part of the development is first occupied and shall thereafter be maintained free of any impediment to its designated use.

Reason: In the interests of Highway and pedestrian safety, to ensure the provision of adequate parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

9. 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.

10. Details of the materials and form of the heads and sills to openings in the external walls of the building shall be submitted to and approved in writing by the Local Planning Authority

before those works commence. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest of the area.

11. Prior to the commencement of the relevant work details of all external windows, doors shop front and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All works shall be carried out in complete accordance with the agreed details.

Reason: To ensure the character and appearance of the development.

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

12. 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 1 classes A, B and E 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.

13. The development hereby permitted shall not be brought into use until the car parking and manoeuvring area shown on the approved plans has been provided, properly laid out, hard surfaced and drained, with the area thereafter maintained free of any impediment to its designated use.

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

14. No construction or demolition works shall take place before 0730 hours on weekdays and 0800 hours on Saturdays nor after 1700 hours on weekdays and 1300 hours on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

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

15. Prior to first occupation of any part of the development hereby approved, cycle and bin storage facilities shall be installed in accordance with details/ specification to be approved in writing by the local planning authority. The facilities shall thereafter remain available for their designated use for the lifetime of the development.

Reason: In the interests of visual amenity and encouraging sustainable modes of transport.

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<u>Committee and Date</u>
North Planning Committee
11 th December 2018

<u>Item</u>
6
Public

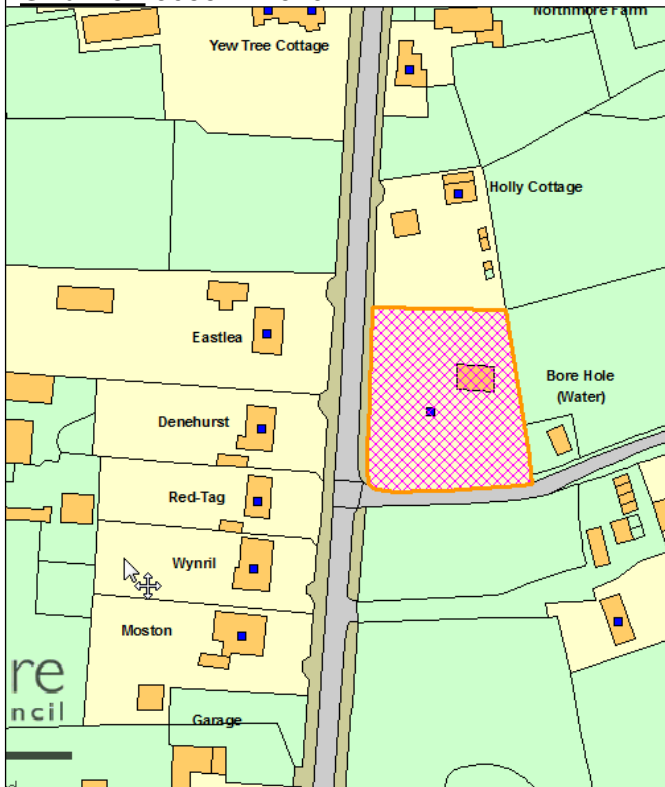
Development Management Report

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

Summary of Application

Application Number: 18/04470/OUT	Parish:	Stoke Upon Tern
Proposal: Outline application for the erection of 2No dwellings (all matters reserved)		
Site Address: Proposed Residential Development Land South of Holly Cottage Rosehill Road Stoke Heath Shropshire		
Applicant: Mr & Mrs John Tyler		
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk	

Grid Ref: 365544 - 329247



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

- 1.1 This application seeks outline planning permission for the erection of two dwellings with all matters reserved.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located on the south side of the dwelling in part of the garden area. Currently mostly laid to grass this is well maintained with trees and bushes around and within the site. The boundary with the highway west and the driveway to the south is mature hedgerow interspersed with trees. There is an existing vehicular access to the land with a garage, poly tunnels and greenhouse located on the land.
- 2.2 To the east of the site there is agricultural land with further agricultural land to the south of the adjoining private drive. On the opposite side of Rosehill Road from the application site there is a row of bungalows, typical of the pattern of development along the west side of Rosehill Road. To the north of Holly Cottage there is a bungalow with a range of outbuildings on the premises and large garden fronting the highway.

3.0 REASON FOR DELGATED DETERMINATION OF APPLICATION

- 3.1 Applications where the Parish Council submit a view contrary to officers (approval or refusal) based on material planning reasons the following tests need to be met:
- (i) these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and
 - (ii) the Area Manager or Principal Planning Officer in consultation with the committee chairman or vice chairman and the Local Member consider that the Parish/Town Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online**4.1 Consultee Comments**

- 4.1.1 **Parish Council:** object to the Application as it is considered to be contrary to Policy S11.2(vi) of the adopted SAMDEV in that whilst the policy allows for limited infill, the Application for two properties on a small plot of land (0.16Ha) does not constitute limited infilling. Also as there is agricultural land to the east and south of the plot it would lead to an unacceptable increase in built structures in this location.
- 4.1.2 **Affordable Housing:** If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance
- 4.1.3 **Highways:** No objection subject to the development being constructed in

accordance with the approved details and the following conditions and informative notes.

Observations/Comments:

The application is seeking outline consent with all matters reserved. The title of the application, the description and the indicative layout shown on the submitted plans consistently show a residential development of 2 dwellings.

The Design and Access Statement published on 27.09.2018 and the Existing Proposed Site Plan (Drawing No. 18422 Rev B) has shown the existing access into the plot of land is to be improved to form a shared access to serve the 2 dwellings. Rosehill Road is a Class III road and at the point of the site access is subject to a local speed limit of 30 mph.

