



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

Date: Wednesday, 19 September 2018

Committee:
Central Planning Committee

Date: Thursday, 27 September 2018
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

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

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

Members of the Committee

Ted Clarke (Chairman)

Nat Green (Vice Chairman)

Nick Hignett

Pamela Moseley

Tony Parsons

Alexander Phillips

Ed Potter

Kevin Pardy

Keith Roberts

David Vasmer

Vacancy

Substitute Members of the Committee

Peter Adams

Roger Evans

Hannah Fraser

Ioan Jones

Jane MacKenzie

Alan Mosley

Harry Taylor

Dan Morris

Lezley Picton

Claire Wild

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 8)

To confirm the Minutes of the meeting of the Central Planning Committee held on 30th August 2018.

Contact Shelley Davies on 01743 257718.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2 p.m. on Wednesday, 26th September.

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 Land South of Holcroft Way, Cross Houses, Shrewsbury - 18/03427/FUL (Pages 9 - 20)

Erection of 5No. dwellings with access road to supersede existing consent for plots 17-21 of existing permission 16/00188/REM pursuant to outline consent 14/02406/OUT.

6 Land South of Millrace Cottage, Longmeadow Drive, Shrewsbury - 18/03663/FUL (Pages 21 - 38)

Erection of 1No split-level house with integral garaging and associated parking, served by an existing access and improved private drive.

7 Land Adj. Hawthorn Cottage, Longden, Shrewsbury - 18/00251/FUL (Pages 39 - 54)

Erection of 2No dwellings, formation of vehicular and pedestrian access and installation of package treatment plant.

8 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 25th October 2018 in the Shrewsbury Room, Shirehall.



Committee and Date

Central Planning Committee

27th September 2018

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 30 August 2018

2.00 - 4.41 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Ted Clarke (Chairman)

Councillors Nat Green (Vice Chairman), Nick Hignett, Pamela Moseley, Tony Parsons, Alexander Phillips, Ed Potter, Kevin Pardy, Keith Roberts and Roger Evans (Substitute) (substitute for David Vasmer).

33 Apologies for absence

An apology for absence was received from Councillor David Vasmer (Substitute: Councillor Roger Evans).

34 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 2nd August 2018 be approved as a correct record and signed by the Chairman.

35 Public Question Time

There were no public questions or petitions received.

36 Disclosable Pecuniary Interests

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

With reference to planning applications to be considered at this meeting, Councillors Nat Green, Pam Moseley, Alex Phillips and Keith Roberts stated that they were members of Shrewsbury Town Council. They indicated that their views on any proposals when considered by the Town Council had been based on the information presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

37 Land Off Greenfields Recreation Ground, Falstaff Street, Shrewsbury - 17/05234/FUL

The Technical Specialist Planning Officer introduced the application for the erection of 15 dwellings (including 2 affordable) to include new access road and associated parking (amended description) and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning. It was explained that at the Central Planning Committee meeting held on 15th February 2018, Members resolved to defer the application (which was for 17 dwellings) for further discussion in relation to a tree survey and an amended site layout if necessary as a result. The Technical Specialist Planning Officer noted that the application had been amended as a result and was now for 15 dwellings with a revised house type for plot number 1 to allow more space around the protected Lime Tree at the entrance of the site.

The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included representations from neighbouring residents and referred to additional representations from local residents and the Shropshire Playing Fields Association which had been circulated to Members at the start of the meeting.

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

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

- In his view the application should be refused or deferred as it contradicted the Council's own policy that no significant development should be approved within the Greenfields area until the North West Relief Road was built;
- The application does not meet the Council's policy in regards to Public Open Space and should be redesigned to meet these requirements;
- There was a legal issue in relation to the sale of land; and
- He had concerns in regards to the safety of pedestrians and cyclists.

Mr Carl Huntley, the agent for the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to the speakers the Area Planning Manager explained that the legality of the sale of the land was not a matter for this Committee and clarified that the application was not classed as significant development and therefore did not warrant a contribution to the North West Relief Road.

In the ensuing debate, Members raised a number of concerns stating that the application was contrary to policy in relation to public open space; that the local

primary school was already at capacity; and the access to the development at the end of Falstaff Street had not been considered properly and should be redesigned to ensure the safety of pedestrians.

Responding to Members concerns, the Technical Specialist Planning Officer explained that due to the site being located adjacent to a recreation ground an increased affordable housing contribution had been requested in lieu of public open space. The Area Planning Manger reported that the Learning & Skills team had provided information regarding school places and he stated that there was no justification for direct school funding from this development. The Area Highways Development Control Manager confirmed that it was not a significant development in its context and while there was significant on-street parking in the locality, the proposed development provided 2 off-road parking spaces per dwelling and extra visitor parking and this was considered adequate and would not result in a material impact that would justify an objection in this regard.

Members considered the submitted plans, noted the comments of all speakers and on the Chairman's casting vote it was:

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to:

- The conditions set out in Appendix 1;
- An additional condition to require the submission of details of the design and construction of the access to the development at the end of Falstaff Street to include surfacing materials, road markings and speed control measures; and
- A S106 to secure 2 affordable houses.

38 Caterpillar Defence, Perkins Engines, Lancaster Road, Shrewsbury - 16/04558/FUL

The Area Planning Manager introduced the application the erection of a new reception building, works to existing industrial, office and welfare buildings including external alterations, construction of a canopy structure between Buildings 2 and 3, clearance of space to accommodate the future expansion of Building 3 and the laying out of a replacement 275 space car park together with all associated landscape, engineering and accommodation works and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

The Area Planning Manager reported that comments had been received from SC Ecology requesting additional conditions and informatives and advised the Committee that if they were minded to approve the application these would need be added to any permission granted.

Having considered the submitted plans for the proposal Members unanimously expressed their support for the Officer's recommendation subject to the additional conditions and informatives as requested by SC Ecology.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to:

- The developer entering into a legal agreement under s106 of the Town and Country Planning Act 1990 with the Council to fund the monitoring of a green transport plan;
- The conditions set out in Appendix 1 to this report, the final schedule of which will be finalised by the Planning Services Manager; and
- Additional conditions and informatives as requested by SC Ecology.

39 Caterpillar Defence, Perkins Engines, Lancaster Road, Shrewsbury - 16/04559/OUT

The Area Planning Manager introduced the outline application (access for consideration) for residential development (up to 140 dwellings) including demolition of building 1; formation of access roads and associated highways, engineering and accommodation works (Revised Scheme) and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

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

- He considered the site was unsuitable for the development of 140 dwellings;
- The development would add to the existing traffic problems in the area; and
- The proposal would have a detrimental impact on residents and their concerns had not been taken on board.

Mr Mark Watson, the agent for the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans for the proposal and noted the comments of all the speakers Members held differing views. Some Members commented that they were in support of the development although they would like to see the railway footbridge retained and the public open space to be provided fully on-site. Other Members considered that the application would have an unacceptable impact on the highways network, adding to the existing traffic problems in this area and therefore should be deferred until further information was provided by the applicant in regards to this issue. The Area Highways Development Control Manager responding to these concerns noted that an extensive traffic assessment had been carried out and stated that it was not the developer's responsibility to improve the existing traffic problems.

RESOLVED:

That consideration of the application be deferred to a future meeting of this Committee to allow the applicant the opportunity to provide further information in regards to traffic issues identified by Members to include the impact on Mount Pleasant Road, and where it meets Ditherington Road, Heathgates island, and Boscobel Drive.

40 Proposed Affordable Dwelling, West Of Moat House, Stapleton, Dorrington - 18/01707/FUL

The Area Planning Manager introduced the application for the erection of an affordable dwelling and detached double garage, installation of septic tank and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

The Area Planning Manager referred to an additional representation from the applicant that had been circulated to Members this morning. He clarified that the Parish Council had a neutral view of the application and were not in support as stated in the officer's report and explained that the Local Member had raised material planning considerations and this was the reason the application had been referred to Committee.

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

- He supported the application and stated that the applicant had been advised by the previous Area Planning Manager that the site was a suitable location;
- He questioned what had changed since the advice was given in 2013; and
- The proposed location of the dwelling would not result in the removal of the hedge.

Mrs Amy Henson, the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to comments raised in relation by the speakers in regards to the advice given in 2013, the Area Planning Manager stated that this was officer's opinion only and current officers considered that the site was not as part of the settlement of Moat and there may be a more suitable alternative location available to the applicant.

In the ensuing debate, Members expressed the view that the policy was subject to interpretation and considered that the location was part of the settlement of Moat.

Having considered the submitted plans for the proposal and noted the comments of all the speakers the majority of Members expressed the view that the application be approved contrary to the Officer's recommendation.

RESOLVED:

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

The applicant has demonstrated housing need and a local connection and the proposed development is demonstrably within a recognisable named settlement and does not have an unacceptable impact upon the rural character of the area.

Subject to:

That Planning Officers be granted delegated powers to attach appropriate conditions and a S106 to ensure that the dwelling is affordable in perpetuity.

41 Theatre Severn, Frankwell Quay, Shrewsbury - 18/02941/FUL

The Area Planning Manager explained that the application should be withdrawn from Committee as it did not meet the trigger for a Committee decision.

RESOLVED:

Application withdrawn from Committee.

42 1 Ferndale, Annscroft, Shrewsbury - 18/02015/FUL

The Area Planning Manager explained that the application should be withdrawn from Committee as it did not meet the trigger for a Committee decision.

RESOLVED:

Application withdrawn from Committee.

43 Conduit Head, Nobold Lane, Shrewsbury - 18/02910/FUL

Councillor Keith Roberts as local ward Councillor left the table during consideration of this item, took no part in the debate and did not vote on this item.

