

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 18/05893/VAR	<u>Parish:</u>	Great Ness
<u>Proposal:</u> Variation of Condition No. 2 attached to planning permission 17/00282/FUL dated 27 June 2017 - alterations/amendments to plot 2 and 3 house types		
<u>Site Address:</u> Proposed Residential Development Land Adj Crosshills Nesscliffe Shrewsbury Shropshire		
<u>Applicant:</u> Bowler Homes Ltd		
<u>Case Officer:</u> Nanette Brown		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 338377 - 319082



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

1.1 This application seeks to vary condition 2 of planning permission 17/00282/FUL which requires the development to be carried out strictly in accordance with the approved plans and drawings.

1.2 The proposed amendments relate to plots 2 and 3 of the development with alterations shown to their design and house types. This includes the raising of the ridge heights of both plots by at least 1 metre in order to provide living accommodation within the roof space and addition of dormer windows facing towards Holyhead Road. This would result in each plot gaining an additional bedroom with plot 2 having 5 bedrooms and plot 3 having 4 bedrooms in total.

2.0 SITE LOCATION/DESCRIPTION

2.1 The village of Nesscliffe is located approximately 5 miles south west of Baschurch and 9 miles north west of Shrewsbury. The development site is located towards the south end of the village and to the west of the road that leads through the village centre. The site comprises a parcel of land currently in the same ownership as the adjacent property to the south east of the site, Crosshills. The site is also situated to the north west of Oak Cottage, a detached cottage situated on Wilcot Lane and to the south east of The Smithy, another residential property.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council has raised objections to this application on planning grounds relating to the increase in sizes of house not in keeping with the village and out of character. The locally elected member has also agreed with these concerns.

As such 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 and Local member have submitted a view contrary to officers and the Area Planning Manager and Chairs of the Central Planning Committee have therefore determined that the planning application should be discussed and determined by a planning committee.

4.0 Community Representations

4.1 - Consultee Comments
SC Affordable Housing – No objection
Total number of units remain the same.

SC Highways – No objection

This application relates to a change to the approved plans attached to planning permission 17/00282/FUL dated 27th June 2017 to allow alterations and

amendments to plots 2 and 3 house types. The changes are considered acceptable from a highways perspective.

SC Ecology – No comments

SC Suds – No objection

Condition 5 requiring a surface and foul drainage scheme to be submitted should be retained.

Great Ness and Little Ness Parish Council – Objection

The proposed changes are not in keeping being 4/5 bed and 3 storey.

- 4.2 - Public Comments
None received.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design
Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The principle of residential development of the site has been accepted with the grant of planning permission ref 17/00282/FUL.

6.2 Siting, scale and design

- 6.2.1 The siting of each house within the plots plot is shown to remain the same as the approved site layout under planning reference 17/00282/FUL.

- 6.2.2 The amended house types and designs slightly increase the size of the footprint to each plot, with new small additions made to provide an enlarged kitchen/dining room to plot 3 and a larger hallway and stairwell to plot 2. Officers consider that the slight increase in size of footprint and minor additions to each plot are acceptable and will not impact on the amount of available amenity space for each plot.

- 6.2.3 The main alterations proposed relate to the overall height of the houses, with the ridge and eaves heights raised to allow for living accommodation to be provided within the roof space. The ridge heights of both plots will be raised by just over 1 metre.

- 6.2.4 Officers have noted that the existing house to the south east of the site, Crosshills, already has roof lights inserted into its roof and a high level gable window in its north west gable facing towards the application site that indicate living accommodation is provided within its roof space. The other surrounding properties to the site consist of a variety of designs and sizes. Officers consider that the proposed enlarged house types would not have any significant impact on the adjacent properties and street scene over that of the already permitted house designs.