The proposed access arrangement and visibility splays as shown on the Proposed Site Plan (Drawing No. 18422 Rev B) are considered to be acceptable. The position of entrance gates has not been shown, and if intended will need to be set back a minimum distance of 5 metres from the edge of carriageway. The proposed layout of the parking and turning area in front of the garages is too constrained and will not permit vehicles to easily turn within the combined area and not at all entirely within their respective plot areas. As part of the reserved matters submission therefore it is recommended that the garage forecourt area be revised and extended to provide realistic turning for each of the new dwellings. Based upon the information submitted it is considered that, subject to the following conditions being included on any approval, there are no sustainable Highway grounds upon which to base an objection

4.1.4 **Drainage:** No objection.

4.1.5 **Ecology:** No objection subject to the inclusion of the recommended conditions and informatives to protect statutorily protected species and habitats in the area.

4.2 Public Comments

4.2.1 One letter of representation have been received. The areas of concern relate to:

- Stoke Heath is not a built up area and more development will spoil the countryside and character of the hamlet
- Loss of Privacy to neighbouring properties
- Access on to Rosehill Road which is a busy road.

4.2.2 A response to the comments made by the local resident and the Parish Council has been submitted by the Agent. The comments are as follows:

- An objection has been received on the basis that the proposals will overlook the objector's property. There is no evidence that this will be the case. The proposals are for an outline planning consent with design and layout to be reserved for future approval. The intention is to design two houses as dormer bungalows and it is quite possible to design these in such a way that there are no first floor windows overlooking the houses across the road which are in any event some distance away.
- The same objector refers to matters which the Highways Authority have raised no objections to.
- Objections have been received from the local Parish Council to the effect that the proposals are contrary to local planning policy. These matters were discussed in the Design and Access Statement and we would therefore wish to disagree with these objections.

5.0 THE MAIN ISSUES

- Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Policy & 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 Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 Stoke Heath is identified as a community hub in policy S11.2(vi) of SAMDev and it will provide for a limited amount of future development. The policy aims for approximately 20-25 dwellings to be constructed in the period to 2026. This is to be achieved through the development of the allocated site off Dutton Close but also through infilling, groups of houses and conversion on acceptable and suitable sites within Stoke Heath.
- 6.1.3 The comments from the Parish Council have been noted. However, they have referred only to infilling and not the groups of houses element contained within policy S11.2(vi). The Agent has also expressed their opinion of policy within the application.
- 6.1.4 While Stoke Heath has a figure of 20-25 dwellings being provided up to 2026, this is not a maximum target. Looking through planning records there may currently be consent for up to 29 dwellings but no figures for the level of construction is available. Therefore to approve this site with potentially 2 more dwelling would not be considered unreasonable.
- 6.1.5 The Parish Council has objected to the proposal as it is not “infill development”. However, because it comprises more than one dwelling Officers are of the opinion that it should be considered as a group of houses. The site is closely related to the adjoining property of Holly Cottage as well as the dwellings along the opposite side of Rosehill Road. While most dwellings are located on the opposite side of the highway, there are a number of dwellings on the same side of the road as the application site and therefore proposed housing would not be out of keeping with the pattern of development of the area.
- 6.1.6 On the basis of the above it is the opinion of officers that the site is appropriate for the construction of 2 dwellings and in accordance with the NPPF and policy S11.2(iv) of SAMDev.

6.1.7 In addition to the above there have been a number of appeals recently which have been allowed for housing within Shropshire. This is particularly with the introduction of the new NPPF in July 2018 where there is more emphasis on housing developments being approved. One such appeal albeit located on the edge of the development boundary of Prees Higher Heath is for Silver Birch, Mill Lane, Higher Heath. This is a site with currently one dwelling, the proposal was to demolish the bungalow and build 6 dwellings on the land. This clearly demonstrates that the Government's wishes for increased sustainable housing is being followed by Planning Inspectors. Further defending the Officer's opinion for the recommendation of approval for the development proposed, which overall is considered in a sustainable location.

6.2 **Affordable Housing**

6.2.1 While the Council has an acute need for affordable housing within Shropshire the proposal is for less than 5 dwellings and therefore under the terms of the NPPF no affordable housing contribution is required.s

6.3 **Design, Scale and Character**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. The National Planning Policy Framework indicates that greater weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.3.2 In addition policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.

6.3.3 This is an outline planning application where all issues are to be dealt with as reserved matters. Therefore no details regarding the potential design of the dwellings has been submitted. An indicative layout plan has been provided which demonstrates that two detached dwellings with garages and a shared access can be provided on the land.

6.3.4 Overall subject to the receipt of an appropriately designed scheme, officers are of the opinion that the site is capable of being developed without it being appearing

6.4 **Impact on Residential Amenity**

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

6.4.2 An objection has been made that the proposed development will cause a loss of privacy to neighbouring properties.

6.4.3 As detailed previously this is an outline application where no details are submitted for approval in relation to the design or size of the dwellings or the layout of the site. An indicative plan has been provided to demonstrate how the site could be

developed, but this is not for approval. There are dwellings on the opposite side of the highway and Holly Cottage located to the north. It would be possible to design a dwelling and layout the site to ensure minimal impact to Holly Cottage. With those dwelling opposite, the existing public highway would cause a level of loss of privacy and the erection of dwellings on this site would not be considered to exacerbate the situation to an unacceptable degree. In addition it would be possible to provide the minimum of 21 metres separation to not affect privacy to the properties over the road.

6.4.4 In addition the distance between the site and neighbouring properties together with the orientation, the development would not cause an unacceptable loss of light.

6.4.5 In view of the above officers are of the opinion that the proposal will not have an unacceptable impact on the residential amenities of the surrounding area.

6.5 Highways

6.5.1 The means of access to the site is again a reserved matter for later consideration. However information submitted with the application states that the existing access will be utilised and improved to provide a shared access to the two dwellings. No objection has been raised to this proposal by the Council's Highways Development Control Officers.