The Area Planning Manager introduced the application for the creation of a larger car parking area and the provision of lock up storage unit.

Having considered the submitted plans for the proposal Members unanimously expressed the view that the application be approved as per the Officer's recommendation.

RESOLVED:

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

44 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 30th August 2018 be noted.

45 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 27th September 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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<u>Committee and date</u>
Central Planning Committee
27 September 2018

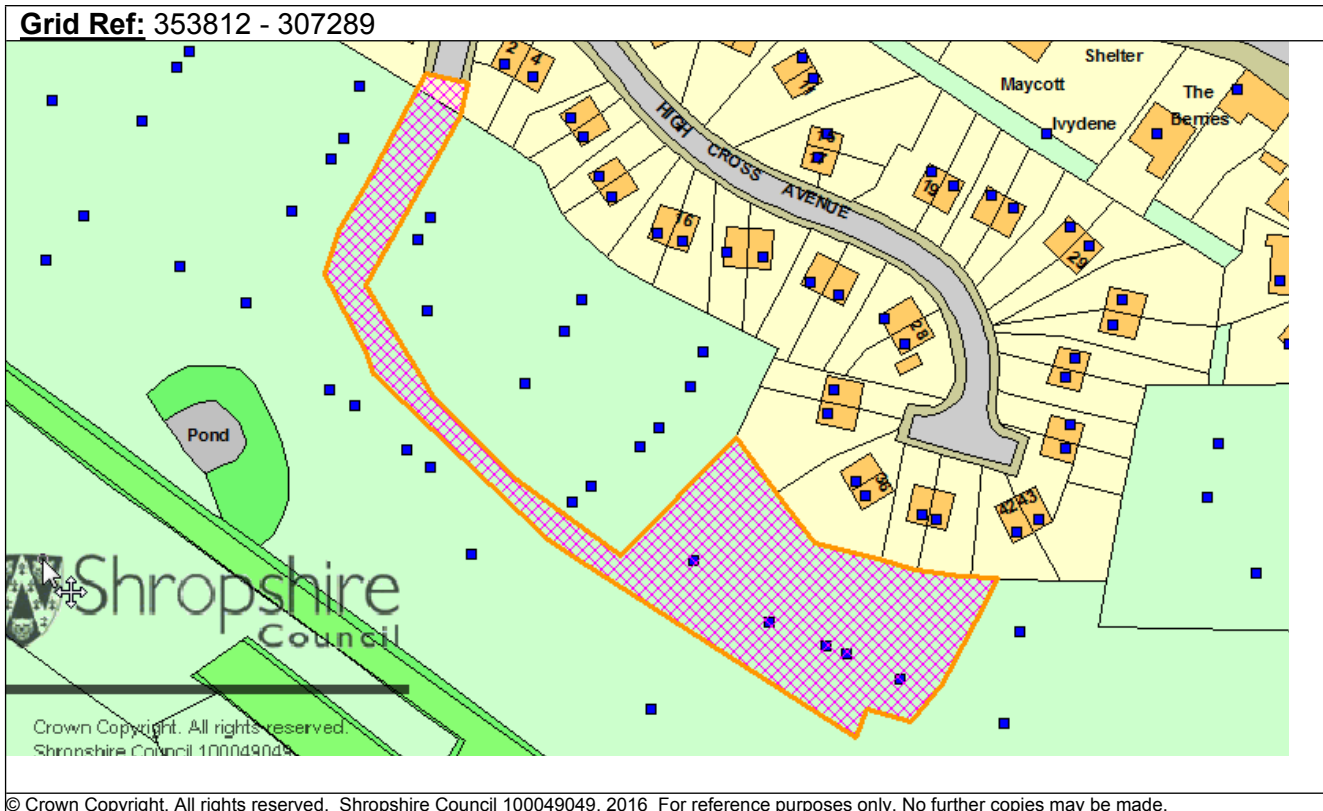
<u>Item</u>
5
Public

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> 18/03427/FUL	<u>Parish:</u>	Berrington
<u>Proposal:</u> Erection of 5No. dwellings with access road to supersede existing consent for plots 17-21 of existing permission 16/00188/REM pursuant to outline consent 14/02406/OUT		
<u>Site Address:</u> Land South of Holcroft Way Cross Houses Shrewsbury Shropshire SY5 6LS		
<u>Applicant:</u> Fletcher Homes (Shropshire) Ltd		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the erection of 5 houses on plots 17-21. The houses are identical to those already approved under reserved matters application 16/00188/REM for the erection of 39 houses. The application has been submitted as the houses have been built higher out of the ground and have ground floor finished floor levels higher than that indicated on the approved plans.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is development land immediately to the south and to the rear of the semi-detached two storey houses situated in High Cross Avenue in the village of Cross Houses.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers that the local member considers to be based on material planning reasons and the Area Planning Manager in consultation with the Committee Chairman and Vice Chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 WSP on behalf of SC Drainage:

1. When comparing the levels of the drainage layout on drawing HW-GA-200 Rev A approved for 16/00188/REM with those shown on Rev I submitted for this application, it would appear that the levels of the storm water drain in the highway where the French drain connects remains unaltered.

2. No French drain is shown on Drawing number HW-GA-200 Rev I.

3. It should be confirmed that the French drain to the rear of plots 17-21 has been installed and connected in accordance with drawing HW-FD-227 Rev A and levels as shown on drawing HW-GA-200 Rev I

4. Any existing drainage system, damaged by the new development should be repaired to pre-commencement condition and operational function.

- ##### 4.1.2 WSP on behalf of SC Highways:
- It is considered that the proposed changes to the previous planning consent detailed in this application are unlikely to change the previously assessed traffic impact on the adjacent highway network. As these details propose minor changes to the currently acceptable design and layout for future

adoption under S38 agreement an appropriate amendment to the S38 should be submitted to the Highway Authority, to maintain the validity of the S38 Agreement and ensure the proposed estate road and surface water drainage infrastructure can be adopted, once completed.

No Objection subject to the development being carried out in accordance with the approved details and in accordance with the suggested conditions and informatives.

- 4.1.3 **SC Affordable Housing:** No adverse comments subject to the completion of a Deed of Variation to safeguard the affordable dwellings permitted under the Outline Consent.

4.2 - Public Comments

- 4.2.1 **Parish Council:** Fletchers obtained planning permission whilst SC did not have a 5yr land supply due to its sustainable location. The PC did not object but decided to work constructively with Fletchers and they attended numerous PC meetings. The M.D. Clive Benfield and Jonathan Westwood attended, the promise to the PC was that they would be considerate constructors keep us fully informed at all time and improve the drainage issues which has caused flooding on High Cross Ave in the past and stick to the approved layout so as not to at any time increase the height of any dwellings. They assured us that the improvements to the French drain at the rear of High Cross Ave would be carried out prior to commencement of construction.

Early in March 2018 there was worse flooding on High Cross Ave than there had ever been, the French drain at the rear hadn't been touched. Fletchers had dug a massive open pit on site to collect the water and pump it out but there was still over 400mm in the gardens on High Cross Ave causing considerable distress to residents. A site meeting was held on 5/04/2018 on High Cross Ave at 6.30pm attended by Clive and Jonathan, the drainage engineer Andy Gough was unavailable! We were told at this point that the works would not be carried out until the road drains were installed, we asked the drainage engineer to attend the next PC meeting. The first enforcement notice in relation to the drainage and height was issued on the 27/04/2018 ref 18/05908/ENF in relation to plots 16 and 17 at this point we do not believe the other plots in question 18,19,20 and 21 had been started. On the 27th April photos were sent to enforcement as residents were concerned about the clay being used to fill the bases inside the foundations and that the foundations were approximately 2 metres above ground level on plot 17, and even if they are reduced by 850mm they are still approximately 1 metre above what was the existing ground level.

Fletchers had been asked to stop work at this stage however they continued to put the Footings' in for 18,19,20 and 21. We again contacted enforcement in June. We understand further discussions took place with enforcement and work stopped in July. Despite invitations to PC meetings in June and July for Fletchers and the drainage engineer no one attended or even offered apologies.

An urgent meeting was requested and on the 16th July 2018 Fletchers and the drainage engineer Andy Gough finally met with the PC and residents on site. (This was 3.5months after the original meeting which was not in the spirit of our original

agreement) The issue was started when Fletchers had to avoid tree roots, they moved the drainage however the PC believes that at this point Fletchers raised the road drainage and so as a consequence raised the height of the FFH of the houses. This increase in the height of the road drainage has serious consequences for the French drain as the ground naturally slopes down towards High Cross Ave so it is the PC's opinion that the French drainage will not work as the road drainage into which they are supposed to flow are now too high. Some levels were taken by the PC to back this up and we would ask that a condition be placed on the planning application to ensure that these drains work. The drainage engineer did not argue with our point and stated that he couldn't check every measurement and that his plans work but could not certify that the drainage had been built to his plans. He also stated that a temporary measure would have been to temporarily connect the French drain to the main drain but this has not been done.

The drainage drawings given to the PC is not the same as the one submitted with the application originally the drain was much longer and dog legged around number 43 High Cross Ave by at least 20 metres. Again conditions need to be imposed. When Fletchers opened up and put in site entrance off HOLCROFT way they cut through the French drain and flooded the gardens of number 2 High Cross Ave this garden had never previously been flooded. The reinstatement needs to be conditioned.

From reading the planning statement it looks like Fletchers wanted to deal with this under a s73 without any consultation with the PC.

