

Development Management Report

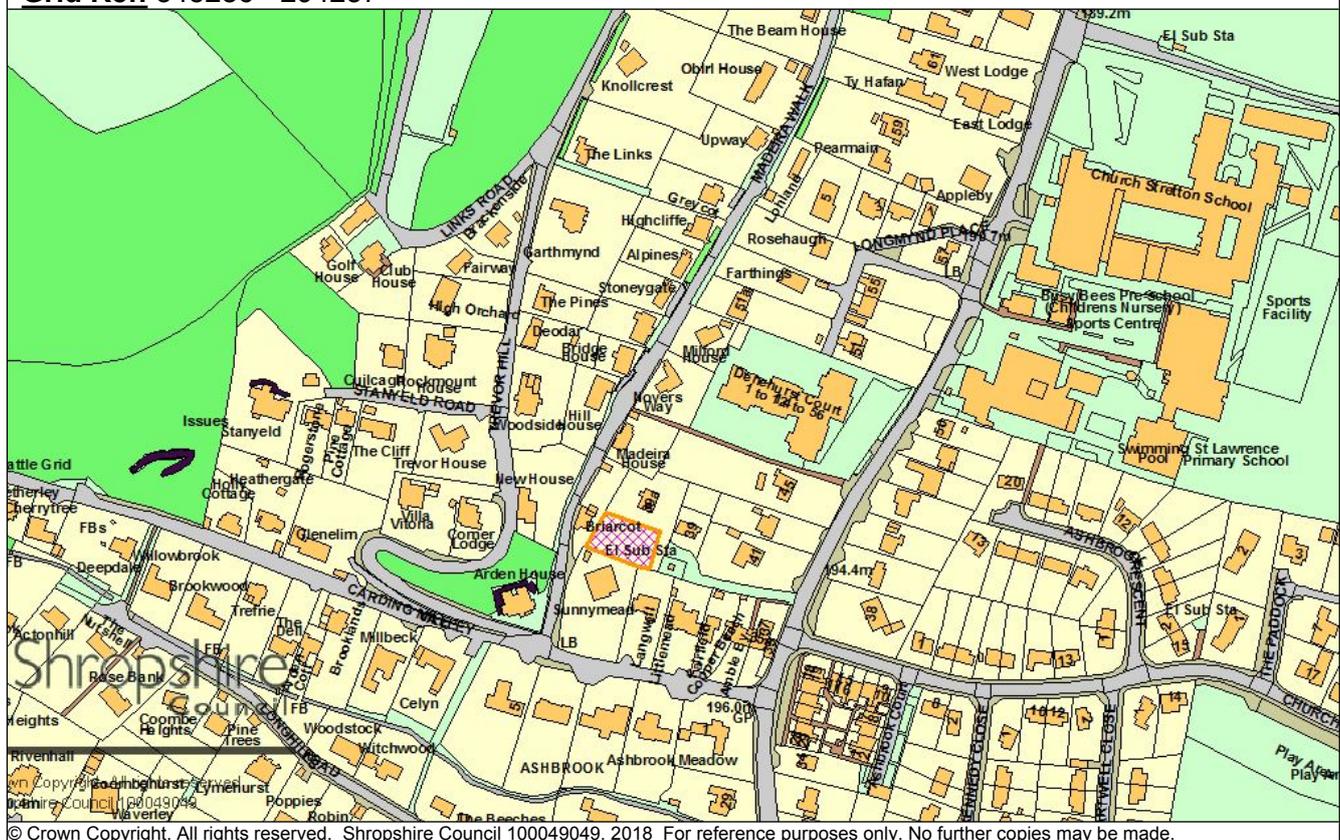
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 18/05492/FUL	Parish: Church Stretton
Proposal: Erection of dwelling (revised scheme)	
Site Address: The Patch, 39A Shrewsbury Road, Church Stretton, Shropshire, SY6 6JD	
Applicant: Mr & Mrs Beasley	
Case Officer: Trystan Williams	email: planningdmsw@shropshire.gov.uk