6.6 Impact on Trees

6.6.1 There are a number of trees within and around the boundary of the site as well as a mature hedgerow. Any reserved matters application will be required to deal with the issue of landscaping. At that point full details will be required regarding the retention or removal of trees and hedgerow together with Arboricultural Impact Assessments to detail any protection that is to be afforded to those to be retained.

6.6.2 Overall the development will be in accordance with policy CS17 of the Shropshire Core Strategy.

6.7 Ecology

6.7.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Policy MD12 of SAMDev further supports the principle of protecting and enhancing the natural environment. Therefore the application has been considered by the Council's Ecologist.

6.7.2 No objection to the proposal has been raised by the Council's Ecologist. A number of conditions and informatives have been recommended for inclusion on any planning permission that may be granted.

6.7.3 In view of the above it is considered that the proposed development will not have a detrimental impact on statutorily protected species and habitats. Therefore the proposal meets the requirements of the NPPF policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev

7.0 CONCLUSION

7.1 The proposed development is within an appropriate location in the defined settlement of Stoke on Tern as identified in the adopted SAMDev. It is close to existing dwellings and will not have a detrimental impact on the character or appearance of the area. Therefore the development is in accordance with the NPPF and policies S11.2(vi), CS06, CS17, MD2 and MD12 of the Shropshire LDF.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications of the decision and/or imposition of conditions

if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
 Settlement: S11 - Market Drayton
 CS4 - Community Hubs and Community Clusters
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

18/04470/OUT Outline application for the erection of 2No dwellings (all matters reserved) PDE
 NS/04/00442/FUL Proposed erection of a single storey extension to front elevation of existing dwelling CONAPP 11th June 2004
 NS/78/0142/FUL Construction of vehicular and pedestrian access Pt. O.S. 5426 Adjoining Holly Cottage Stoke Heath. GRANT 27th June 1978
 PREAPP/17/00353 Proposal to install BT aparatus - Openreach PDDEV 7th July 2017
 18/04470/OUT Outline application for the erection of 2No dwellings (all matters reserved) PDE

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Karen Calder
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The first reserved matters application shall include details of the means of access, including the layout, access width, construction, sightlines and position of access gates. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access to the highway

5. The first approval of reserved matters application shall include an up to date Arboricultural Impact Assessment to identify the trees and hedgerows to be retained and how these will be protected during construction.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

6. Prior to the first occupation of the dwelling the details for the parking, turning, loading and unloading of vehicles shall be submitted to and approved by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

7. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 x 43 metres to the nearside carriageway edge shall be provided to each side of the access where it meets the highway. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level and shall be fully implemented prior to the dwellings being occupied.

Reason: To provide a measure of visibility from the access in both directions along the highway in the interests of highway safety.

8. The access apron shall be constructed in accordance with the Shropshire Councils specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

9. 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 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

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.

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

10. 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.

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. Bats informative

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

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.

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.

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).

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

Nesting birds informative

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, scrub removal and/or conversion, renovation and demolition work in buildings 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 and buildings for active bird nests should be carried out. If vegetation or buildings 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. Only if there are no active nests present should work be allowed to commence.

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

General site informative for wildlife protection

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.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

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 common 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 common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, 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).

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local

provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

3. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link

provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with

an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for

the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e.

footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times,

in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

4. 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: Interim Guidance for Developers document. It is available on the councils website at:

<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

pdf.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes

and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally.

Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface

water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it

can be demonstrated that infiltration techniques are not achievable.

5. Does your development require utility connections?

Any works/activities carried out either by, or on behalf of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act (NRSWA) 1991 and the Traffic Management Act (TMA) 2004 and licensed accordingly by the Street/Highway Authority in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Shropshire. Developers must also inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Any such works or activities commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with Shropshire Council Street Works Team. To allow effective co-ordination contact must be made with the Street Works Team at least three months in advance of the commencement of the works and any subsequent applications must be in line with the noticing requirements of the NRSWA 1991, TMA 2004 and Highways Act 1980. The developer must particularly ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time and using the same Traffic Management measures.

For more information please contact Streetworks@shropshire.gov.uk or <https://shropshire.gov.uk/roads-and-highways/application-forms-and-charges/>

Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

-



Committee and Date
 North Planning Committee
 11th December 2018

Item
7
 Public

Development Management Report

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

Summary of Application

Application Number: 18/04485/OUT	Parish: Baschurch
Proposal: Outline Application for the Erection of 2 Dwellings to include Access	
Site Address: Proposed Residential Development Land To The West Of Weston Lullingfields Shropshire	
Applicant: Mr And Mrs Gough	
Case Officer: Ollie Thomas	email: planningdmnw@shropshire.gov.uk

Grid Ref: 342487 - 324942



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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 seeking outline consent for the erection of two detached dwellings on land to the west of Weston Lullingfields, to include matters of access only, with all others being reserved for later approval.

2.0 SITE LOCATION/DESCRIPTION

- 2.1** The application site, a regular shaped parcel of land, measuring some 1200sqm, lies to the north west of Weston Lullingfields. The site is currently undeveloped and forms part of a larger arable agricultural field that extends westwards. The site is set within the built environment of the settlement, with neighbouring dwellings in all directions but west. The site is accessed directly of the easterly adjacent classified highway, and bounded through mixed hedgerow.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1** The Parish Council have submitted a view contrary to the officers recommendation, on material grounds which are unable to be overcome through negotiation or imposing planning conditions. As such, the Chair and Vice Chair of the planning committee have been consulted, to which it was decided that the application be determined through the committee process, based on the material considerations raised by the Parish Council.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Drainage (SuDS) – No objections.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4.1.2 SC Affordable Housing – No contribution required.