Reference is made to part M of the building regulations, however having read these we do not agree, there are other dwellings on site with slopes on their drives and indeed it states the gradient can be 1:40 or provide disability access by entrance. If the dwellings on the other side of the road are at the correct level then why does the house immediately opposite need to be 850 mm higher. How does the person(s) feel who have bought the plot opposite which is less than 10 metres away feel about having a house opposite that is 850 mm higher? Shouldn't they be protected as presumably they are unaware of the increase in height.

The Parish Council feel that the overbearing nature of the proposal will lead to loss of privacy and being overlooked for residents near these dwellings, and do not agree with them for that reason.

Did the applicant make clear to SC at the section 38 stage that they were in fact raising the FFH by up to 850 mm. Do the drainage team at SC talk to the planning department about such an increase? As considerate constructors are the contractors not duty bound to inform the residents and PC?

On the plans attached to the application general arrangement plan Jan 2016 12 states that Finished floor levels shall be checked and finalised by the architects prior to any works commencing. Clearly this DID NOT happen.

18 states currently most of the existing green field run off discharges into the ditch course.....there is NO evidence of flooding?

To summarise the road drainage should be checked independently and set at the correct level. Plots 17 to 21 should be put back to the correct height. The French Drain should be installed and an undertaking entered into with Fletchers to prevent any future flooding and should be repaired at the site entrance via HOLCROFT way.

The French drains should be connected to discharge into the main drainage system as per the approved drawings.

4.2.2 Five letters of objection summarised as follows:

- ② The finished floor level (FFL) of the house on plot 22 is being built higher than approved and instead of 0.75metres above ground height is 1.4metres above the original ground height and will result in a loss of light and loss of privacy and will be overbearing and intrusive.
- ② The developer is continuing to build when they do not have permission for the houses being built at the height that they are.
- ② The lands slopes towards High Cross Avenue and the surface water drainage from the site will result in flooding of properties in High Cross Avenue.
- ② The ground levels have been raised by at least a metre around plots 18 to 22 and by approximately two metres around plot 17 and now have a greater fall directly into the gardens of the properties 32-43 High Cross Avenue.
- ② The French drain had not been connected to the main drain under the road and even if it was water cannot run uphill.
- ② Wants reassurance that the existing French drain which went from Holcroft Way to the end of the field round the cul-de-sac of High Cross Avenue is maintained in perfect working order, as it was prior to construction and not blocked or damaged.
- ② The ground floor FFLs of plots 17 to 21 have been raised by between 370mm and 850mm, according to the Planning Statement. As the original approved FFLs were already substantially higher than the existing ground levels, to raise them further is unacceptable and results in overlooking and a loss of privacy and will appear overbearing.
- ② Concerned about the validity of the measurements taken by Fletcher Homes and the information provided in their Planning Statement and requests that the levels are independently checked.
- ② The cleverly written Planning Statement is deliberately misleading and the reality can only be seen on site and from the perspective of the neighbouring properties.

5.0 THE MAIN ISSUES

The principle of development has already been established by the previous permission and the key issue is impact on residential amenity.

6.0 OFFICER APPRAISAL

6.1 Impact on residential amenity

6.1.1 The applicant has provided sound technical reasons for the houses on plots 17-21 being built at the height that they have. It is primarily due to the level that the road was required to be built at (to avoid damage to the roots of a tree), the gradient required for the foul drainage (that lies under the road) to work effectively and due to the proximity of the garage and the house on plot 17 to the road and to provide a drive with a suitable gradient and access that complies with Part M Access of the building regulations. However notwithstanding these reasons for the houses being built higher than originally approved the key issue is whether the dwellings as erected on site are unacceptable in terms of impact on residential amenity.

6.1.2 The impact on residential amenity of the proposed houses was considered at the reserved matters stage and paragraph 6.7.1 of that report stated the following:

The nearest properties to the proposed new houses are those in High Cross Avenue to the North. The new houses are positioned a sufficient distance away and satisfactorily orientated not to result in overlooking or a loss of privacy. The proposal will obviously affect the outlook from these existing properties but there is no right to a view and it is considered that the buildings will not appear unacceptably overbearing or obtrusive. A condition can be imposed to ensure that no additional windows are added to the North facing elevations of the Attingham house type on plot 1 and the Blakemere house type on plot 22 and that the first floor windows which are bathrooms are obscure glazed. Plots 8 and 11 closest to the properties in High Cross Avenue are bungalows.

6.1.3 Other than the bungalows on plots 8 and 11 the house on plot 22 is the closest to the properties in High Cross Avenue. This application does not include plot 22 as Fletchers have confirmed that the house on plot 22 is being built at the height indicated on the approved plans. The council is arranging for the heights of the houses to be independently surveyed and members will be updated at committee.

6.1.4 The difference in heights of the houses on plots 17 -22 when comparing the previously approved plans and the measurements on the submitted plans is indicated in the table below:

Plot number	Approved height	Proposed height	Difference
17	68.400	69.250	0.850
18	68.200	68.500	0.300
19	68	68.370	0.370
20	68	68.370	0.370
21	68	68.370	0.370
22	68	68	0

- 6.1.5 The difference in height ranges from 300mm to 850mm but residents are concerned that the houses have been built even higher than this and that the outlook from their houses and the feeling of being overlooked would be improved if the houses as now built on plots 17 – 21 were a metre or more lower.
- 6.1.6 Members will be updated as to whether the houses have been built higher than that indicated on the submitted plans and in the table above. However notwithstanding these measurements the key issue in determining this application is whether it is considered that the houses as built would appear unacceptably overbearing and intrusive and result in overlooking and a loss of privacy sufficiently significant to justify refusal.
- 6.1.7 Officers have visited the site and consider that the houses as built on plots 17 – 21 do not appear over bearing or obtrusive and would not result in significant overlooking or a loss of privacy to justify refusal. Although officers understand that residents would prefer it if the houses could be reduced in height by half a metre or more it is considered that the houses at the height that they have been built and with a separation distance of over 30 metres, are not unacceptable.
- 6.1.8 If the application at the reserved matters stage had included 3 storey houses on plots 17 – 21 at the FFL indicated, officers would not have found this unacceptable. That the ground levels have been raised and the FFL raised so that the houses appear up to a storey higher than existing residents expected is not considered justification for refusal of the application.
- 6.2 **Other matters**
- 6.2.1 Drainage: Residents are concerned that the increased ground levels and floor levels will exacerbate a previous drainage problem where water from the field at the rear of their houses (now the development site) drained towards their properties and flooding their gardens in times of heavy rain. This flooding was due to the ground being heavy clay and there being no effective drainage system to remove the water from the land and the surface water could not soak away from the existing field trench because there was no outfall.
- 6.2.2 The amount of land that can collect surface water will be reduced as the rain falling on the roofs and hard surfaced areas of the development will drain via the surface water drainage system to the attenuation pond. All surface water from these surfaces will be attenuated (held back) in the drainage system before discharging at a slow rate that will be no faster than greenfield run-off rates.
- 6.2.3 The area of land remaining that can collect rainwater to drain naturally or in times of heavy rain drain towards High Cross Avenue is therefore reduced. Any rain that collects and runs off these remaining areas (predominantly gardens and public open space) will be collected in the new and improved French drain to the rear of the properties in High Cross Avenue. This French drain will flow downhill to the large drainage pipes that are deep under the road and then discharge to the attenuation pond. The proposed drop of 740mm will be more than adequate to ensure that the French Drain feeds into the surface water drainage system under the road.

- 6.2.4 The proposed drainage is therefore an improvement on the previous situation where the existing field trench did not connect to any drainage system and therefore in times of heavy rain could not cope and the rear of High Cross Avenue would flood.
- 6.2.5 The particularly high rain fall in March resulted in flooding as the drainage pipes under the road, into which the French Drain will discharge, were not yet complete and therefore there was no outfall for the French Drain to connect to. Once all the drainage is complete and connected the proposal will result in an improvement to the flooding issues experienced in March and historically before the development commenced.
- 6.2.6 The previously approved drawings did not show the existing field trench or the now proposed and improved French drain being connected to the main surface water drainage system so this proposal is not only an improvement to the historic situation but is an improvement to the previously approved drainage system for this site.
- 6.2.2 Highways: The proposed road layout serving the proposed development has not changed from the Reserved Matters and Highways have no objection to the proposal subject to a condition to ensure satisfactory access to the site and that an appropriate amendment to the S38 is submitted to the Highway Authority to ensure the proposed estate road and surface water drainage infrastructure can be adopted, once completed.
- 6.2.3 Affordable Housing: The affordable housing team has requested that a deed of variation is required. However as this application is a full application for planning permission for 5 open market houses it does not affect the affordable housing secured by the S106 attached to the outline consent for the whole of the site.

7.0 CONCLUSION

- 7.1 Whilst officers agree with the local member that approving this application gives out the wrong message to developers about not adhering to the approved plans and that they are being allowed to carry on regardless this is not a justifiable reason to refuse this application. In this instance the applicant has provided sound technical reasons for the increase in height. However notwithstanding these reasons for the houses being built higher than originally approved the key issue is whether the dwellings as erected on site are unacceptable in terms of impact on residential amenity.
- 7.2 It is considered that the proposed houses at the height constructed on plots 17 -21 will not appear obtrusive or overbearing or result in unacceptable overlooking and a loss of privacy due to the distance between the existing and proposed houses of approximately 30 metres. The proposed drainage is considered to not only be an improvement to the historic situation but is an improvement to the previously approved drainage system for this site. The proposed development is therefore considered to accord with CS6 and MD2.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:
CS6 and MD2

RELEVANT PLANNING HISTORY:

14/02406/OUT Outline application for residential development to include means of access
GRANT 4th February 2015

16/00188/REM Approval of Reserved Matters (appearance, landscaping, layout and scale)
pursuant to 14/02406/OUT (Phase 1) for residential development to include means of access
GRANT 8th June 2016

11. Additional Information

List of Background Papers

18/03427/FUL: Application documents associated with this application can be viewed on the
Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Claire Wild

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. Prior to commencement of the development an application for amendments to the S38 to include the amended design for the construction of the roads, footways and accesses together with details of the disposal of highway surface water shall be submitted to the Highway Authority for approval. The agreed details shall be fully implemented before the development hereby approved is first occupied.

