



Committee and date

South Planning Committee

12 March 2019

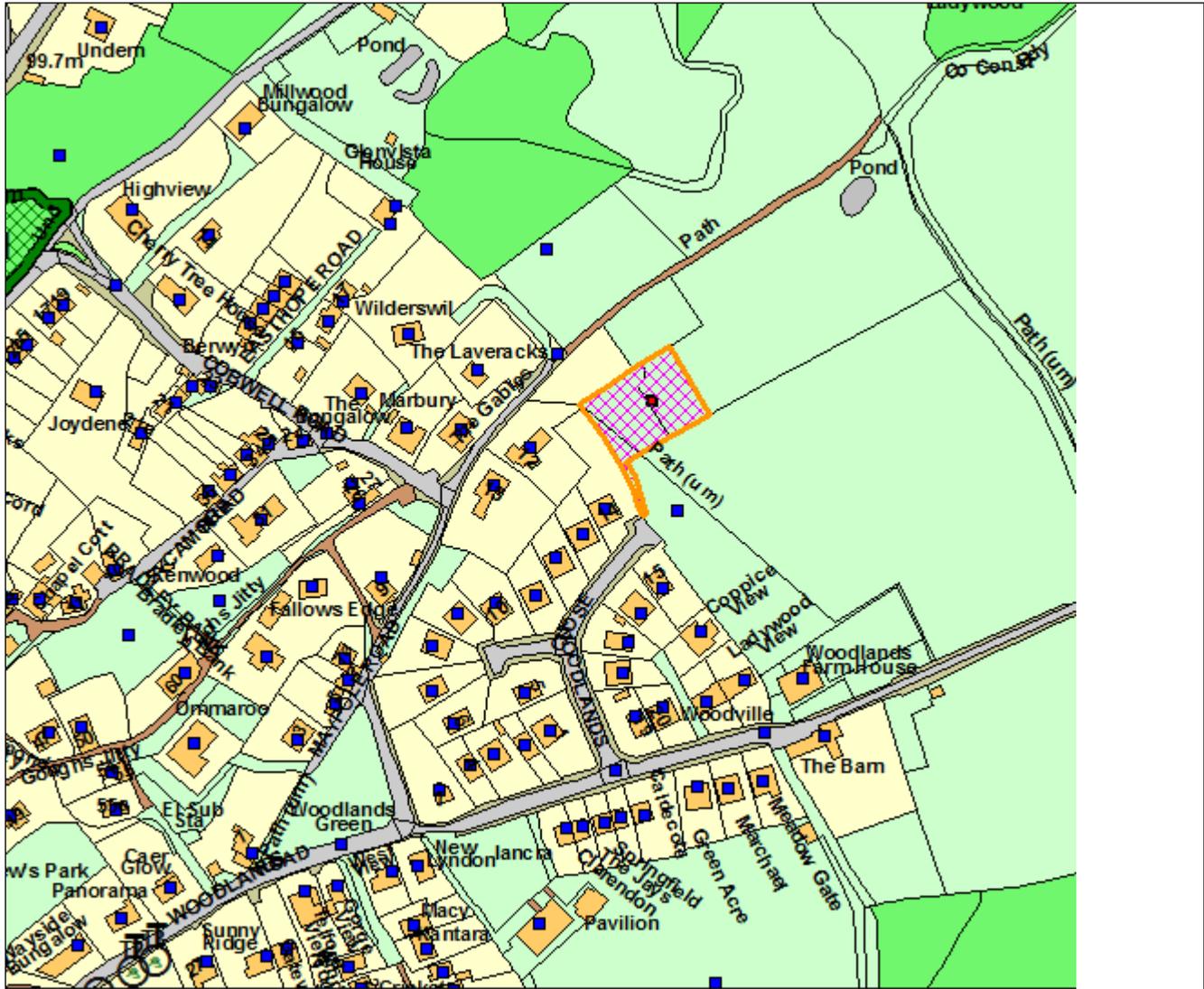
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 18/03001/FUL	<u>Parish:</u>	Broseley
<u>Proposal:</u> Erection of single plot affordable dwelling; formation of access		
<u>Site Address:</u> Proposed Affordable Dwelling North Of Balls Lane Broseley Shropshire		
<u>Applicant:</u> Miss L Owen		
<u>Case Officer:</u> Lynn Parker	<u>email:</u> planningdmse@shropshire.gov.uk	
<u>Grid Ref:</u> 367374 - 302845		



Recommendation:- Refuse.