If the development is policy compliant then whilst the Council considered there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre-dates the judgement of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.1.3 SC Ecology – No objections subject to conditions.**4.1.4 SC Highways – No objections subject to conditions.**

The supporting information has included an assessment of the prevailing highway conditions to support the proposed visibility splays shown on the submitted plans. The assessment of the likely speed of traffic passing the site in this location is considered to be appropriate and satisfactory.

Whilst the access arrangement is considered to be acceptable, the proposed parking and turning arrangement for Plot 1 raises concern. Whilst it is accepted that these are matters currently reserved for later approval, plot 1 should be revised to provide a dedicated turning facility or alternatively provide a well-defined shared turning area for both proposed properties.

4.1.5 Baschurch Parish Council – Object.

The proposed site and scheme is considered to be unsuitable for development for the following reasons:

- SAMDev

Weston Lullingfields was designated as a Community Cluster within Sam Dev, allocated to deliver between 15 and 20 dwellings in the plan period. The cluster was the victim of a ‘gold rush’ and applications for developments far exceeded the plan numbers.

Many applicants (through agents) quoted reliance on SAMDev being an emerging plan and that considerable weight should be given to this plan.

Through negotiation and careful management by planning officers, the application numbers were reduced and the maximum numbers in the plan (20) have now been granted and are being or have been delivered. Indeed, the number granted permission is now 22 so exceeds the “maximum” previously agreed by 10%.

- Local Plan Partial Review 2016-2036

As part of its submission for the above plan, Baschurch Parish council requested that Weston Lullingfields be removed from Community Cluster status and put back into open countryside. This was because the pattern of development had not been manageable and had resulted in development too quickly and in undesirable locations, which did not meet local needs. Shropshire Council has acknowledged this.

As reliance has previously been made on emerging plans, this emerging plan should also be afforded considerable weight, especially when considering that the previous plan numbers have already been achieved.

- Highway Access

As there is virtually no verge alongside the proposed access and it is close to a bend and a junction in the road. Vehicles emerging from this site will be doing so blind creating a considerable hazard. We strongly recommend a site visit from a planning officer to see the situation and traffic speeds first hand.

- Sustainability

The type of housing will not add anything to the local community. The development already seen within SAM Dev has not delivered one single child into the primary school and no other community benefits can be evidenced. The village is fast becoming a dormitory village, which is unacceptable and undesirable. The existing infrastructure is insignificant and will not be enhanced or sustained by the addition of further dwellings.

Public transport links within the village are extremely poor and could not be relied upon for journeying to employment. It is recognised that the dwellings proposed would rely heavily on private car journeys for all work, education and recreational needs, which is undesirable on the narrow country lanes that serve it.

- Greenfield Site

The proposed development is entirely located on a greenfield site, which is unacceptable. It is a further encroachment into grade II productive agricultural land.

- Height of possible development

If officers are minded to grant permission then any development should be restricted to single storey or bungalow height to fit in with neighbouring property.

Weston Lullingfields; Update ref SAM Dev, Evaluation of Impact and Risks to the Village

Although this document was written three years ago, it pulled together the aspirations and views of Baschurch Parish Council and is still relevant today. This document should be referenced when considering any further development within this rural hamlet.

Weston Lullingfields; Update ref SAM Dev, Evaluation of Impact and Risks to the Village. Note: this document was presented to Baschurch Parish Council at their meeting on 6 October 2014 and was unanimously adopted as policy by the Council. Weston Lullingfields is a cluster of three settlements which has gradually become known as one village, although it is still three very distinctly separate areas (Weston Common, Weston Wharf and Weston Lullingfields, also known locally as 'Top Weston'). Development didn't happen quickly, some of the dwellings in the village are 400-500 years old and one can be traced back to circa 1400. Parts of the village are a time capsule of a bygone era, where the canal wharf was an important hub for trading of lime coming into the village (for agriculture and building) and clay and bricks being taken away. The predominant feature of the village is the open countryside and farming is still an important part of the village and community. The roads that serve the village are mainly small, undesignated country lanes, many of which are single track and none of them have pavements or verges suitable for

pedestrians.

The village benefits from a number of breath-taking vistas across open countryside and across to the Welsh mountains, which cements the village within its rural location.

The village currently has 103 dwellings and the character of the village is a result of the dwellings that have been built over the last few hundred years. This eclectic and charming mix of dwellings is a result of individual dwellings being built with different building styles, materials and domestic arrangements that have changed over the centuries. The mix of dwellings sit comfortably with each other, with the addition of the occasional new dwelling adding to this, whilst retaining the village's rural charm.

Baschurch Parish Council recognised that Weston Lullingfields could continue to grow very gradually and set out its aspirations within SAM Dev for 15-20 additional dwellings across the village between 2010 and 2026 in small developments. That is equal to a rate of approximately one dwelling per year, which was seen as sustainable for a small village. It should be noted that a strong preference was given to very small developments as this would more closely match the existing style of the village.

Shropshire Council Policy Team encouraged Weston Lullingfields to become a cluster as the definition of the cluster and setting of housing mix and numbers would provide protection for the village, which would not otherwise have been afforded to it.

During the SAM Dev discussions between Baschurch Parish Council and representatives from Shropshire Council Policy Team, Baschurch Parish Council asked what mechanism would be in place to ensure that all the agreed development did not happen at once, as it was envisaged that this would have a very detrimental effect on the village. The response was that the planning process would protect against this and would ensure that development would be delivered steadily and sustainably across the life of SAM Dev.

Despite these assurances, Weston Lullingfields is currently experiencing unprecedented applications for development. Although these are mainly in batches of 4 or 5 (and it is recognised that these are from different applicants), the relative location of the majority of these applications will have the effect of adding a housing estate in the area known as Weston Common. Weston Common currently has 38 dwellings (including one dwelling already built under SAM Dev policy). The number of dwellings currently under consideration or granted for Weston Common is 19, which will add over 50% more dwellings to this small cluster. Adding that number of dwellings in this area in a short space of time will have a significantly detrimental effect on the character and community cohesion of the village and would result in visual harm to the character of a rural village. Furthermore, the developments will result in the loss of important agricultural land.