Reason: To ensure a satisfactory access to the site and to maintain the validity of the S38 Agreement and ensure that the proposed estate road and surface water drainage infrastructure can be adopted, once completed.

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

4. The surface water drainage hereby approved and indicated on the drawing reference HW-FD-227 Rev A and drawing HW-GA-200 Rev K shall be fully implemented prior to the occupation of the dwellings.

Reason: To ensure satisfactory drainage of the site.

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

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

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

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<u>Committee and date</u>
Central Planning Committee
27 September 2018

<u>Item</u>
6
Public

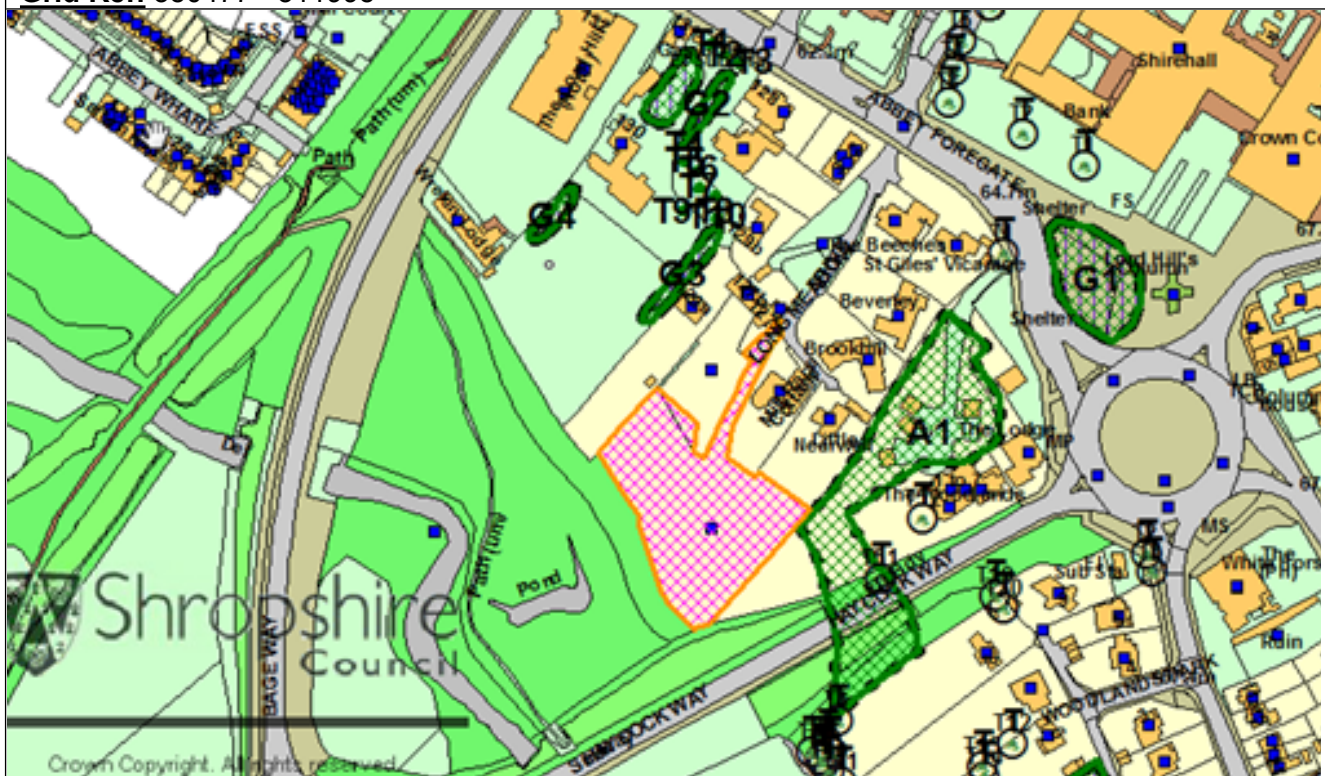
Development Management Report

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

Summary of Application

<u>Application Number:</u> 18/03663/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of 1No split-level house with integral garaging and associated parking, served by an existing access and improved private drive		
<u>Site Address:</u> Land South Of Millrace Cottage Longmeadow Drive Shrewsbury Shropshire		
<u>Applicant:</u> Mr & Mrs C Goode		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 350477 - 311995



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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 relates to the erection of a split-level house with integral garaging and associated parking, served by an existing access and improved private drive.

2.0 SITE LOCATION/DESCRIPTION

2.1 Long Meadow Drive is a private lane accessed from Abbey Foregate, opposite the Council Offices at Shirehall, and serves several existing dwellings including Millrace Cottage and Little Nearwell at its far end. A narrow neck of land leads through the curtilage of, and beyond Millrace Cottage and opens into the application site which extends to approximately 0.35ha. The access to the site is adjacent Pear Tree Cottage (127A) and Longmeadow (127B Longmeadow Drive) which are Grade II listed.

2.2 The application site forms the extended garden of Millrace Cottage that slopes steeply in parts. The site has been neglected in recent years allowing shrubs and trees to dominate what was in part an ornamental garden. The site is partly terraced and has a disused outdoor swimming pool. A high belt of conifers and other trees extends along the SW boundary.

2.3 Abbey Foregate is a designated Special Character Area and forms part of the wider Shrewsbury Conservation Area. Beyond the SW boundary of the site is open ground and the Rea Brook which is a designated Local Nature Reserve and provides informal recreation space in the Rea Valley.

2.4 The land just inside the SW boundary falls within Flood Zones 2 and 3 (broadly equivalent to higher and medium risk of flooding).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Area Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations**4.1 - Consultee Comments**

4.1.1 **SC Regulatory Services:** Having considered the location I have no conditions to recommend on this application.

4.1.2 **SC Trees:** The revised scheme represents a greatly reduced density of

development compared to the original proposals which results in retention of more trees including T14 and T15, of concern in the appeal decision for the previous application. I note the proposed new planting to the northern boundary for screening.

An updated Arboricultural Report prepared by Sylvan Resources in May 2018 identifies six trees which have the potential to be effected by the development. None of these trees would be lost due to the proposals. The Arboricultural Report makes a number of recommendations for tree protection during construction of the proposal and refers to the method statement in the previously submitted Pearce Environmental Arboricultural Assessment and Tree Protection measures in accordance with BS5837:2012.

These Tree Protection Plans have demonstrated that provided the measures contained within the plans including use of no dig three dimensional construction techniques, protective fencing and temporary ground protection are strictly adhered to the development can be achieved in accordance with BS 5837 "Trees in relation to Design, Demolition and Construction Recommendations for Tree Protection'.

I can support the application subject to a tree protection condition.

- 4.1.3 **SC Ecology:** I have read the above application and the supporting documents including the Preliminary Ecological Appraisal Report prepared by Pearce Environment Ltd (May 2018). Reasonable avoidance measures have been provided to protect badgers during development. There are badger setts on site, which are currently disused. A pre-commencement check should be undertaken by an experienced ecologist prior to commencement of development on site. An appropriate landscape scheme for the site has been recommended, ensuring the protection and enhancements of commuting corridors for bats.

Recommends conditions and informatives to be included on the planning decision notice.

- 4.1.4 **SC Conservation:** In terms of background I would refer you to our earlier consultee comments on planning application 15/04653/FUL which proposed three large detached dwellings with garages on this site; this application was refused by the Council and the subsequent Appeal was dismissed on March 31, 2017, and also in terms of background, I would refer you to the Inspector's Reasons for dismissing the Appeal as set out in the Appeal Decision.

This site is located within the 'Abbey Foregate Special Character Area' which forms part of the larger Shrewsbury Conservation Area, with the Rea Brook nature reserve to the rear of the subject site on lower ground and forming a long continuous green corridor along the Rea Brook through the Conservation Area, making a significant contribution to it and to the overall setting of the town.

Following the Appeal Decision being made, we have engaged in a formal Pre-application submission with the applicant and agent, reflected in this current planning application, which now proposes a single dwelling incorporating a series

of flat roofs in a very contemporary split-level design and now sited on the higher ground to the immediate south of existing housing which is sited at the end of Longmeadow Drive.

The wider Team view on this revised scheme is that the contemporary multiple flat roof design of the single dwelling and the reduced scheme overall responds much more positively to this sensitive site, where the modern low-lying split-level building can take advantage of the sloping site and better assimilate into the landscape here in views from existing Longmeadow Drive properties and from the valley lands below.

As recommended, an updated Heritage Impact Statement has been prepared and I do not disagree with the conclusions reached in this assessment. Additionally an updated Landscape and Visual Assessment has been prepared which concludes that the building as proposed would integrate well into the sensitive landscape here with no significant visual effects and no visual impacts on local public views predicted. An updated Arboricultural Report has also been prepared with recommendations for tree protection should the application be approved.

It is generally considered that with this current application due regard has been taken regarding Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires proposals to preserve or enhance the character or appearance of the Conservation Area, and with respect to Section 66 of the Act, where the Act requires the need to pay special regard to the preservation of listed buildings and their settings.