Recommended Reasons for refusal

1. The proposed site is within a 'Local Green Space' as designated on the Broseley Town Plan Map where under Policy ENV.1 of the Broseley Town Plan 2013-2026 proposals for development of any kind in relation to these valued green spaces are not supported. The benefits of the proposal would not outweigh the loss of this valued area which serves as a protective buffer zone preventing physical and visual encroachment between Broseley and the Ironbridge Gorge World Heritage Site and is an unacceptable amenity loss contrary to Policy H.7 of the Broseley Town Plan 2013-2026. The adverse impact of the loss of this 'Local Green Space' on the adjacent historic environment is contrary to the Shropshire Council Local Development Framework Policies CS6 and CS17, and Site Allocations & Management of Development Plan Policy MD13 in addition to the objectives of the National Planning Policy Framework.

2. Due to the position and size of the proposed plot in relation to the pattern of the adjacent built environment, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land.

The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for the erection of a dwelling, detached garage and new vehicular access under the Council's single plot affordable scheme on agricultural land to the north of Balls Lane, Broseley. Certificate B has been completed confirming the applicant is not the owner of the site. The proposed plot covers approximately 950m² including an access drive and would have a gross internal floorspace of approximately 100m² with an additional balcony of 34m² and decking area of 13.25m². Discounting the area covered by the balcony and decking it would measure approximately 9.85m wide x 11.2m in depth x 8m max height, 4.95m to eaves. The dwelling would accommodate 2 no. bedrooms and a bathroom at ground floor level, and a lounge/dining room, kitchen, larder, WC, entrance hall and porch at first floor level. The dwelling is proposed as a split-level structure to follow the steep downwards slope of the site and is designed as an Oak framed structure with brickwork at ground floor level and weatherboarding above. Features include an external chimney on the south west facing rear elevation, a balcony with glazed safety barriers around the north east facing front and north west facing side elevations and a large triangular window serving the kitchen.
- 1.2 Additionally, a detached, dual-pitched roof, single garage is proposed adjacent to the south east side of the dwelling which would measure approximately 4.95m wide x 6.5m in depth x 4.45m to ridge height, 2.35m to eaves. It too would have a north east facing front elevation onto a permeable gravel parking area of approximately 100m². Access is proposed from a cul-de-sac end of Woodlands Close to the south of the site, forming a right angled, permeable gravel drive of approximately 60m in length extending into the parking area. It is indicated that the first 10m of the driveway would be surfaced in tarmac to prevent the transfer of loose materials onto Woodlands Close.
- 1.3 The dwelling is proposed with an Oak framed construction and brickwork to the ground floor with weatherboarding above, a tiled roof, timber windows and doors and a post and rail fencing boundary. Foul sewage is proposed to be disposed of via septic tank and surface water via SUDs and a soakaway.
- 1.4 In addition to the Supporting Statement dated June 2018, the following documents have also been submitted in support of the proposal:

Preliminary Ecological Appraisal (Incorporating an Extended Phase 1 Survey, Preliminary Roost Assessment and Habitat Suitability Index) by Salopian Consultancy Ltd dated 31st May 2018

Arboricultural Appraisal (Incorporating Arboricultural Impact Assessment and Tree Protection Measures in accordance with BS5837:2012: trees in relation to design, demolition and construction – recommendations) by Salop Consultancy Ltd dated 23rd July 2018.