Across the cluster, the current number of applications under the SAM Dev policy numbers 29, which is 9-14 more than was agreed for the whole cluster up to 2026. Across the cluster, this represents an increase to the village of 28%, when 15% to a maximum of 20% had been agreed.

It has been stated by many applicants that the principal for development within this cluster has been established, with the implication that further development should therefore be permitted. This view is totally at odds with the opinion held by Baschurch Parish Council, whose aspirations were set out and agreed, in conjunction with the Policy Team at Shropshire Council, as a robust 16 year plan for the village. Unlike many other villages across the county, Weston Lullingfields engaged in the SAM Dev process and accepted that it had a part to play in delivering new housing. Where a robust plan has been considered and agreed, to run roughshod over these plans is neither fair nor acceptable - the village should not be punished as a result of positively engaging in the process.

Baschurch Parish Council strongly objects to the scale and timing of developments proposed across the village as it believes it will be detrimental to the character, will not promote community values and is not sustainable. Baschurch Parish Council request that Shropshire Council Planning and Policy Teams need to look at the cumulative effect of the applications and should not consider them individually.

4.2 - Public Comments

4.2.1 Following publication of the application through both a Site Notice erected and neighbour consultation letters, a total of 11 representations objecting to the proposal were received. Their material considerations have been summarised as follows;

- There is a lack of services and facilities in the surrounding area, only a village hall.
- New housing has already exceeded the guideline figure within the SAMDev Plan.
- The immediately adjacent highway section is poor, with any new development posing adverse highway safety concerns for all users.
- Local highway network is over trafficked and cannot accommodate any increased movements.
- If the proposal provides two storey dwellings, these would not reflect or sympathise with the existing built environment.
- Site is not an infill plot due to it being 50m in length and providing two dwellings.
- Neighbouring dwellings have been incorrectly referenced within the submitted documents, specifically the neighbouring plots and their main internal outlooks.
- Any development of this would have adverse impacts on neighbouring residential dwellings and their amenities.
- The relocated hedgerow behind the visibility splay would interfere with neighbouring hedging, outside of the applicant's control.
- The existing mains sewer cannot cope with any additional dwellings.
- The local highway network is used as a 'relief road' to the nearby A5.
- There is a lack of affordable housing in the area, with an overall poor mix of housing type and tenure.
- The submitted transport statement uses inadequate approximate speeds, when in reality the speeds are much higher.

4.2.2 One public representation neither objecting to, or supporting the proposal was received, with its material considerations being summarised as follows;

- Precedent of retaining visual outlook has been set through previous decisions within the locality.
- Two storey dwellings would result in adverse visual impact within the locality.

5.0 THE MAIN ISSUES

Principle of development
Highways and access matters
Siting, scale and design of structure
Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application site forms a regular parcel of agricultural land, which is bounded by residential properties to its north and south. The site lies to the west of, yet within, the settlement of Weston Lullingfields. Access will be gained off the eastern classified highway, with a new shared access point formed relatively central along the eastern boundary. As the Parish Council indicate, the site is greenfield, but only in the sense that it is undeveloped, as having no formal protective designations.

6.1.2 Weston Lullingfields is a recognised settlement within the SAMDev Plan, and forms part of an identified Community Cluster and able to support additional sustainable growth throughout the plan period, in accordance with S16.2(xvi). The Cluster as a whole has been identified with a housing guideline figure of 15-20 dwellings, to be delivered through infilling, conversions and small groups of housing on suitable sites within the villages. Additionally, the local plan as a whole has a heavy reliance on windfall sites to provide the required housing growth, this site represents a windfall site as the site is not allocated within the plan for additional housing.

6.1.3 Weston Lullingfields is a linear settlement, where development straddles both the classified section of highway, C1047/ 17, that runs through to Weston Common and also the unclassified section of highway, U1326/20, that runs through the settlement. Based on the existing pattern development, the northern-most part of the settlement is considered to begin at the two properties that sit opposite one another with an obvious relationship to the wider settlement – Roselawn and Oakbank. The settlement then follows the classified section southwards and beyond the junction with the unclassified section of highway which then extends the settlement eastwards. The settlement is predominantly formed by single detached dwelling in modest plots that front the highway, all of varying style and form.

6.1.4 The Parish Council have raised concern over the numbers of new housing the Cluster has received to date, providing that the current figures have exceeded those as provided within the SAMDev Plan, for the whole plan period. The Councils published '5 Year Housing Land Supply Statement' provides that the cluster has received 7 completions and 9 commitments, totalling 16. Whereas, the Parish Council have been conducting their own monitoring of housing applications and

provide a total of 21. In recognition that the Councils 5YHLSSs data was gathered in March 2017 and whilst the case-officer contends this figure 21, it is accepted that the known figure of 16 is outdated, with known housing applications granted since March 2017.

- 6.1.5** However, in recognition that the SAMDev Plan provides a guideline figure only, it is fully accepted that fluctuations of this figure can occur, so long as the cumulative increase does not adversely impact on the wider settlement. The application site, being bounded by neighbouring properties on its side boundaries is a good example of infill development in the rural area, the development of this plot would provide a continuous line of development that would not have any visual detriment to the overall built environment of the settlement.
- 6.1.6** Whilst the Council are in the process of preparing its Local Plan Partial Review, this is still within the early stages of preparation and can be afforded little, to no, weight in the determination of current applications. So the Parish Council's intentions of removing this settlement from the local plan are acknowledged, but at this moment in time and due to the primacy of the Plan Review, the settlement remains identified as able to accommodate additional housing growth. Furthermore, the Plan Review reiterates the requirement for boosting the supply of housing throughout the County, so much so that the overall county-wide housing target is being increased to that originally adopted.
- 6.1.7** On the above basis the principle of development is able to be both established and supported.