As noted in our Pre-application comments, it will be important with this proposal to agree appropriate external materials and finishes suitable within the context of this site including darker or recessive finishes so the building will appear natural in this setting. The Planning Statement notes that external materials will consist of smooth grey render, timber cladding, stone panels and wood effect tiles along with contemporary features such as frameless glass balustrading and grey powder-coated aluminum windows and generally these proposed finishes are considered to be acceptable subject to agreeing more specific details and sample finishes.

It is noted that the existing access to Mill Race Cottage will be extended to access the proposed new dwelling. As this runs directly adjacent to the Grade II listed Pear Tree Cottage/Long Meadow barn range, modifications to this access should be such that they do not further impact on the setting or the significance of this heritage asset, and the details of any changes or alterations to the current access to the site should be provided for agreement.

Boundary treatments including any new boundary tree screening or enhanced plantings should be fully agreed by the Trees Team and formal landscaping should be kept to a minimum and as green as possible; similarly hard surfacing on the site including the access drive should be minimized and vehicular access finishes appropriate within the context of the site. Consideration of a green roof finish may be appropriate within the context of the site, subject to further details being agreed.

Subject to further conditions being applied on external materials, joinery details, and landscaping and surface materials, no objections are raised to this current scheme.

- 4.1.5 **SC Archaeology:** The southern boundary of the proposed development site follows the line of a former mill race (HER PRN 62653) which is understood to have early medieval origins. Whilst the proposed development will not directly impact on any remains of this feature, its proximity to the proposed development means that currently unknown remains associated with it may be present. For this reason the proposed development site is considered to have low ' moderate archaeological potential.

In view of the above, and in relation to Paragraph 199 of the revised NPPF and Policy MD13 of the Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise an archaeological watching brief during the intrusive ground works phase of the development.

- 4.1.6 **SC Highways:** The proposed development seeks to erect a single dwelling to the rear of Mill Race Cottage, Longmeadow Drive, Shrewsbury. Longmeadow Drive is a private road leading off Abbey Foregate opposite the main entrance to the Shirehall. A previous application 15/04653/FUL for four dwellings was refused and dismissed at appeal. Whilst the refusal grounds were not highway related the highway authority did have some reservations regarding access to the site from Abbey Foregate, however it was considered that a highway objection could not demonstrate 'adverse cumulative impact being severe' and the highway authority offered no objection to the proposal. As the current proposal is for a single dwelling no objection is raised from highways perspective.

No Objection subject to the development being constructed in accordance with the approved details, and the suggested conditions and informatives.

- 4.1.7 **WSP on behalf of SC Drainage:** The south western boundary slightly encroaches onto Flood Zone 2 and 3. However, the proposed dwelling is outside the Flood Zone. Suggests informatives and conditions.
- 4.1.8 **SC 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.

4.2 - Public Comments

- 4.2.1 Shrewsbury Town Council: Does not object to the design of this property but the principle of developing this green space which is prominent over the Rea Valley and very visible from Haycock Way. This development would result in the visual amenity of the Rea Valley being adversely affected and given its prominence as a

green lung into the town it should be preserved at all odds.

4.2.2 Shrewsbury Civic Society: The Civic Society's Planning Committee has voted to object to this application because of the position of the proposed building.

Over several years we have looked at a number of applications in this area. In every case, we have found them to impinge upon the very precious green space which is effectively a natural and wildlife corridor accompanying the Rea Brook. This corridor is of great importance to Shrewsbury. The appeal inspector acknowledged this point and the Shrewsbury's Big Town Plan Consultants regard the town highly because of "its mixture of green and built heritage". There is already encroachment of the green corridor's edges and the proposed building would constitute a further narrowing of this important natural space. Furthermore, there have been applications nearby that would suggest any permitted development here, would lead to yet more pressure on the edges of the green corridor.

We were grateful to be consulted earlier and recognise the high quality of the application but the position for this development is wrong for Shrewsbury.

4.2.3 Four letters of support from three households summarised as follows:

- ☑ No objection to Millrace Cottage using Long Meadow Drive for an additional dwelling but would request that any damage caused to the drive is rectified by the owner of Millrace Cottage.
- ☑ The proposed development site and boundaries can easily accommodate the deliveries and construction traffic comfortably within its boundaries, having limited effect and no real impact on the use of Long Meadow Drive.
- ☑ Welcomes a new purpose for the large garden that makes good use of redundant surplus land that is overgrown.
- ☑ The modern, low level and discrete design seems to be well engineered and considerate of others.
- ☑ No objections to the design or proximity of the proposed house.
- ☑ The house nestles at a lower level to our property on what at the moment is unkempt waist land.
- ☑ Unlike the previous scheme for 4 dwellings the proposal integrates well into the landscape.
- ☑ Due to the significant tree screen the building will be virtually invisible from wider vantage points and will not be an intrusive feature in the valley.
- ☑ With a big shortage of housing this application should be supported and approved.

4.2.4 Five letters of objection from two households summarised as follows:

- ☒ Overlooking and loss of privacy
- ☒ Loss of light and overshadowing
- ☒ Impact on the setting of listed buildings, conservation area and Rea Brook Valley
- ☒ Approval would be contrary to previous planning and appeal decisions for refusal of development of this site.
- ☒ The previous decision considered that any development of the area would be “an incongruous visual and physical intrusion into the Rea Valley” and nothing has changed.
- ☒ Allowing this application for a single dwelling would set a precedent for further dwellings
- ☒ Encroachment into the green corridor of the Reabrook Valley Local Nature Reserve and impact on Nature Conservation
- ☒ Impact on protected trees
- ☒ There is evidence of badgers using the site
- ☒ Increased traffic and impact on parking and highway safety and the safety of pedestrians using the drive.
- ☒ The existing drive is too narrow to allow two vehicles to pass as there are no passing places and cannot accommodate additional vehicles during the construction or once the dwelling is occupied.
- ☒ Extra vehicles (delivery, construction and workmen) will prohibit occupiers of surrounding properties from accessing/exiting their driveways and cause danger and delay
- ☒ Entering or exiting Longmeadow Drive is already perilous in an increasingly busy area and is likely to become more so.
- ☒ Noise
- ☒ No approval for the erection of the existing gates which impinge on Long Meadow Drive due to the reduction in turning space. These gates mean that larger emergency vehicles have to leave in reverse as they have no space to turn.

5.0 THE MAIN ISSUES

- ☒ Principle of development
- ☒ Scale, design and appearance and impact on the character and appearance of the locality and heritage assets
- ☒ Access and parking
- ☒ Impact on residential amenity
- ☒ Trees and Landscaping
- ☒ Ecology
- ☒ Flood risk and drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The site is within the urban development boundary for Shrewsbury on the proposals map of the adopted SAMDev DPD. Residential development of this site is therefore acceptable in principle and would also accord with Core Strategy Policy CS2 that identifies Shrewsbury as the main focus for all new residential development.

6.2 Scale, design and appearance and impact on the character and appearance of the locality and heritage assets

- 6.2.1 This site is located within the 'Abbey Foregate Special Character Area' which forms part of the larger Shrewsbury Conservation Area, with the Rea Brook nature reserve to the south of the application site situated on lower ground and forming a long continuous green corridor along the Rea Brook through the Conservation Area. The proposal therefore has the potential to impact on the character and appearance of this heritage asset and has to be considered against Shropshire Council policies MD2, MD13, CS6 and CS17 and with national policies and guidance including section 16 of the National Planning Policy Framework (NPPF). Special regard has to be given to preserving or enhancing the character or appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.2.2 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) 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 and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.2.3 A planning application for three large two and three storey dwellings on this site was refused in 2015 for the following reason:

The proposed development would fail to protect or enhance the Abbey Foregate Special Character Area and the wider Shrewsbury Conservation Area, and would

appear as an incongruous visual and physical intrusion into the Rea Valley. Accordingly it is considered that the proposal would be contrary to adopted Core Strategy policies CS6, CS16 and CS17, management of development policies MD2 and MD13, the NPPF taken as a whole, and would conflict with the requirements of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 6.2.4 The decision was appealed and the appeal was dismissed by an Inspector who concluded that the proposal would not preserve or enhance the character or appearance of the Shrewsbury Conservation Area. The Inspector made the following comments with regards to the impact on the conservation area:

I share the Council's concern that the physical presence of the new dwellings, particularly plots 1 and 2 which would be built into the slope, close to the nature reserve, would not reflect the established character of the area. The new dwellings would intrude into an area that is not characterised by built development. They would result in an alien form of development in this area, at odds with the prevailing character. The character or appearance of the conservation area would not be preserved or enhanced in this regard.

- 6.2.5 Public comments received relating to this application for a single dwelling make reference to these previous decisions and consider that as the Inspector found the proposal to be unacceptable any other proposal for this site should also be found unacceptable. However as the Inspector quite rightly pointed out (in giving no weight to examples where development had been allowed) each planning application must be determined on its own individual merits. Furthermore in the Inspectors costs decision it states that '*It seems entirely reasonable to me that the Council has engaged in discussions with the appellants about a possible solution to the development of the site*' indicating that subject to a satisfactory proposal some form of development of this site is not completely ruled out.
- 6.2.6 The proposed scheme has been designed to respond to the previous concerns of the conservation officer and Inspector and is now for a single dwelling to be constructed on the higher ground closer to the existing built development and further from the nature reserve. The proposal is for a split level predominantly single storey flat roof contemporary dwelling built into and following the gradient of the upper slope that will appear lower than the existing properties behind. The Town Council does not object to the design of the property and the Civic Society recognise the high quality of the application but share the concerns of some nearby residents regarding encroachment into the green corridor of the Rea Valley and impact on views of the site from Haycock Way.
- 6.2.7 Due to the flat roof design of the dwelling that will be built into the natural slope of the ground and that the site is largely screened by mature trees the proposed dwelling will not be visible from Haycock Way to the south, Bage Way to the west or from the footpath in the valley below, apart from possible glimpses in winter when there are less leaves on the trees. The proposal will not result in encroachment into the green corridor of the Rea Valley as it is development of the higher part of the site that is garden land to the rear of Millrace Cottage and is not

part of the Rea Valley nature reserve. Furthermore as garden land all of the site benefits from permitted development rights including the erection of a building (or buildings) incidental to the enjoyment of the dwelling house that could have a pitched roof up to 4 metres high and cover up to 50% of the garden. Large pitched roof garages, garden sheds or green houses could be erected on this land up to 4 metres high to the ridge without planning permission and could have significant visual impact compared to this sensitively designed proposal. If this proposal for a dwelling is approved a condition can be imposed removing these permitted development rights.