6.2.5 Great Ness & Little Ness Parish Council have objected to the proposal on the basis that the proposed designs are not in keeping being 4/5 bed properties and are now 3 storey. Officers note that Nesscliffe is characterised by a mixture of house types and sizes, with other large modern dwellings located further within the village. Officers also consider that the use of the roof space to provide additional accommodation in this instance would not significantly or detrimentally increase the height of the previously approved houses and would also reflect the style and design of the adjacent property, Crosshills, which also provides living accommodation within its roof space.

6.3 Residential Amenity

6.3.1 Officers consider that the addition to plot 3 to enlarge the kitchen and dining room is single storey only and the window and bi-fold openings to serve this room will not result in any impact on neighbours. The alteration to house types does include some rearrangement of window openings at first floor level, but this does not introduce any openings to additional rooms that Officers consider would result in any significant loss of privacy to neighbours above that of the impact of the already approved scheme. No roof lights or dormer windows proposed on the roof of each house would face directly towards any existing neighbouring properties. Officers consider that the house types as proposed would not have any significant detrimental harm to the residential amenity of immediate neighbours to the site.

7.0 CONCLUSION

7.1 It is considered that the proposed scale and design of the proposed amended dwellings is acceptable and will have no adverse impact on the visual amenity of the locality or neighbouring properties in accordance with the requirements of policies CS6 and MD2 of the adopted core strategy and SAMDev Plans.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

Both of these risks need to be balanced against the risk of not proceeding to

determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS4 - Community Hubs and Community Clusters
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
MD2 - Sustainable Design

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

Settlement: S16 - Shrewsbury

RELEVANT PLANNING HISTORY:

17/00282/FUL Erection of 3No. dwellings including the formation of a new access (revised scheme) GRANT 27th June 2017

PREAPP/13/00065 Erection of three dwellings PREAIP 21st May 2013

14/04067/FUL Erection of 3No. dwellings including the formation of a new access GRANT 17th June 2016

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Planning file 18/05893/VAR

Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Ed Potter

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the 27th June 2020.
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. The two existing trees situated adjacent to the sites southern boundary within plot 2 (as highlighted in yellow on the plan as attached to the decision notice for planning permission 17/00282/FUL) shall be retained and maintained for the duration of any development works and for 5 years thereafter. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard these trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

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

5. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
Means of enclosure
Hard surfacing materials
Planting plans
Written specifications (including cultivation and other operations associated with plant and grass establishment)
Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
Implementation timetables

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 afforded by appropriate landscape design.

6. No development shall take place until a scheme of surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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

7. Prior to the commencement of development on site details of the means of access, including the location, layout, construction and sightlines, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied (whichever is the sooner).

Reason: This detail is required prior to commencement 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. Prior to first occupation / use of the buildings, details for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected:

A minimum of 2 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species.

A minimum of 2 artificial nest², of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in accordance with the latest guidance and thereafter retained for the lifetime of the development.

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

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

9. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

10. No new windows or any other openings other than those shown on the approved plans shall be formed above ground level in the north, south or west elevations of any dwelling hereby permitted.

Reason: To preserve the amenity and privacy of adjoining properties.

11. All development, demolition, site clearance, landscaping and biodiversity enhancements shall occur strictly in accordance with the Updated Preliminary Ecological Appraisal (Pearce Environment, May 2017), unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of and enhancements for badgers.

12. 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.

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. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

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

4. 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.
5. As part of the SuDS, the applicant should consider employing measures such as the following:
Water Butts; Rainwater harvesting system; Permeable surfacing on any new access, driveway, parking/paved area; Attenuation; Greywater recycling system; Green roofs.
Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.
6. Consent is required from the service provider to connect into the foul main sewer.
7. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from mid-March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest. If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.
8. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs. The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife. All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife. Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
9. 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.
10. This planning permission does not authorise the applicant to:
 - o construct any means of access over the publicly maintained highway (footway or verge) or
 - o carry out any works within the publicly maintained highway, or

- o authorise the laying of private apparatus within the confines of the public
- o highway including any new utility connection, or
- o 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.

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