6.2 Highways and access matters

- 6.2.1** The site is located on the western side of the Class III road, towards the norther extremity of the village, to the south of the property of Roselawn and just to the north of a tight bend in the carriageway. The Class III road at this point is within a local speed limit of 30mph.
- 6.2.2** The submitted plan has detailed the proposed access arrangement and indicated a potential internal site layout for the proposed development. Contained within the accompanying Planning Statement is an assessment of the prevailing highway conditions to support the proposed visibility splays shown on the submitted details – the assessment of the likely speed of traffic passing the site in this location is considered to be appropriate and satisfactory. Overall the access arrangement onto the highway is considered commensurate to the prevailing highway conditions.
- 6.2.3** However, concern is raised with the on-site parking and turning arrangements, specifically Plot 1. At reserved matters stage that parking/turning layout should be altered to ensure that both units have sufficient manoeuvrability within their curtilage for cars to exit in a forward gear, achieved through providing a dedicated turning facility or alternatively provide a well-defined shared turning area for both proposed properties.
- 6.2.4** The public representations objecting to poor highway conditions have been acknowledged; however, with the highway section being a speed restricted classified road, any assessment can only be made on the anticipated traffic movements. Whilst it is acknowledged that some vehicles may travel at much higher speeds, or the

highway used by large HGV or agricultural vehicles, the proposed access arrangement affords adequate visibility in both directions for highway safety to remain unaffected.

6.3 Siting, scale and design of structure

6.3.1 This application is seeking outline consent, with only access matters to be determined concurrently, as such the application is seeking permission to develop the land for residential purposes in accordance with local policy and to ensure that the proposed future development is able to have a safe access point onto the local highway network only. Resultantly, no details plans have been submitted to indicate the scale, layout, appearance or landscaping of the proposal, with only an indicative plan submitted to show the site capable of supplying the proposed no.2 detached units, without having detriment to the local environment and surrounding amenities. This indicative plan in no way confirms the future layout or design of the developed site, instead careful consideration will be given in regard to these matters at reserved matters stage.

6.3.2 Nonetheless the indicative plan is able to adequately demonstrate the application site capable of supplying 2 detached dwelling of modest scale that makes both most efficient use of the land whilst also being sympathetic to its location, surroundings and neighbouring properties. The indicative plan confirms that the site is only capable of providing 2 units, as such this will be conditioned on any approval notice. Furthermore, it is advised that the scale, design and appearance of any future development ensure that it incorporates both sympathetic and reflective design detailing and materials. Additionally, any landscaping scheme must ensure it reflects its semi-rural location through the use of native mixed hedgerows and appropriate tree planting so as to soften the visual impacts of the development and also to retain visual separation between the wider agricultural field to the west.

6.3.3 The Parish Council have requested that a restriction on the height of the proposed dwellings be imposed, restricting to only a single storey/bungalow dwelling. Whilst it is recognised that the northern adjoining dwelling is a small bungalow, with dormer windows, it is felt that a restriction height to single storey only is unreasonable. However, it is reasonable to expect that the future dwellings will reflect the built environment in scale, whereby Plot 2 should be provided as a dormer dwelling, with Plot 1 at two storey height only. This will ensure that existing built pattern and form is reflected, by having a gradual stepping in ridge heights, whilst retaining the perception of a semi-rural setting.

6.4 Other matters

6.4.1 - Impact on residential amenities

As stated above no details as to the final layout and design of the proposed dwellings have been provided as part of this application. However, from the submitted indicative plan, it is evident that sufficient separation can be achieved to maintain privacy to neighbouring properties. Appropriate and sympathetic design would also ensure this is maintained, similarly the future layout of the site would further protect those amenities of neighbouring properties, whilst providing acceptable living standards for any future occupants.

6.4.2 - Drainage matters

As provided within the accompanying Planning Statement, foul water will be connected into the existing mains sewer that runs to the rear of the site, whereas surface water will be disposed of via newly installed soakaways within the rear gardens of the proposed units. The site lies in Flood Zone 1, where this is minimal flooding risk. This arrangement is considered acceptable at ensuring and minimising any future flooding of the site and its surroundings.

6.4.3 - Ecology matters

Due to the application site being cultivated arable land and a significant standing body of water within 250m, there is potential for the development of this site to cause harm or loss to protected species and their habitats. As such the application is accompanied by a Preliminary Ecological Appraisal (Pearce Environment Ltd, September 2018). However, this report confirms that the site has low potential for accommodating protected species, with negligible roosting/nesting opportunities and the nearby located pond was found to be permanently dry. As such it is confirmed that the development will not result in harm or loss to protected species and their habitats, further supported through mitigation measures which will be conditioned to any approval notice.

6.4.4 - Public Rights of Way

Directly south of the site lies a public footpath (0202/ 23/ 1) which leads off the highway in a westerly direction and connects to a larger network of footpaths within the area. The submitted Site Plan shows that a small section of the footpath lies within the applicants ownership; however, the Site Plan also shows that this section of footpath will be retained unobstructed and outside of the red-line area for the proposed dwellings. Furthermore, with the footpath commencing from within the settlement, there are minimal concerns over the visual impact or setting of the footpath as any impact from the built environment is existing. It is acknowledged that the development will create a passage section which will affect the openness of the footpath; however, this is only for a short distance and doesn't affect the overall enjoyment of the footpath. At reserved matters stage, it is expected that the mentioned red-line be clearly marked through new planting so that any concern of Plot 1 subsuming this footpath remain non-existent.