- 6.2.8 An updated Heritage Impact Statement has been submitted that in its conclusion considers that:

'the contemporary and low-lying design of the proposed new dwelling, intimately related to the prevailing slope of the site, minimizes any potential visual impact it could have. It lies in a secluded area heavily screened by surrounding woodland and other vegetation and will have little or no impact on the character, setting and significance of the designated and non-designated heritage assets adjacent to the study area. It is further considered that because of the design and positioning, the general impact of the new dwelling on the character of the conservation area and the green corridor of the Rea Brook would be minimal and thus not in breach of the relevant legislation, the guidance set out in the National Planning Policy Framework.'

- 6.2.9 The update to the Landscape and Visual Assessment concludes that:

'the proposed dwelling would be positioned adjacent to existing properties located at the furthest point on the site in relation to Rea Valley Country Park. It would be well integrated into the landscape - utilising site levels and topography to minimise potential effects. There are no significant visual effects predicted for the Rea Valley Country Park. There are no predicted visual impacts on local public views and visual impacts on local residents are predicted to be negligible or minor'.

- 6.2.10 The Conservation officer does not disagree with these conclusions and considers that the reduced scheme responds positively to this sensitive site, where the modern low-lying split-level building can take advantage of the sloping site and better assimilate into the landscape here in views from existing Longmeadow Drive properties and from the valley lands below.
- 6.2.11 It is therefore considered that the proposal would have no adverse impact on the character and appearance of the locality or the conservation area and that due regard has been given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires proposals to preserve or enhance the character or appearance of the Conservation Area.
- 6.2.12 The proposal includes an extension to the existing access driveway to Mill Race Cottage. As this existing access runs adjacent to the grade 2 listed Pear Tree Cottage in proposing any alterations to this access due regard has to be given to the preservation of listed buildings and their settings as required by Section 66 of

the Act. Any modifications to the part of the access adjacent Pear Tree Cottage should be such that they do not further impact on the setting or the significance of this heritage asset and a condition can be imposed requiring details of any changes or alterations to the current access to be submitted for approval.

- 6.2.13 In addition due to the distance and the relationship between the proposed dwelling and the listed Pear Tree Cottage and Longmeadow it is considered that the dwelling would not impact on the setting of the listed building and the significance of this heritage asset would not be affected.

6.3. Access and parking

- 6.3.1 As mentioned above the proposed access to the site will be via an extension to the existing access driveway to Mill Race Cottage which provides access to the adopted highway (Abbey Foregate) via Longmeadow Drive. Highways previously commented with regards to the application for three large dwellings that it was considered that a highway objection could not demonstrate 'adverse cumulative impact being severe'. They therefore raise no objection from a highway perspective to this current proposal for a single dwelling subject to the imposition of conditions regarding the internal access drive and parking and the submission of a construction management plan.

- 6.3.2 The concern of residents regarding the access gates already erected is not relevant to the determination of this application as they have been erected on the householders own land and not the private shared driveway and no permission is required for the erection of these gates.

6.4 Impact on residential amenity

- 6.4.1 The nearest dwelling that might be affected by this proposal is 'Little Nearwell' immediately to the North of where the new dwelling is proposed to be located. However as the proposed dwelling will be situated on lower ground and is a flat roof single storey building at the point immediately behind the boundary with Little Nearwell, and due to the distance away of over 30 metres it is not considered that it would have any adverse impact in terms of appearing overbearing or obtrusive or result in overlooking and a loss of privacy or any loss of light. A tree and hedge screen is also proposed for this boundary.

6.5 Trees and Landscaping

- 6.5.1 An arboricultural report identifies six trees which have the potential to be effected by the development and none of these trees would be lost due to the proposals. The construction of the access would not result in harm to important trees within the vicinity of the site and the position of the proposed dwelling is sufficiently far away from the northern boundary with the garden to 'Little Nearwell' to allow for hedge planting and also to ensure that it does not impinge upon the root protection area of the nearest significant trees.
- 6.5.2 The Arboricultural Report makes a number of recommendations for tree protection

during construction of the proposal and refers to the method statement in the previously submitted Pearce Environmental Arboricultural Assessment and Tree Protection measures in accordance with BS5837:2012. The tree officer has confirmed that provided the measures contained within the tree protection plans including use of no dig three dimensional construction techniques, protective fencing and temporary ground protection, are strictly adhered to the development can be achieved in accordance with BS 5837 'Trees in relation to Design, Demolition and Construction Recommendations for Tree Protection' and has no objection to the application subject to a tree protection condition.

- 6.5.3 The Conservation officer has recommended that formal landscaping should be kept to a minimum and as green as possible and that hard surfacing on the site including the access drive should be minimized and vehicular access finishes appropriate within the context of the site. A landscaping condition in addition to the recommended tree protection condition will ensure appropriate landscaping of the site and the retention and protection of existing trees.

6.6 Ecology

- 6.6.1 The application site is composed of amenity grassland, scattered trees, ornamental planting, standing water, hardstanding, a timber summer house, walls and fencing. The Preliminary Ecological Appraisal Report concludes that the summer house nor any trees on the site offer any degree of bat roosting potential but that the site itself offers good potential foraging and commuting habitat for bats, notably along the site margins/ boundaries. That the trees and other vegetation on the site provide 'high' nesting potential for both passerine and corvid bird species. The three significant standing waterbodies identified within a 250m zone of influence offer 'below average' or 'poor suitability' for GCN and that the terrestrial habitat present on the site is deemed as being of moderately-good quality for amphibian species. The site provides sub-optimal reptile habitat, given the high degree of over-shading from trees and there is some connectivity to the wider landscape. Three disused outlier badger setts are present on the site, although none are sited within the footprint of the proposed dwelling. Additional field signs indicating use of the site by foraging and commuting badgers were identified. The Rea Brook Valley LNR is located adjacent to the southwest site boundary and no other habitat features or evidence of pertinent protected species were identified.
- 6.6.2 Reasonable avoidance measures have been provided to protect badgers during development. The Councils Ecologist has no objection to the proposal subject to a pre-commencement check being undertaken by an experienced ecologist prior to commencement of development on site and an appropriate landscape scheme for the site is recommended, ensuring the protection and enhancements of commuting corridors for bats. There are no adverse ecological implications of developing the site subject to the imposition of the planning conditions recommended by the ecologist which will also provide enhancements of the site.

6.7 Flood risk and drainage

- 6.7.1 The south western boundary of the whole site slightly encroaches into Flood Zone

2 and 3 but the proposed dwelling and immediate surrounds will be situated on the highest ground and is not at risk from flooding. A condition is recommended requiring the submission of drainage details.

7.0 CONCLUSION

7.1 The proposed development of the site is acceptable in principle and it is considered that the proposal would have no adverse impact on the character and appearance of the locality or the conservation area or the setting of nearby listed buildings. It is considered that the proposal would have no adverse impact on residential amenity and subject to the recommended conditions the proposal would have no adverse ecological implications, would preserve the trees to be retained and would have no significant highway safety implications. The proposal is therefore considered to accord with the relevant local plan policies CS2, CS6, CS17, MD2, MD12 and MD13.

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 Site Allocations and Management of Development (SAMDev) Plan:

CS2, CS6, CS17, MD2, MD12 and MD13.

RELEVANT PLANNING HISTORY:

15/04653/FUL Erection of 3 No dwellings and garages (amended description) REFUSE 12th April 2016

Appeal

16/02513/REF Erection of 3 No dwellings and garages (amended description) DISMIS 31st March 2017

11. Additional Information

List of Background Papers

18/03663/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr. Hannah Fraser

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 approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (Wintertree Software Inc.). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest

4. No development shall take place, including any works of demolition, until a Traffic Management Plan for construction traffic has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

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

5. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works.

Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992.

6. No development shall take place (including demolition, ground works and vegetation clearance) until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be planted and to be retained;
- f) Details of proposed boundary treatments and existing to be retained
- g) Details of the materials for all hard surfaced areas
- h) Implementation timetables.

The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design and the establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

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

7. No above ground works shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

8. Prior to the development hereby permitted being first occupied full details of the internal access drive, parking and turning areas shall submitted to and agreed in writing by the LPA. The approved scheme shall be fully implemented in accordance with the approved plans prior to the first occupation of the dwelling.

Reason: To ensure a satisfactory appearance to the development and provide a satisfactory internal access, parking and turning areas.

9. Prior to first occupation of the building, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 2 external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and

where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

10. Prior to the above ground works commencing 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 and harmonizes with the context of the area.

11. Prior to the commencement of the relevant work details of all external windows and doors 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 doors and windows shall be carried out in complete accordance with the agreed details

Reasons: To ensure that the external appearance of the development is satisfactory and harmonizes with the context of the area.

12. Details of the roof construction shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.

Reasons: To ensure that the external appearance of the development is satisfactory and harmonizes with the context of the area.

13. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes and electrical fittings and lighting shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the external appearance of the development is satisfactory and harmonizes with the context of the area.

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

14. Work shall be carried out strictly in accordance with the Preliminary Ecological Appraisal Report prepared by Pearce Environment Ltd (May 2018).

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

15. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Pearce Environmental and additional Sylvan Resources Tree Protection Plan and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

16. 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 class E (buildings incidental to the enjoyment of the dwelling house) shall be erected, constructed or carried out without first obtaining planning permission from the LPA.

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



Committee and date
 Central Planning Committee
 27 September 2018

Item
7
 Public

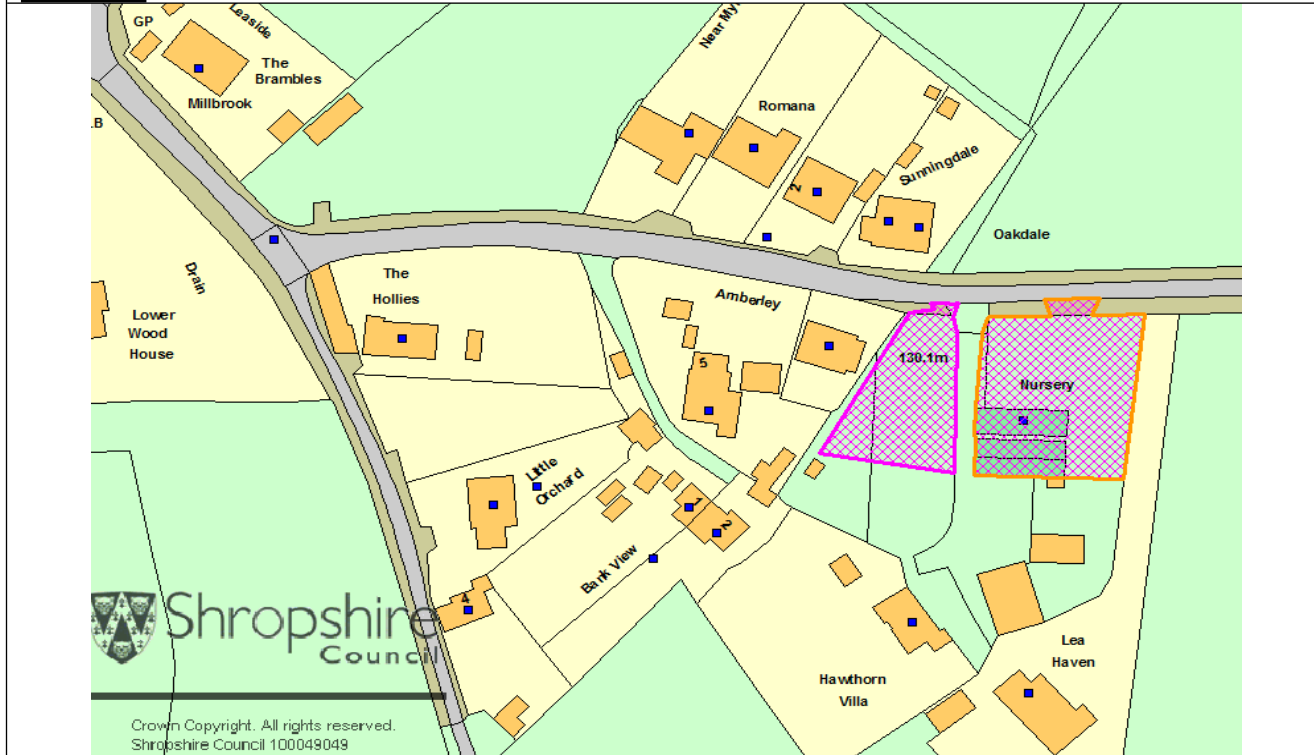
Development Management Report

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

Summary of Application

Application Number: 18/00251/FUL	Parish:	Longden
Proposal: Erection of 2No dwellings, formation of vehicular and pedestrian access and installation of package treatment plant		
Site Address: Land Adj. Hawthorn Cottage Longden Shrewsbury Shropshire		
Applicant: Mr M Hollings		
Case Officer: Shannon Franklin	email: planningdmne@shropshire.gov.uk	

Grid Ref: 345571 - 305323



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of 2.No dwellings, formation of vehicular and pedestrian access and installation of a package treatment plant.
- 1.2 The application has been revised from a three dwelling scheme to a two dwelling scheme. The applicant advises that these alterations seek to address the concerns of the Parish Council regarding the development as well as comments from members of the local community.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application is located within the village of Lower Common, 1.7km to the south east of Longden and 7.9km south of Shrewsbury town centre. The whole site previously occupied a nursery use and comprises of a lawned area, a loosebound access track, additional hardstanding and 3no. derelict glasshouses constructed of a brick plinth with a timber, metal and glass frame to the upper portion. There are additional outbuildings and an area for open storage of timber associated with the wider sites use as a timber yard located to the south of the site although these do not form part of the current application.
- 2.2 The site is bounded to the south and east by residential properties and their curtilages. To the west the site is bounded by an access track leading to the dwelling Lea Haven; located to the south of the site, and to the north by the unnamed road from which the site gains its access. The sites boundaries are formed of mature native species hedge planting to the north, east and west, to the south the site is currently open to the dwelling Hawthorn Villa.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Longden Parish Council

Reconsultation date - 14.08.2018

The Parish Council were reconsulted on the revised scheme, following which the Planning Officer contacted the Parish Council and the Local Member with regards to this reconsultation however no response has been received to date.

Objection - 19.03.2018 (3no. dwelling scheme)

After discussion it was agreed that the parish council do not support this application. The site boundaries do not match on the Location and Block Plan and the Proposed Block Plan. On the Location and block plan it is not possible to put three dwellings on the site. An extra piece of ground is shown on the proposed block plan. Also the Parish Council is over its numbers for SAMDev for this area of the parish.

4.1.2 SC SUDS

No objection has been raised to the application however the applicant should implement an appropriate sustainable drainage scheme. The relevant Guidance provided by the council and within the Planning Practice Guidance should be adhered to and preference should be given to drainage measures which allow rainwater to soakaway naturally.

4.1.3 SC Highways

No Objection – subject to the development being constructed in accordance with the approved details, and the appropriate conditions & informatives.

4.1.4 SC Trees

There are a number of trees on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The proposed development would result in the loss of two minor trees, and some small sections of hedgerow. This would not have a significant impact on the rural character of the area or on public amenity and could be easily mitigated through additional new planting.

No objection is raised to the proposed development and subject to appropriate conditions.

4.1.5 SC Affordable Housing

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's 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.

4.1.6 SC Ecology**No Objection 28.06.2018**

Following provision of an Ecological Appraisal prepared by Turnstone Ecology

(June 2018) no objection is raised to the scheme subject to the inclusion of appropriate conditions and informatives below on any planning decision notice.

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site and newspaper advertisement. Additionally, the residents of five neighbouring properties were individually notified by way of publication. At the time of writing this report, one representations had been received in response to this publicity objecting to the proposal. The objection cites the following reasons:

- Housing numbers in the area have already been met
- The roads providing access to the village are narrow
- Supply of services is limited
- Size of the dwellings is inappropriate
- There have been refusals for similar developments in the area
- The area has issues with surface water flooding
- Presence of overhead electricity cables
- Position of the existing telephone connection points

5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
 - **Siting, scale and design of structure**
 - **Visual impact and landscaping**
 - **Residential amenity**
 - **Other issues**

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application is assessed under the policies and criteria outlined in the National Planning Policy Framework, the Shropshire Core Strategy and the Council's Site Allocations and Management of Development – Development Plan Document (SAMDev).

6.1.2 Policy CS1- Strategic Approach, states that the majority of new residential development within Shropshire will be sustainably located within Shrewsbury, Market towns and Key Centres. Sustainable rural residential development; accounting to approximately 35% of the necessary housing provision will be located within identified community hubs and community clusters, contributing to social and economic vitality.

6.1.3 Policy CS4- Community Hubs and Clusters, of the Core Strategy promotes sensitively designed development that reflects the needs of local communities and allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can happen. Such designations are subsequently set out within the Council's SAMDev Plan (MD1 – Scale and

Distribution of Development) and Policies S1-S18.