Drainage Assessment dated July 2018

Access Arrangements dated July 2018

- 1.5 There is an outstanding Outline Planning Application ref: 15/02877/OUT on the parcel of land abutting the south east of the site. As submitted this application proposed residential development with all matters reserved. Having raised the same issues with the agent for that application which are expressed in this report, some negotiation between the agent, housing associations and Shropshire Council Local Housing Enabling Officer with regard to offering the site as a 100% affordable housing site was undertaken. This did not come to fruition and the recommendation for Planning Ref: 15/02877/OUT is also for refusal.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within open countryside adjacent to the Development Boundary on the north east side of the Key Centre of Broseley. The proposed plot additionally falls within land which is designated in the Broseley Town Plan as 'Local Green Space'. There are public rights of way several metres to the north and east of the site. The Broseley Conservation Area boundary is approximately 10m to the west, and the Severn Gorge World Heritage site is to the north east, approximately 160m away at its closest point.
- 2.2 The site itself is positioned on the east side of no. 14 Woodlands Close and no. 12 Maypole Road but within an area of green space which is fenced off from the cul-de-sac end of Woodlands Close to the south. The plot is currently separated out from the rest of the green space by post and wire fencing and contains pigs and associated paraphernalia. The land within the plot is level with the remainder of the green space on its southern side, but slopes steeply down to the north from the middle. There is substantial native hedging and trees along the western boundary with the adjacent dwellings and to the north, otherwise the land is open grass land.
- 2.3 Land further to the east is agricultural up to the wooded side of the Ironbridge Gorge. Land to the west is the built environment of Woodlands Close, characterised by detached bungalows constructed in the latter half of the 20th Century in red brick, cream render, white panelling and concrete roof tiles. The substantial, two storey Woodlands Farm House is some 90m to the south of the site, and there are traditional cottages within Broseley Conservation Area to the north west in Maypole Road which is set at a much lower level than the site. A footpath extends to the east from the end of Maypole Road so that the 'Local Green Space' including the proposed plot is above it on its south side.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Town Council comments are at variance with the Officer view and the Local Member has requested Committee determination. The Chair of the South Planning Committee, in consultation with the Principal Planning Officer, considers that material planning considerations are raised which warrant consideration by the South Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Broseley Town Council – Whilst Broseley Town Council is not opposed to the principle of the erection of an appropriate property on this site under the Single Plot Exception Site Policy, the comments made by the Planning Officer and Conservation Officer at Pre-Application Advice stage about the suitability of this particular proposal are noted. Object to the proposal to create an access from Woodlands Close and wish to see the existing access from Balls Lane retained. Support the request from the Local Member that this application be referred to the South Planning Committee for consideration.

4.1.2 SC Rural Enabler - I can confirm that Miss Lacy Owen has demonstrated strong local connections to the administrative area of Broseley Town Council. After considering her housing needs and personal circumstances, I can confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

4.1.3 SC Drainage – Informative recommended in relation to a sustainable drainage scheme for the disposal of surface water from the development.

4.1.4 SC Highways – No objection. Pre-commencement condition recommended in relation to access layout, construction and sightlines details.

4.1.5 SC Conservation – The proposed dwelling, curtilage and access does not reflect the built form on this edge of the Conservation Area. It would appear as an encroachment into open countryside and from a Conservation perspective this encroachment into designated local green space does not appear justified and would not be in accordance with policies, guidance and legislation.

4.1.6 SC Archaeology – The proposed development site can be deemed to have archaeological potential. Pre-commencement condition requiring notification of Shropshire Councils Historic Environment Team not less than three weeks prior to the commencement of ground works.

SC Trees – No objection to the proposed development on arboricultural grounds. Pre-commencement conditions recommended in relation to work being carried out in accordance with the recommendations of the submitted Arboricultural Appraisal and landscaping.

SC Ecology – Prior to occupation conditions recommended in relation to a Great Crested Newt RAMMS Implementation Report, landscaping, bat and bird boxes, and external lighting.

4.2 - Public Comments

4.2.1 Site notice displayed on 15th August 2018. Nineteen letters of public representation received, fourteen objections and five of support. These are available to view in full online, however are summarised below:

4.2.2 13 Objections comments:

- o The proposed development is currently outside the Broseley Planning Boundary.
- o Building outside the local development boundary may compromise tourism growth. The growth of the outdoor leisure industry will attract visitors to the town and the lure includes the beauty of the surroundings, especially the fields and woodland views looking down into the Ironbridge Severn Gorge plus Broseley's unique history and heritage.
- o It is far away from local amenities and the centre of town 30 minutes away.
- o The proposed site is positioned in open countryside identified as a Local Green Space. The Broseley Town Plan states that Local Green Spaces will be 'afforded strong protection'.
- o Any intrusion into this protected space, a buffer between Broseley and the World Heritage Site, would create a precedent for further building.
- o The plot is near or on the line of a late 18th – early 19th Century tramway from Mines on Maypole Green to Barnetts Leasow furnaces in the gorge.
- o Planning Permission has already been refused on this site a number of times in previous years.
- o This could lead to an incremental approach to another application being submitted to build a larger number of houses on the field.
- o The proposed plan does not relate to the plot sizes of adjacent dwellings.
- o The proposed dwelling would sit well outside anyone's affordable budget, bungalows/housing in Woodlands Close are selling for around £200,000.
- o The one, exclusive detached property on a large plot in an enviable position with a detached garage, veranda and a high roof with windows in, is not like any other 'affordable' housing I have ever seen.
- o It would fetch in excess of 250K on the open market.
- o There is already a third floor to the building as roof lights are included.
- o When considering the applicant's statement that they cannot afford a property in Broseley, the Council should consider the build cost (including land cost) and the market price for this development and compare this with properties currently available locally. From this, a decision should be made if

this really constitutes affordable housing and if this justified development on designated green spaces.

- o How could someone on a low income who has stated she cannot afford to buy a house in Broseley afford to build such a house?
- o This proposed dwelling could never be sensibly described as an affordable dwelling.
- o We see no reason for further access to be granted when there is already access via a track on the opposite side of the field.
- o The roads in the area are largely single track or subject to high levels of parking and congestion issues. They are popular with dog walkers and families with young children. Any additional traffic even from one property should be discouraged.
- o The driveway would abut my garden and there is a significant difference in ground level so ground destabilisation could result.
- o The driveway could be re-orientated to make the exit on the centreline of the close, avoiding removal of the Ash tree.
- o The site plan does not show the side extension on our bungalow. Any traffic would pass within 2 metres of its kitchen window.
- o The footpaths that surround the site are in regular use. They will not be damaged by the proposal, but do not exist in isolation from their surroundings, so the enjoyment of the environment passed through would be affected.
- o Being on a bank, this development would require substantial ground works, foundation works and removal of a large amount of spoil.
- o It appears from the STWA sewer records that the proposed dwelling would be on top of the existing foul water sewer.

4.2.3 5 Support comments:

- o Having seen this scheme work in Benthall, Nordley, Cross Lane Head and other rural areas, we see it as a fantastic opportunity to provide affordable rural housing to a resident of Broseley.
- o My partner and I were both born and grew up in Broseley, but sadly had to move to Bridgnorth to get a house we could afford.
- o I wish my children could experience the childhood I had within a tight nit community and family close-by.
- o I am currently in the process of building a home on this scheme without which it would not have been possible for me to stay in the local area.
- o The proposal will create an affordable home for someone in the future as well as now.
- o Should this scheme have been implemented years ago, local young people would not be in the situation where they cannot afford to buy a property in the area that they grew up in.
- o I strongly believe that we should be helping the younger generation to remain in Broseley as this can only benefit the town in the future.
- o Affordable housing can innovative without excessive costs.

- o The style of housing varies widely in Broseley.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on the adjacent historic environment
- o Impact on neighbours/residential amenity
- o Access
- o Impact on the surrounding natural environment

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy, the National Planning Policy Framework (NPPF) has been published and revised in July 2018, and needs to be given weight in the determination of planning applications.

6.1.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan.

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

6.1.4 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.

6.1.5 The site is positioned in open countryside outside of any development boundaries designated under existing Planning Policies. LDF Core Strategy Policy CS5 states that new development will be strictly controlled in accordance with National Planning Policies protecting the countryside. The policy goes on to state that proposals on appropriate sites which maintain and enhance countryside vitality and

character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. In relation to new housing proposals, Policy CS5 identifies specific types of development which may be acceptable, including dwellings for agricultural, forestry or other essential countryside workers, or other affordable housing/accommodation to meet a local need, or conversion of a building of historic merit. Policy MD7a of the SAMDev Plan reinforces CS5.