7.0 CONCLUSION

The proposed residential development on this site, for no.2 detached dwellings, is considered acceptable. The application site lies within the identified settlement of Weston Lullingfields and constitutes a well-defined infill site that would improve the built relationship of the settlement through visually connecting those dwellings on the norther extremity of the settlement. The submitted indicative plan shows the site capable of supplying two units, retaining the existing built pattern and having minimal impacts on the surrounding environment. The proposed access arrangement is able to adequately demonstrate visibility, in both directions, commensurate to the local highway conditions. The proposal is fully compliant with the Local Development Framework and the NPPF; it is therefore recommended that permission be GRANTED subject to conditions.

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

Core Strategy and Saved Policies:

CS1 - Strategic Approach
 CS4 - Community Hubs and Community Clusters
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD12 - Natural Environment
 MD13 - Historic Environment
 Settlement: S16 - Shrewsbury
 SPD Type and Affordability of Housing

11. Additional Information

View details online:

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
--

Local Member

Cllr Nick Bardsley

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying this application.

Reason: To define the permission and to retain planning control over the details of the development.

5. The development hereby approved is limited to no more than 2 dwellings.

Reason: To ensure the development has no additional impact in its setting.

6. At the first submission of reserved matters full details of both hard and soft landscape proposals shall be submitted to and approved by the Local Planning Authority. The approved proposals shall be fully implemented and laid out prior to the dwelling being first occupied. These details shall include, as appropriate:

- Proposed finished levels or contours
- Means of enclosure
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Parking, turning, loading and unloading of vehicles details
- Minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting)
- Retained historic landscape features and proposals for restoration, where relevant.

The soft landscaping measures shall detail as follows;

- Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots)
- Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- Native species used are to be of local provenance (Shropshire or surrounding counties);
- Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- Implementation timetables.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. No development shall take place, including any works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:

- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
- and
- a traffic management and HGV routing plan and local community protocol.

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

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

8. 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 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

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.

9. The access apron shall be constructed in accordance with the Shropshire Councils specification currently in force for an access and shall be fully implemented prior to the dwellings being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

10. The access shall be satisfactorily completed and laid out in accordance with the Proposed Site Plan (Drawing No. 1821-PL-02 Rev B) prior to the dwellings being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety

11. The visibility splays shown on the Proposed Site Plan (Drawing No. 1821-PL-02 Rev B) shall be set out in accordance with the splay lines shown. Any retained hedge, or replacement hedge planting should be at least 1 metre behind the visibility splay lines. The visibility splays shall be fully implemented in accordance with the approved details prior to the dwellings being occupied and shall thereafter be maintained at all times free from any obstruction.

Reason: To provide a measure of visibility from the new access in both directions along the highway in the interests of highway safety.

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

12. 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.

13. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

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 above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.
3. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
4. 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.
5. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

6. - Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway.

The applicant should in the first instance contact Shropshire Council's Street works team. This link provides further details
<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

- Mud

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

- No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

- Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

7. Nesting birds informative

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, scrub removal and/or conversion, renovation and demolition work in buildings 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 and buildings for active bird nests should be carried out. If vegetation or buildings 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. Only if there are no active nests present should work be allowed to commence.

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

General site informative for wildlife protection

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.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

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 common 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 common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, 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).

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.



<u>Committee and Date</u>
North Planning Committee
11 th December 2018

<u>Item</u>
8
Public

Development Management Report

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

SCHEDULE OF APPEALS AS AT COMMITTEE: 11TH DECEMBER 2018

Appeals determined

LPA reference	17/06143/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	P B Investments Ltd
Proposal	Outline application (access, layout and landscaping for consideration) for the erection of six dwellings following demolition of existing buildings; to include removal of trees
Location	Silver Birch, Higher Heath, Whitchurch
Date of appeal	08.08.2018
Appeal method	Written Reps
Date site visit	
Date of appeal decision	23.11.2018
Costs awarded	
Appeal decision	ALLOWED

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Appeal Decision

Site visit made on 2 October 2018

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2018

Appeal Ref: APP/L3245/W/18/3205100

Silver Birch, Mill Lane, Higher Heath, Whitchurch SY13 2HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Carl Bell of P B Investments Ltd against the decision of Shropshire Council.
 - The application Ref 17/06143/OUT, dated 12 December 2017, was refused by notice dated 9 March 2018.
 - The development proposed is described as 'demolition of the existing dwelling and development of 6 No family dwellings, with associated landscaping with all matters reserved except for access and scale'.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of the existing dwelling and erection of six family dwellings at Silver Birch, Mill Lane, Higher Heath, Whitchurch SY13 2HR in accordance with the terms of the application, Ref 17/06143/OUT, dated 12 December 2017, subject to the conditions in the attached schedule.

Procedural Matters

2. Notwithstanding the description of the development, there is insufficient detail before me to determine scale. It was also indicated on the application form that those reserved matters for which approval is being sought include landscaping and layout. I note that the Council considered layout, access and landscaping, with all other matters reserved and have therefore dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property is located on the edge of the development boundary of Prees Higher Heath. Silver Birch is a detached single storey property of simple design which sits within tree lined grounds of approximately 0.25ha. The site is accessed via a private track off Mill Lane which serves a small number of other detached properties set within similarly spacious grounds. To the north west of the site is a former commercial site, Gro-Continental, with planning permission for the development of 115 dwellings.