Grid Ref: 345286 - 294237



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

Contact: Tim Rogers (01743) 258773

REPORT

1.0 THE PROPOSAL

- 1.1 This full planning application presents a revised scheme to erect a two-storey open-market dwelling following the grant previously of permission No. 17/02494/FUL, which remains extant. In that case the dwelling combined a fairly traditional overall form and tiled main roof with more contemporary features including a zinc- or steel-clad projecting picture window, plus gable and box dormers roofed in the same material. Instead the current plans show a contemporary design throughout, with rendered and stone-faced sections featuring a variety of ‘punched’ window openings and covered with shallow, standing seam steel-clad pent roofs overlapping at an off-centre apex. Additionally the house is now shown realigned, with its south side parallel to the adjacent boundary, and its principal elevation facing almost due east rather than skewed to the northeast.
- 1.2 Further amended plans submitted during the course of the current application show some of the windows reconfigured, and provide an additional colour-rendered perspective view of the frontal aspect.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 No. 39A is a mid-20th Century, detached two-storey house of brown brick under a concrete pantile roof, set within a large (approximately 0.15 hectare) ‘backland’ plot off Shrewsbury Road in Church Stretton’s northwest suburbs and conservation area. The application site comprises much of the south side of its plot, though excludes the foremost part containing a garage (whose replacement with a slightly larger, asymmetrically gabled and metal-roofed one has been approved under application No. 18/04613/FUL).
- 2.2 In front of that is an electricity substation, whilst diagonally opposite lies No. 39, a red brick bungalow in the same ownership as 39A and served by the same long access drive. Beyond that are the rear gardens of the Shrewsbury Road frontage properties, whilst to the south is ‘Sunnymead’, a large rough-rendered and hipped roofed 1930s house facing the Carding Mill Valley road. To the west, meanwhile, is ‘Briarcot’, a c1900 half red brick and half rendered cottage which stands elevated on a wide but shallow plot alongside Madeira Walk.
- 2.3 The whole of Church Stretton is in the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council’s adopted ‘Scheme of Delegation’, the application is referred to the planning committee because the officer recommendation of approval is contrary to an objection from the Town Council and following discussion Shropshire Council’s Local Members and planning committee chairman and vice chair feel that the full committee should consider the issues raised in the context of

the site.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Church Stretton Town Council – objection:

The proposed standing seam metal roof covering is totally out of keeping with the surrounding development, which consists mainly of substantial Edwardian houses with traditional tiled roofs in a conservation area. It would be visible in elevated views from Madeira Walk.

4.1.2 Shropshire Council Flood and Water Management – comment:

The submitted surface water soakaway details are acceptable, but the means of foul drainage should be identified and is subject to approval.

Any permission granted should include an informative encouraging the incorporation of flood resilience measures when redeveloping the garage, since that and the access road lie in the medium risk flood zone (2).

4.1.3 Shropshire Council Highways Development Control – no objection:

The proposed access, parking and turning arrangements are adequate. Informatives should advise on the need to keep the road clear of mud and surface/waste water from the site, and the requirement for a licence for any works on or abutting highway land.

4.1.4 Shropshire Council Historic Environment (Archaeology) – No objection:

No comments in respect of archaeological matters.

4.1.5 Shropshire Council Historic Environment (Conservation) – no objection:

There are no objections to this revised proposal, which follows the previous approval, and would impact negligibly on the overall character and appearance of the conservation area since the plot is set well back. Although extensive glazing and a standing seam metal roof are now featured, high quality contemporary design can be accepted on infill plots in conservation areas. Overall in this case the design is felt to be an enhancement over that approved previously, especially in terms of the reduced roof height which would lessen the development's visual impact, the revised fenestration and the introduction of stone, which adds visual interest and breaks up the massing.

Precise details of the external materials should be secured by condition, and in particular it should be ensured that the roof sheets would have a matt dark grey finish.

4.1.6 Severn Trent Water – comment:

Since the proposal would have a minimal impact on the public sewerage system,

no objection is raised and no further drainage details need be secured by condition. The applicant should, however, be informed of the possible presence of a public sewer within the site area, and the statutory protection this would have.

4.1.7 Shropshire Council Affordable Housing – no objection:

Although the Council considers there to be an acute need for affordable housing in Shropshire, its housing needs evidence base and related policy predate a Court of Appeal judgment and subsequent changes to the Government's Planning Practice Guidance (PPG) regarding the use of Section 106 agreements to secure affordable housing contributions. On balance, therefore, if the development is otherwise plan-compliant then at this time national policy prevails and no contribution is required.