- 6.1.6 As noted above under LDF Core Strategy Policy CS5 new development in the countryside is strictly controlled, however, potentially acceptable development does include the erection of new dwellings which provide affordable housing/accommodation to meet a local need in accordance with Policy CS11. In support, SAMDev Policy MD7a states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirement.
- 6.1.7 LDF Core Strategy Policy CS11 supports the provision of affordable housing on suitable sites in recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity i.e. the completion of a Section 106 Legal Agreement to secure the dwelling as affordable, before an Approval Decision is issued for any such application.
- 6.1.8 The build your own affordable home on a single plot exception site scheme is detailed in Chapter 5 of the SPD Type And Affordability Of Housing beginning at paragraph 5.10. Applicants will normally be the prospective occupiers of the proposed single plot affordable dwelling and must qualify for the scheme by demonstrating the following points (summarised) to the satisfaction of the Housing Enabling Officer:
1. That they are in housing need and are unable to identify or afford a suitable alternative home currently available for sale on the open market in the local area or within 5km of the proposed site.
 2. That they have a strong local connection to the area. Applicants are expected to be proactive obtaining formal written confirmation of their 'strong local connection' from the relevant Parish Council.
 3. That their housing need should be met in the local area
- 6.1.9 The SC Housing Enabling Officer has confirmed that Miss Lacy Owen has demonstrated strong local connections to the administrative area of Broseley Town Council. After considering her housing needs and personal circumstances, it is also confirmed that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme have been satisfied.

6.1.10 The Local Housing Need elements of this application were established as follows from information presented to the SC Housing Enabling Officer by the applicant in May 2018:

- o Miss Owen intends to construct a 100 sq m (max) affordable dwelling at the above site to occupy as her long-term family home. This dwelling will be subject to a Section 106 Agreement prescribing local occupancy criteria, limiting current/future size and restricting any potential future sale value.
- o Due to a change in circumstances Miss Owen and her son currently live with her mother in Broseley and have done so since the start of this year. Due to a limit on space they are sharing a room. As she has no home of her own this is deemed unsuitable for her long terms housing needs.
- o Broseley Town Council were able to confirm Miss Owens strong local connection to the town council area. Stating they were happy to confirm that she satisfies at least two of the criteria specified in Shropshire Councils definition of 'strong local connection' by reason of both residency and employment.
- o Miss Owen is employed in the hospitality and catering industry working unsociable hours. During this time her son is cared for by a family member who lives in Broseley. Without this care and support this would limit her ability to work. Details have been provided to support the level of care received.
- o Miss Owen has lived in Broseley all her life and has a close support network of family and friends who live locally. She has been employed in the local area for the last six years.

Miss Owen has therefore demonstrated housing need, strong local connections and a need to live in the local area. Furthermore, due to a lack of affordable accommodation she is unable to meet her own housing needs within the Town Council area without assistance through the Council's affordable housing policy. This is because her income and savings are insufficient to purchase or rent a suitable home available in the area.

6.1.11 Single plot affordable exception sites are permitted in locations that would not normally obtain Planning Permission for new open market residential development, as they are intended to engender additional community resilience and sustainability. However this does not translate as free rein to always allow single plot affordable dwellings wherever they are proposed. Policy CS11 permits exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and other Key Centres, Community Hubs, Community Clusters, and sites which are demonstrably part of or adjacent to recognised named settlements of all sizes. This proposed site for local needs affordable housing is adjoining the Key Centre of Broseley.

6.1.12 Policy H.7 of the Broseley Town Plan states that,

Affordable housing developments will be supported outside the development

boundary provided that:

- a) The affordable component is 100%;
- b) The amenity loss is acceptable;
- c) Proposed sites must be easily accessible to the main services in the town centre;
- d) The existing infrastructure must be able to meet the needs of the development with little or minor modification.

6.1.13 Additionally, the site is designated on the Broseley Town Plan Map as being 'Local Green Space'. Policy ENV.1 of the Broseley Town Plan states that,

'In recognition of their special local and historic significance and importance to the community, the areas marked on the Town Plan Map are designated as Local Green Space. Proposals for development of any kind in relation to these valued green spaces will not be supported.'

The Local Green Space is described in the Plan as,

'an area of open farmland on the norther boundary of Broseley served by two well used footpaths. This area is of value because it is immediately adjacent to the Severn Gorge World Heritage Site and serves as a protective buffer zone preventing physical and visual encroachment'.

6.1.14 Therefore, whilst the proposed single plot affordable dwelling site could be described as adjacent to the Key Centre of Broseley and the applicant may fulfil the qualifying criteria, the plot is also in Local Green Space and its development would result in the loss of amenity as per point b) of Policy H.7. It is considered that the benefits of the proposal are unlikely to outweigh the loss of amenity in this case. The principle of the proposed development on this site within Local Green Space is not acceptable.