5. The Gro-Continental site, once completed, would comprise dwellings of a similar density to the appeal scheme. The layout shown on the proposed site plan, drawing No AB01-001, generally reflects the layout proposed on the adjacent part of the Gro-Continental site. Thus the appeal scheme has been designed to respond to this context.
6. The bend in Mill Lane, on the approach to the proposed access, would significantly limit views into the appeal site from the east. Furthermore, the location of the proposed access would reinforce the site's relationship with the Gro-Continental site. The site would be viewed from the public realm against this backdrop not that provided by single storey detached dwellings, and would therefore be similar in density to its immediate context.
7. The appeal scheme would be seen from the private track, however, it would not be perceptible from the public realm to the south and so the character of the wider area would not be affected. The retention of trees and use of boundary treatments and landscaping would help delineate the site and soften views from the track and adjacent dwellings. The planting scheme and tree protection measures submitted were based upon access to the site being gained from the private track with a layout of three dwellings. Thus they could not be implemented in full. Notwithstanding this, an appropriate scheme could be secured by condition.
8. The proposal would comply with Policy S18.2(i) of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) insofar as it is located within the development boundary of Prees Higher Heath. I note the preferences outlined in Policy S18.2(i), however, I am not persuaded on the evidence before me that the appeal scheme would constitute infilling or backland development.
9. In the absence of definitions of infilling or backland put forward by the main parties or within the Council documents before me, I consider it reasonable to use the ordinary meaning of the words. I have taken infilling to mean the act of filling or closing a gap and backland to mean land that is behind an area which is built on or otherwise developed. The dwellings would not fill a gap in a developed frontage, nor would they sit behind other development on the northern spur of Mill Lane. I therefore find no conflict with Policy S18.2(i) of the SAMDev.
10. In light of the above, the development would not harm the character and appearance of the area and would therefore not conflict with Policy CS6 of the Shropshire Local Development Framework adopted Core Strategy (2011) which seeks to ensure, in part, that development is appropriate taking into account the local context and character. It would also not conflict with Policy MD2 of the SAMDev which seeks to ensure, in part, that development responds appropriately to existing development.

Other Matters

11. I note concerns which have been raised by interested parties regarding overlooking. However, the neighbouring properties sit within spacious plots with intervening vegetation which means that there would be no intrusive overlooking. Furthermore, appearance is a reserved matter and so matters

relating to overlooking, such as the location of windows, would be addressed at a later stage.

12. Whilst concerns have also been raised by interested parties regarding the removal of trees, the majority of category A and B trees are located on the periphery of the site and could be retained. It was evident during my site visit that several trees within the site have already been cleared and therefore the tree survey report would need to be updated accordingly. However, this is a matter which could be dealt by condition.
13. Concern has also been raised by interested parties regarding space for vehicles turning, impact on wildlife and surface water flooding. However, I consider that conditions can adequately address these matters.

Conditions

14. I have considered the conditions put forward by the Council and other parties against advice in the Framework and Planning Practice Guidance. As a result I have amended some of them for consistency, clarity and omitted others. Since the application is in outline, I have included conditions relating to the submission and timing of reserved matters applications and the commencement of development.
15. Since the scheme within the Tree Survey Report, Arboricultural Implications Assessment and Planting Scheme, document reference C113-01, could not be implemented, I have included a condition to secure a scheme of landscaping and a scheme for the protection of retained trees.
16. As detailed above, I have included a condition to secure drainage details in the interests of preventing flooding and lighting to minimise any disturbance to bats which are a protected species. I have also included a condition to secure the provision of nest boxes for bats and birds in the interests of protected species.
17. Notwithstanding the Council has not requested conditions to be included regarding visibility splays, details of the access, or revised parking, I consider it reasonable to include such conditions in the interests of pedestrian and highway safety. Furthermore, conditions to address these matters were requested in the Highways Note submitted to the Council. I note that there are a number of conditions contained within the Highways Note that the Council has chosen not to request and agree it would be unnecessary to require revised parking details, since the plots have a frontage which provides sufficient parking. It would also be unreasonable to secure the provision of a footway extending to the A41 as it would be on land outside the applicant's control and is a requirement of the planning consent of the Gro-Continental site.
18. The appellant has suggested the inclusion of a condition to secure a Construction Method Statement. However, I do not consider this would meet the test of necessity given other powers which are open to the Council to control such matters.

Conclusion

19. For the reasons given above, and having regard to all matters raised, the appeal is allowed subject to the conditions set out in the schedule below.

M Savage

INSPECTOR

Schedule of Conditions

- 1) Details of the scale and appearance (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: AR XX ST PL 100 001, AR XX ST PL 100 002 Rev A and AB01-001 but only in respect of those matters not reserved for final approval.
- 5) The development hereby permitted shall not begin until a detailed foul and surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to first occupation of the dwellings.
- 6) The makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority and shall include:
 - i. A total of 1 woodcrete bat box suitable for nursery or summer roosting for small crevice dwelling bat species.
 - ii. A total of 1 woodcrete artificial nesting box suitable for bird species such as house sparrow, robin, blackbird or tit species.

Prior to first occupation of the dwellings the boxes shall be erected in accordance with the approved details and thereafter retained.
- 7) Prior to the erection of any external lighting a lighting plan shall be submitted to and approved in writing by the local planning authority. The 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 UK guidance. The external lighting shall be erected in accordance with the approved details and thereafter retained for the lifetime of the development.
- 8) Vehicular access to the site shall only be via the access shown on the Proposed Site Plan (Drawing No AB01-001).
- 9) Prior to the first occupation of the dwellings, visibility splays measuring 2.4 x 43 metres to the nearside carriageway edge shall be provided each side of the access. The visibility splays shall thereafter be maintained at all times free from any obstruction which exceeds 150mm in height above the level of the adjacent carriageway.
- 10) Prior to the first occupation of the dwellings, the areas shown on the approved plans for parking, loading, unloading and turning of vehicles

shall be provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

- 11) No development above ground floor slab level of any part of the development hereby permitted shall take place until full design, engineering and construction details of the junction bellmouth access to the unadopted road have been submitted to, and approved in writing by, the local planning authority. The access shall be fully implemented in accordance with the approved details prior to the first occupation of the dwellings.
- 12) The development hereby permitted shall not commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include: indications of all existing trees and hedgerows on the land and identify those to be retained; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 14) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved landscape scheme.

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