- 6.1.4 The application site is located within Lower Common which is identified as a community cluster in Policy S.16.2 (vii) where sustainable development by infilling may be acceptable on suitable sites within the villages. Within this policy Longden, Hook-a-Gate, Annscroft, Longden Common, and Lower Common/Exfords Green has a settlement housing guideline figure of 10 to 50 dwellings, with 25-30 to be accommodated within Longden. The SC Five Year housing Land Supply Statement published on 11th September 2017 confirms that within the 'Longden Cluster' 19 dwellings have been completed within the plan period and an additional 33 have planning permission, although up to date figures are being prepared by the Planning Policy team they are not available yet, resultantly the 2017 figures remains the most up to date record of completions within the cluster.. Since the publication of the 5YLS document four further dwellings have gained planning permission within the wider cluster; two dwellings within Longden at Land east of Woodhouse Cottages (Ref: 17/02170/OUT) and two within Longden Common at Land north of The cottage (Ref: 17/00130/FUL). The current housing provision figures within the 'Longden Cluster' therefore sits at approximately 56 comprising of 19 completed dwellings and 37 with planning permission. Should the proposed application be granted this figure would rise to 58 dwellings.
- 6.1.5 The Parish Council has adopted a Longden Parish Development Statement (2013) together with the Parish Plan (2017), indicating that no individual site should be of more than 3-5 houses and a preference for lower cost 2-3 bedroom properties. The original scheme made provision for 2no. four bedroom dwellings and 1no. three bedroomed dwelling in response to the Parish Council comments however following the revision of the overall scheme reducing the number of dwelling proposed, the current scheme consists of two four bedroomed dwellings as the applicant has indicated that smaller dwellings would not be financially viable.
- 6.1.6 The proposal is situated within an existing development cluster and is deemed to be sustainable in location and suitable for small scale infill development. The development site is also considered to be previously developed (brownfield) land in that it has previously occupied a nursery use and currently has a number of disused buildings; of a substantial and permanent construction, on site. Within the adopted SAMDev it is acknowledged that key component of the housing land supply will included 'Windfall' development on sites other than those allocated, including brownfield sites having regard to the policies of the Local Plan. Furthermore the NPPF at paragraph 17 and Policy CS10 of the Core Strategy prioritise the re-use and development of brownfield sites on suitable sites in sustainable locations.
- 6.1.7 As the housing provision figure is above that of Policy S.16.2 (vii) an assessment under Policy MD3- Delivery of Housing Development must be undertaken. The increase in the number of dwellings by 2 as sought by the application relative to the guideline is approximately 4%. Together with the existing permissions the total number of dwellings with permission comparative to the guideline figures would be approximately 12%, these outstanding permissions are very likely to go ahead. The benefits of granting an additional permission will predominantly be short term economic benefits during the construction phase and limited social and economic benefits during the occupations of the dwelling. Cumulatively the impact will have a limited impact on the settlement of Lower Common as only 2no. new dwellings have been granted within it and the site is sustainably located in accordance with

the presumption favour outlined in the NPPF.

- 6.1.8 While it is accepted the granting of the planning permission will increase the settlement housing figures above the guideline, both the development plan and national planning policy encourage development of previously developed land in the first instance, meaning the impact on the settlement guideline figure is not a determining factor. Additionally officers consider that the benefits associated with the development; the short term economic and limited social and economic benefits identified above, together with the limited cumulative impact the development will have on Lower Common as a settlement, outweigh the limited harm and as such the scheme is acceptable in principle.
- 6.1.9 With regards to the design of the proposal Policies CS6, CS17 and MD2 are also considered to apply to the consideration of this application. Policy CS6 seeks to ensure developments are sympathetic to the size, mass, character and appearance of the original property and surrounding area. Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 7 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness. Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration.

6.2 Siting, scale and design of structure

- 6.2.1 The application seeks to erect 2no. dwellings on the site orientated so that their principal elevation faces north towards the unnamed road from which they will gain their access. The dwellings will continue the existing building line fronting the road from the dwelling Amberley to the west and will be bounded by the access track to Lea Haven to the east. The siting of the proposed dwellings within the settlement and building line is considered to be acceptable.
- 6.2.2 The dwellings are set between approximately 10.5m and 12.0m back from the edge of the highway and are sited roughly centrally within their individual plots, retaining a reasonably sized residential curtilage to the rear; in line with neighbouring development, and a driveway accommodating parking and turning area to the road frontage. Supplementary landscaping is proposed to the road frontage, more specifically to the northwestern corner along the boundary of Plot 1.
- 6.2.3 The proposed dwellings will accommodate a lounge, kitchen, utility and dining room to the ground floor and four bedrooms and a bathroom to the first floor. Each of the dwellings will also benefit from an attached garage and conservatory. While the level of accommodation provided within each dwelling is generous, officers conclude that the overall scale of the dwellings is acceptable and comparative to those existing dwellings in the wider village. The applicant considers that the number of bedrooms provided within each of the dwellings could not be reduced without impacting the financial viability of the overall scheme although evidence to this effect has not been submitted to date.
- 6.2.4 The overall mass of the two dwellings has been broken up through effective design including the use of half dormer windows, lower pitched roofs to the garage and

porch together with a monopitched roof to the ground floor principle elevation.

6.3 Visual impact and landscaping

6.3.1 The dwellings seek to utilise brick, roofs tiles and upvc windows and doors, at this stage the colour and appearance of the materials have not been specified. These materials are commonly found within residential properties and the cluster of Lower Common has a mixture of dwelling styles and materials such that the proposals would not appear out of character.

6.3.2 The proposed dwellings are considered to be in proportion and of an acceptable visual appearance comparative to the surrounding dwellings. A number of neighbouring premises; of both single and two storey, benefit from both attached and detached garages and outbuildings together with varying roof profiles utilising dormer windows, box dormers, including the immediate neighbour Amberley, such that the scheme is considered to be visually congruent.

6.3.3 The main public viewpoint will be from the unnamed road to the north, currently a mature hedge bounds this frontage. As part of the scheme an additional driveway will be provided within the frontage to provide access to the two plots. It is accepted that this aspect of the development will give rise to some limited harm as parts of the existing hedging will be lost however in considering the current views into the site of the dilapidated greenhouses and associated hardstanding it is not considered that views of the proposed dwellings; which are in character with those in the settlement, will be unacceptable.

6.3.4 Suitable gaps between the two dwellings, reflective of the countryside setting and the arrangements within the existing settlement, will be retained. Additionally following the removal of a third dwelling from the scheme a generous gap between Plot 2 and the nearest neighbouring property Amberley to the west has been introduced. Supplementary landscaping to the south and west boundary, together with the retention of a significant portion of the existing, will further contribute to the acceptable appearance of the development and assist in blending the development within the wider setting.

6.3.5 The Shropshire Way footpath runs northwards within the field opposite the existing site entrance so the proposal will be visible from this point. In considering the dwellings siting in front of existing dwellings and outbuildings and between and existing access track and residential properties, it is considered that the proposal will not appear as an alien feature within the wider context. The existing mature hedging forming the boundary to the east and the existing trees to the western boundary will contribute to the proposals appearance as a well sited group of dwellings within the settlement.

6.4 Residential Amenity

6.4.1 The dwellings will be situated on previously developed land formerly used as a nursery. There will be neighbouring residential dwellings to the south (rear) and west of the proposal. The nearest dwelling, Hawthorn Villa to the south will be approximately 23.0m from the nearest point of the rear elevation of the dwellings, as such it is not considered that the proposal give rise to unacceptable levels of harm in this respect.

6.4.2 The dwelling known as Amberley situated on the west side of the development site will be situated 24.3m away from the west elevation of the dwelling on Plot 2. Between these dwellings the existing hedge and tree planting will be retained, as such there is no impact on neighbours residential amenity.

6.4.3 The overall scale of the proposal will not give rise to any overshadowing or overbearing impact due to their orientations, the scale of the surrounding properties and the distances between them. As such it is not considered that the 2no. dwelling proposed will give rise to unacceptable impact on neighbouring residents amenity or privacy through overlooking, overshadowing or overbearing.

6.5 Other Issues

6.5.1 The proposal seeks to one additional shared access providing Plot 1 and 2, an arrangement which is considered acceptable in this location. The design of the development would allow vehicles to access and egress the plot in forward gear, and adequate visibility splays can be provided. The conditions recommended by the Highways Officer can be imposed on the decision notice.

6.5.2 Additionally the application seeks planning permission for the installation of a package treatment plant, full details of which will be required at conditions stage in accordance with the recommendations made by the Drainage Officer. It has been confirmed that the submitted tree report is satisfactory subject to appropriate conditions.

7.0 CONCLUSION

7.1 The 2no. dwellings proposed will be situated within Lower Common, a community Cluster identified within Policy S.16.2 (vii), therefore the development is sustainably located. Additionally the site is considered to represent infill development within the settlement and is previously developed (brownfield) land, the redevelopment of which is actively encouraged by the NPPF and CS10. The impact of exceeding the settlement housing guideline figure is therefore negligible.

7.2 The siting, scale and design of the 2no. proposed dwellings is considered to be in character with the surrounding built development and of no demonstrable harm in terms of visual impact. As such the proposal is in accordance with the determining criteria of the relevant policies including CS6 and MD2 and as such approval is recommended.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

MD1 - Scale and Distribution of Development

Settlement: S16 - Shrewsbury

CS10 - Managed Release of housing Land

National Planning Policy Framework

MD3 - Managing Housing Development

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

18/00251/FUL Erection of 3No dwellings, formation of vehicular and pedestrian access and installation of package treatment plant PCO

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

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

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

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

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

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

6. **No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said**

development until a tree planting scheme, prepared in accordance with of BS 8545: 2014 Trees: from nursery to independence in the landscape - Recommendations has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no nett loss of trees from the area and to provide natural landscape features that help to integrated the development into the local environment.

7. No development shall take place until full details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. 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.

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

8. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

9. Prior to first occupation / use of the building, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 2 artificial bird boxes, of either integrated brick design or external box design, suitable for House Sparrow, Swallow & Wren should be installed on site. The boxes should be sited in an appropriate location and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

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

10. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

11. Any hedge or other boundary treatment fronting onto the adjoining highway is to be set back behind the visibility splays and kept at a height of 900 mm at all times.

Reason: To ensure the provision of adequate visibility in the interests of pedestrian and highway safety.

12. Work shall be carried out strictly in accordance with the Ecological Appraisal prepared by Turnstone Ecology (June 2018) attached as an appendix to this planning permission.

Reason: To protect features of recognised nature conservation importance.

Informatives

1. 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.

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. A. 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.

B. 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 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.

C. 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, cycleways & 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/>

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

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

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

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

B. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

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

C. Full details and sizing of the proposed package sewage treatment plant including percolation tests for the drainage fields should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development i.e. for a 4 bedroom dwelling, the population equivalent should be 6 and the sizing of the package sewage treatment plant and drainage fields should be designed to cater for a minimum of 6 persons and in accordance with the Building Regulations H2.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.

6. 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 187.

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