6.2 Design, scale and character

6.2.1 Policy CS6 of the Shropshire Council LDF Core Strategy states that development should conserve and enhance the built, natural and historic environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. For a development to be considered acceptable it is required to contribute to and respect locally distinctive or valued character and existing amenity value by:

- i) Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale density, plot sizes and local patterns of movement; and
- ii) Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and

- iii) Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
- iv) Enhancing, incorporating or recreating natural assets in accordance with MD12.

6.2.2 The proposed site does not exceed the 0.1 hectare limit imposed by the SPD Type and Affordability of Housing and the gross internal floor space is close enough to 100m² allowing for any minor measuring inaccuracies. The dwelling would be a split level, two bedroom property which includes external non-enclosed balcony and decking areas. The scale of the proposed dwelling and its plot are therefore commensurate with policy expectations for single plot affordable dwellings.

6.2.3 The design of the proposed dwelling does not respond to the local context as it is neither commensurate with the appearance of the bungalows in Woodlands Close, the dwelling at Woodlands Farm House, or the traditional cottages in Maypole Road to the north west. The SPD Type and Affordability Housing requires that for single plot affordable dwellings standardised 'off the peg' designs of the type found on large estates will not be accepted. Design elements – chimneys, eaves, dormers, doors and windows for example – will be expected to reflect the site's unique context. However, it also requires that materials of construction and external finishes should be sympathetic to those in use locally.

6.2.4 The design and materials of the proposed dwelling are considered to be acceptable for several reasons, although its appearance would significantly differ from the adjacent properties. Firstly, the south side of the proposed dwelling facing towards Woodlands Close has a single storey appearance as the bulk of the property is set downhill to the north into the sloping landscape. It would therefore be in accordance with the scale of the dwellings in Woodlands Close which are bungalows. Secondly, some features have been included which are common to Broseley. Lower windows within the brickwork element have decorative brick cills, and in particular the external chimney would be typical within Broseley. Thirdly for this plot in the countryside on the edge of the town, the mix of materials utilising brickwork, roof tiles, Oak framing and areas of weatherboarding would marry the characteristics of these two environments.

6.2.5 The proposed plot is not located where it would respect the pattern of development in Woodlands Close as the alignment of the dwelling is closer to that of the adjacent properties in Maypole Drive to the north west. As the access is proposed from Woodlands Close. This positioning additionally means that its long right angled drive is an alien feature and furthermore its front elevation would face east unlike any of the other dwellings in the vicinity. Contrarily, it could be argued that the proposed position echoes that of Woodhouse Farm House to the south which projects out from the build environment formed by the Woodlands Drive estate. A further issue is the size of the proposed plot at approximately 943m². Whilst this size of plot is in accordance with single plot affordable dwelling policy, it is significantly larger than adjacent plots. The average plot size in Woodlands Close is 392m², the largest being 685m² at no. 14, the smallest 186m² at no.2. The average

plot size of the other 8 dwellings in the vicinity is 614m², the largest being no. 13 Maypole Road at 1,077m², the smallest Woodville at 317m². Therefore the overall average plot size would be 455m². The substantial Woodhouse Farm House, clearly an older property around the built environment has developed, has a footprint of 1528m², but also a footprint of 146m² and 4 no. bedrooms.

6.2.6 Therefore, whilst the design, materials and scale of the proposed dwelling are considered to be potentially acceptable, the position and size of the plot would not respond appropriately to the form and layout of the existing adjacent built environment.

6.3 Impact on the adjacent historic environment

6.3.1 LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.3.2 From a conservation perspective it is considered that the proposed site contributes to the character and setting of the adjacent Conservation Area by providing an open agricultural aspect and a buffer between the extent of the built form of Broseley and the dense woodland of the Severn Gorge World Heritage site. This area is distinctively open in nature which contrasts to the enclosed wooded areas beyond and provides an attractive open view which contributes to the character of the area. It is considered that development in this location would harm this open aspect and encroach into this designated greenspace.