4.2 **Public comments**

4.2.1 The Strettons Civic Society objects and comments as follows:

- Although the National Planning Policy Framework (NPPF) does not preclude innovative design to a high standard, it cautions that this should be sensitive to the defining characteristics of the surroundings.
- The contemporary metal roof, visible from Madeira Walk, would clash with the adjacent, mainly Edwardian houses in this part of the conservation area.
- The combination of stone and render would also not sit well with the brick walls and tiled roofs of the surrounding properties.
- There is no objection to the realignment of the proposed house relative to the previous scheme, or to its lower roofline.

5.0 **THE MAIN ISSUES**

- Principle of development
- Affordable housing contribution
- Layout, scale, design and impact on conservation area
- Impact on wider landscape
- Residential amenity
- Access and highway safety
- Flood risk and drainage
- Ecology

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 The Council's Core Strategy Policy CS3 identifies Church Stretton as one of Shropshire's larger, 'sustainable' settlements. Meanwhile Policy S5 of its Site Allocations and Management of Development (SAMDev) Plan sets a guideline of around 370 additional dwellings to be provided in the town throughout the period 2006-2026, on allocated greenfield land plus 'windfall' sites within a predefined development boundary.

6.1.2 In this case the site is in an established residential area inside that boundary. It is within walking distance of the town centre services, facilities and employment opportunities, and moreover there is the fallback of the extant permission for a new open-market dwelling here. As such in principle the erection of a new open market dwelling at this site is therefore acceptable.

6.2 **Affordable housing contribution**

6.2.1 The Affordable Housing Team's comments reference the Court of Appeal decision which led to the reinstatement of a Written Ministerial Statement and Government PPG advising against the use of planning obligations to secure tariff-style affordable housing contributions below certain thresholds. This is now reinforced by a revised version of the NPPF, published February 2019, which states categorically (at paragraph 63) that affordable housing provision should not be sought in connection with small-scale open-market developments. In the circumstances it must be accepted that the Council's policy requirements in this respect are out-of-date and can no longer be given significant weight. It is also noted that no contribution was required in connection with the previous application on this site.

6.3 **Layout, scale, design and impact on conservation area**

6.3.1 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the local planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. This is reflected by NPPF Part 16 and SAMDev Policy MD13, which attach great weight to conserving designated heritage assets. Additionally NPPF Part 12, Core Strategy Policy CS6 and SAMDev Policy MD2 seek to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, materials and architectural detailing, albeit without preventing appropriate innovation or change which fits with the overall form and layout of the surroundings.

6.3.2 In this case it is important to bear in mind the previous extant permission, as this is the benchmark against which the current application should be judged. In allowing that scheme officers acknowledged that there are some public views across the site from Shrewsbury Road to the east and Madeira Walk to the west. Indeed the 2013 Conservation Area Appraisal describes the route along the latter as a "key townscape sequence", and notes the general openness of views eastwards over and in-between houses which are generally set below road level. Looking back from Shrewsbury Road, meanwhile, Briarcot stands prominently above the site, with its attractive half-and-half brick and render typifying the town's late Victorian/early Edwardian heyday. It is also noted that the Church Stretton Town Design Statement says the visual pre-eminence of the Victorian and Edwardian houses should not be compromised, and that the spacing and roof levels of new development should respect these earlier properties.

6.3.3 Notwithstanding the above 39A's plot is considered large enough to accommodate

subdivision and a second dwelling without unduly eroding the area's spacious character and panoramic views. As previously noted the development's visibility from Madeira Walk would be limited, as at this point the road is still rising, and hence Sunnymead, Briarcot and their boundary fences obstruct eastward views at eye level. Officers judge that this still holds true of the current, revised scheme, and furthermore, although fleeting glimpses could be obtained through gateways or over the fencing, the dwelling as now proposed would have a slightly lower ridgeline which, set against the backdrop of the Caradoc Hills, will lessen its impact. Neither should it prove unduly prominent from Shrewsbury Road, as its roofline would now protrude only slightly above the boundary with Briarcot and be set against the relatively dark brickwork of that property's lower storey, whilst the frontage properties would tend to appear larger and more dominant because of the perspective.