6.3.3 The proposed dwelling, its design, scale, siting and access does not reflect the existing built form on this edge of the Conservation Area. It is considered that the proposed dwelling, curtilage and access would appear as an encroachment into open countryside and does not relate well to the existing residential development in this area. From a conservation perspective this encroachment into this designated local green space does not appear justified and would not be in accordance with policies, guidance and legislation.

6.3.4 The proposed development site is located on land that appears to have been crossed by a tramway of 18th or early 19th century date (Shropshire Historic Environment Record [HER] No PRN 32879), associated with an ironstone mine on Maypole Green, Broseley Wood (PRN 32878). The tramway is noted as an earthwork in an aerial photograph from 1962 (together with possible mining remains now built on) running NE from the mine towards the River Severn, though it does not appear on the historic mapping or more recent aerial photographs. The proposed development site can therefore be deemed to have some archaeological potential, though archaeological remains on the development site are likely to have been damaged or removed by more recent activity. This aspect of the site could be

managed by a suitable condition requiring an archaeological inspection of ground works takes place prior to the commencement of development.

6.4 Impact on neighbours/residential amenity

6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity.

By its distance, orientation and relative levels in relation the closest neighbouring properties, it is considered unlikely that there would be any significant adverse impact from overbearing, overshadowing or overlooking impact on them from the proposed development. The larger proportion of the proposed dwelling would be located on a lower level than the adjacent dwelling at no. 14 Woodlands Close and adjacent to the end of the rear garden. There is also a generous amount of native hedging containing some trees between the plot and no. 14. The aspect from the proposed north side balcony would be towards open countryside and forward of the rear garden of no. 12 Maypole Road.

6.5 Access

6.5.1 At Pre-Application Advice stage, the access for this proposal was indicated to be off Balls rather than its current location from Woodlands Close. Access from Balls Lane was considered to be overly contrived in that it would be unnecessarily lengthy at over 100m and impractical to serve a single dwelling in the position proposed. For this reason officers advised that access from Woodlands Close would be considered preferable. SC Highways have no objection to the access now proposed from Woodlands Close provided that further details of the means of access, including the layout, construction and sightlines are conditioned. The proposed parking and turning are regarded as adequate.

6.6 Impact on the surrounding natural environment

6.6.1 Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.

6.6.2 Both SC Trees and Ecology are satisfied that sufficient information has been submitted in support of the application to allow management of these aspects through their recommended conditions.

7.0 CONCLUSION

7.1 The proposed site is within a 'Local Green Space' as designated on the Broseley Town Plan Map where under Policy ENV.1 of the Broseley Town Plan 2013-2026 proposals for development of any kind in relation to these valued green spaces are not supported. The benefits of the proposal would not outweigh the loss of this valued area which serves as a protective buffer zone preventing physical and visual encroachment between Broseley and the Severn Gorge World Heritage Site and is an unacceptable amenity loss contrary to Policy H.7 of the Broseley Town Plan 2013-2026. The adverse impact of the loss of this 'Local Green Space' on the adjacent historic environment is contrary to the Shropshire Council Local Development Framework Policies CS6 and CS17, and Site Allocations &

Management Of Development Plan Policy MD13 in addition to the objectives of the National Planning Policy Framework.

7.2 Due to the position and size of the proposed plot in relation to the pattern of the adjacent built environment, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

First Protocol Article 1 requires that the desires of landowners must be balanced

against the impact on residents.

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

LDF Core Strategy Policies:
CS1 Strategic Approach
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1 Scale and Distribution of development
MD2 Sustainable Design
MD7a Managing Housing Development In The Countryside
MD12 Natural Environment
MD13 Historic Environment
S4 Broseley

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

Broseley Town Plan 2013-2026

RELEVANT PLANNING HISTORY:

None for this specific plot.

11. Additional Information

View details online:

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

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

Ecological Appraisal

Arboricultural Appraisal

Drainage Assessment

Access Arrangements

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Simon Harris

Appendices

APPENDIX 1 - Informatives

APPENDIX 1

Informatives

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

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

LDF Core Strategy Policies:
CS1 Strategic Approach
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1 Scale and Distribution of development
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Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

Broseley Town Plan 2013-2026

2. Shropshire Council seeks to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area in accordance with paragraph 38 of the National Planning Policy Framework. However in this case the application is not considered in principle to fulfil this objective having regard to relevant development plan policies and material planning considerations.

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