6.3.4 In terms of detailing and the even more contemporary style now proposed, it is judged that the site's lack of a street frontage, the variety (and sometimes limited architectural merit) amongst the surrounding buildings, the fact that the previously approved house and No. 39A's replacement garage would also feature metal-sheeted roofs or sections of roof, the use of similar roofing materials in broadly similar contexts elsewhere in the conservation area, and the absence of any objection from the Conservation Officer all weigh in the scheme's favour. Despite the Civic Society's concerns about the other materials, both stonework and render are evident along Madeira Walk, and moreover the latest plans (submitted in response to initial concerns) seek to balance the front and rear fenestration more effectively. Nevertheless precise details/samples of the external finishes, fenestration, roof overhang treatments and landscaping would still need to be secured by condition.

6.4 **Impact on wider landscape**

6.4.1 The interlacing of green spaces with the urban fabric is a key aspect of Church Stretton's wider scenic beauty, but here the loss of tree cover would be fairly negligible. Additionally whilst the new house may just be discernible from the surrounding hills, it would read as part of the general scatter of development in this suburban context, which does include some quite tightly spaced properties and much larger buildings. As the Conservation Officer recommends a dull, dark roof finish would also help to assimilate it into the landscape, and could be ensured under the aforementioned conditions. The character and natural beauty of this part of the Shropshire Hills AONB is as such preserved.

6.5 **Residential amenity**

6.5.1 The revised scheme is preferable to the previous one in that it would have a lesser impact on Briarcot on account of the proposed house being further away and having a lower ridgeline, as shown on the submitted sectional drawings. Although its re-orientated rear elevation would be parallel with that property's, rather than at an oblique angle as before, their separation and Briarcot's clear advantage in height would be sufficient to avoid the development causing significant overlooking or overshadowing, or appearing overbearing. In fact the neighbours would now

retain largely unobstructed views over the new dwelling's roof, even from their east-facing ground floor windows (which in any event serve 'dual-aspect' rooms with other windows facing away from the site).

6.5.2 There would perhaps be slightly more impact on Sunnymead now that the side elevation would face almost due south and run parallel with the boundary, rather than being skewed away. However this can be offset by requiring the first floor windows to be fitted with frosted/obscured glazing and opening restrictors in perpetuity, especially bearing in mind that in addition, Sunnymead's primary windows and main garden are on its southeast side away from the site, and that even its closest northeast-facing windows are some distance from the edge of that elevation.

6.5.3 The relationships with No. 39A itself and No. 39 are also considered satisfactory, especially as those properties are currently owned by the applicant's father. Even after subdivision of its plot 39A would retain sufficient outdoor amenity space.

6.6 Access and highway safety

6.6.1 Although visibility from the existing access is somewhat restricted, refusing permission on that basis would be difficult to sustain since its use by traffic associated with the two existing dwellings plus the electricity substation is well established, and the Highways Development Control Team does not object.

6.7 Flood risk and drainage

6.7.1 Although adjacent land is at risk of fluvial and groundwater flooding the site itself is not, and the replacement garage referenced by the Flood and Water Management Team does not form part of the current application. It should also be noted that:

- the surface water drainage details provided upfront have been confirmed as satisfactory, and will avoid increasing the wider flood risk; and
- the application form does specify mains sewerage for foul drainage, and the utility provider has no objection to this.

6.8 Ecology

6.8.1 No protected species or other significant ecological impacts are anticipated, given that no existing buildings or mature trees would be lost, and the distance from any ponds or designated biodiversity sites. An informative regarding the legal status of nesting birds is suggested as a precaution.

7.0 CONCLUSION

7.1 A new open-market dwelling is acceptable in principle in this established residential area within the development boundary of a sustainable settlement. Whilst it would increase the housing density and the design is contemporary, in this particular 'backland' location there is no strong architectural uniformity or street scene from which it would detract, it would not significantly enclose or demonstrably harm the

surrounding public views, and there is also the fallback of the previously approved scheme. For these reasons it is felt that the impact on the conservation area would be neutral, and that on the wider landscape minimal. There would be some impact on the adjacent properties, but the new dwelling should not appear overbearing or cause significant shading or overlooking given its disposition and reduced height. Furthermore there are no undue concerns regarding highway safety, flood risk, drainage or ecology, whilst greater weight is given to Paragraph 63 of the updated NPPF than to the Council's own policy requirement for an affordable housing contribution. Overall, therefore, the application is considered to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

8.1.1 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

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

8.3 **Equalities**

8.3.1 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**

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

10.0 **BACKGROUND**

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

SAMDev Plan Policies:

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD12 - Natural Environment

MD13 - Historic Environment

S5 - Church Stretton Area Settlement Policy

Supplementary Planning Documents:

Type and Affordability of Housing

Relevant Planning History:

17/02494/FUL - Erection of dwelling (permitted May 2018)

18/04613/FUL - Erection of replacement garage (permitted November 2018)

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PIV906TDI5H00>

List of Background Papers:

Application documents available on Council website

Cabinet Member (Portfolio Holder):

Cllr R. Macey

Local Members:

Cllr Lee Chapman

Cllr David Evans

Appendices:

Appendix 1 – Conditions and Informatives

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

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

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

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

Reason: To define the consent and safeguard the visual amenities of the area, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

3. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping, which shall include:

- Survey of all existing trees and hedgerows on the site and along its boundaries
- Identification and measures for the protection of existing trees and hedgerows which are to be retained
- Details/schedules of proposed planting
- Details of any walls, fences, retaining structures or other boundary treatments/means of enclosure
- Details/samples of hard surfacing materials
- Timetables for implementation

The landscaping works shall be completed in accordance with the approved details. Thereafter all fences, walls, hardstandings and other hard landscaping features shall be retained in accordance with the approved details, whilst any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the external appearance of the development is satisfactory and help safeguard the visual and residential amenities of the area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed in order to ensure a sustainable development.

CONDITIONS THAT REQUIRE APPROVAL DURING CONSTRUCTION/PRIOR TO OCCUPATION OF THE DEVELOPMENT

4. No above-ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To ensure that the external appearance of the development is satisfactory, and safeguard the character and appearance of the Church Stretton Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan.

5. Before construction of the roof begins, samples/details of the its materials and finishes, to include ridge treatments and detailing of eaves, valleys, verges and verge undercloaks as appropriate, shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and maintained thereafter in the absence of any further specific permission in writing from the local planning authority.

Reason: To ensure that the external appearance of the development is satisfactory, and safeguard the character and appearance of the Church Stretton Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan.

6. Prior to their installation full details of all external doors, windows, roof lights and other fenestration/joinery, to include details of window styles, glazing bars, mullions, sill mouldings and surface treatments/decorative finishes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved details and thereafter maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory, and safeguard the character and appearance of the Church Stretton Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan.

CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

7. The first floor windows on the north and south elevations of the dwelling hereby permitted shall be fitted with obscured/frosted glazing, top-hung and fitted with a mechanism to restrict their opening to a maximum of 450mm. They shall thereafter be retained in this condition.

Reason: To maintain a reasonable standard of privacy in neighbouring properties, in accordance with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy.

INFORMATIVES

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015 a fee (currently £116) is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. This development may be liable to a payment under the Community Infrastructure Levy (CIL) which was introduced by Shropshire Council with effect from 1st January 2012. For further information please contact the Council's CIL team (cil@shropshire.gov.uk).
3. Before any new connection to the public mains sewer is made, including any indirect connection or reuse of an existing connection, consent from the service provider must be obtained.
4. There may be a public sewer within the site boundary. Public sewers have statutory protection and cannot be built over or diverted without consent. In many cases where development is proposed within three metres of a public sewer, Severn Trent Water can direct the building control officer to decline an approval under the Building Regulations. You are therefore advised to discuss the proposals with Severn Trent Water at an early opportunity.
5. This planning permission does not authorise the applicant to:
 - construct any means of access over the publicly maintained highway (including any footway or verge);
 - carry out any works within the publicly maintained highway;
 - authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
 - disturb any ground or structures supporting or abutting the publicly maintained highway.

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

6. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
7. If the new vehicular access and/or parking/turning areas hereby permitted would slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water to drain onto the public highway or into highway drains.
8. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
9. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.
10. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework Paragraph 38.