

Development Management Report

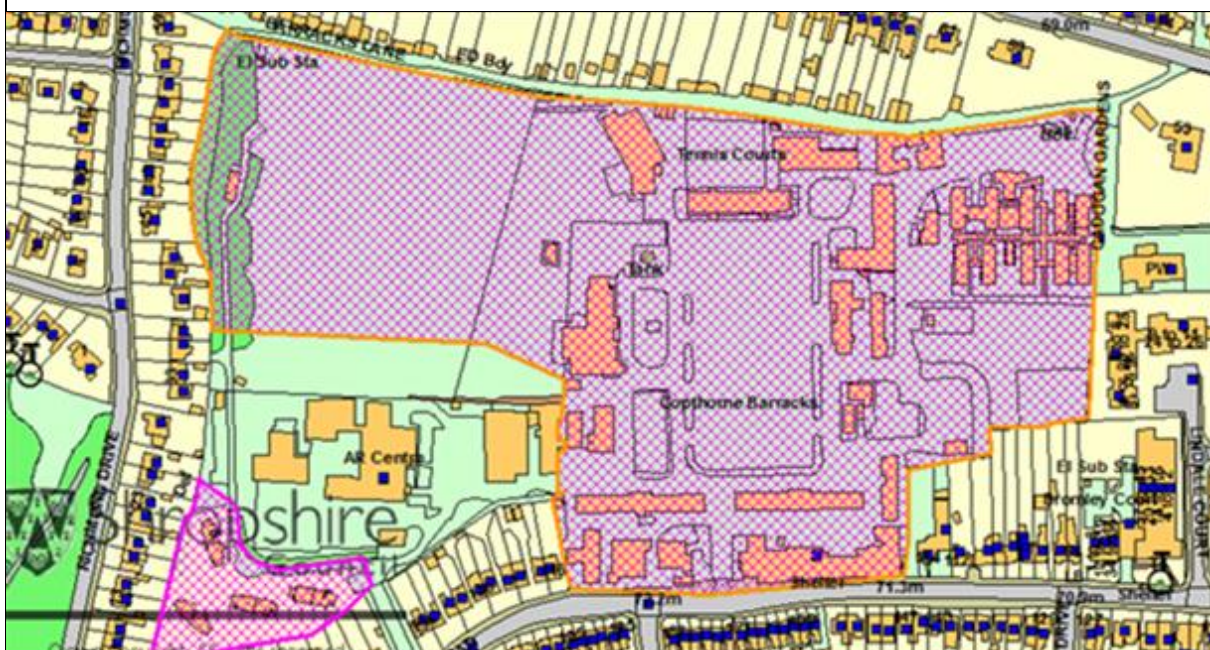
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 19/04893/REM	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Approval of reserved matters (appearance, layout, scale and landscaping) pursuant to outline planning permission 16/04228/OUT for the erection of 150 no. dwellings; to include a change of house types on plots 65, 72, 74-77, 82, 86, 106, 107, 109, 114-116, 119, 130, 149, 150, 160, 161, 164 and 168 on the part of the site approved under 19/01288/REM (previously approved as an amendment to 18/03637/REM)		
<u>Site Address:</u> Former Copthorne Barracks Copthorne Road Shrewsbury Shropshire SY3 8LZ		
<u>Applicant:</u> Bellway Homes Limited		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 347955 - 312842



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the approval of reserved matters (appearance, layout, scale and landscaping) pursuant to outline planning permission 16/04228/OUT for the erection of 150 dwellings to include a change of house types to those previously approved on 22 of the plots.
- 1.2 The whole site already has detailed approval for 216 dwellings under 18/03637/REM. This application only relates to the northern part of the site where an earlier revised application for Reserved Matters (19/01288/REM) allowed for a change in some of the house types and minor alterations to the layout to include 8 additional dwellings (150 on this northern part of the site and 224 in total across the whole site).
- 1.3 This proposal does not change the number of dwellings, the road layout or the open space provision but is seeking approval for a change to the house types on 22 plots (65, 72, 74 to 77, 82, 86, 106, 107, 109, 114 to 116, 119, 130, 149, 150, 160, 161, 164 and 168).
- 1.4 The 74 dwellings on the southern part of the site (plots 1 to 26 and 169 to 216) will remain as originally approved. The number of affordable homes increases to 45 instead of the 43 previously approved which is a slight over provision.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is part of the former Copthorne Barracks and relates to the northern part of the site occupied by plots 27 to 168 inclusive on the layout previously approved under 18/03637/REM and 19/01288/REM.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 When the outline application was considered at Committee in August 2017 members resolved that planning permission be granted as per the Officer's recommendation and subject to any Reserved Matters Application being considered by the Central Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 There are no statutory consultees for this application as it only relates to a change in house types and associated minor changes to landscaping.
- 4.1.2 **WSP on behalf of SC Drainage:** The amended layout is unlikely to increase flood risk and is therefore acceptable.

4.2 - Public Comments

4.2.1 A site notice has been erected and the nearest neighbours notified but no response has been received to this publicity.

4.2.2 **Shrewsbury Town Council:** Raises no objections to this application.

5.0 THE MAIN ISSUES

5.1 The principle of development was approved at the outline stage and detailed Reserved Matters approval has already been granted for both this part of the site and the whole site. The first application for reserved matters also covered all the details required to be submitted by conditions 5- 17 attached to the outline consent inclusive, including landscaping, open space provision, tree protection, ecological protection and enhancement, access, parking and traffic implications and developer contributions.

5.2 The main issues relating to this proposal are the reserved matters for the change in house types on some of the plots on the northern part of the site:

- the layout, scale and appearance of the houses and
- the landscaping of the site and individual plots.

6.0 OFFICER APPRAISAL

6.1 Layout, scale and appearance

6.1.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.

6.1.2 The north part of the site is adjacent to Barracks Lane which is on the edge of a Conservation area and the north east corner is adjacent to a listed building (Cadogan House). The proposal has the potential to impact on these designated heritage assets. Special regard needs to be given to the desirability of preserving the setting of listed buildings and preserving or enhancing the character and appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.1.3 The houses in the locality include a wide range of scale, design and period of buildings and display a wide palette of materials. The change in house types indicated on the revised layout does not change the variety of detached, semi-detached and terraced properties including a mix of 2, 3 and 4 bedroom homes, both open market and affordable.

- 6.1.4 The same variety of scale and design of dwellings is still proposed using a mix of materials (both render and brick and different coloured roof tiles). The materials remain the same as previously approved other than a revision to the bricks on plots 50 to 72, 147 to 151, 155 to 168, and 217 to 218 which have been amended from the Terca Harvest Buff Multi to the Lenton Golden Russett which are very similar in appearance and considered acceptable.
- 6.1.5 The road layout and the orientation of the houses is not changing, and as previously approved, the proposed development will back onto Barracks Lane with the majority of the existing boundary wall retained. This is considered acceptable from both a highway and visual impact perspective maintaining the enclosure of the site and its relationship with Barracks Lane.
- 6.1.6 It is considered that the scale of the buildings along the northern boundary of the site and the plot widths will be in keeping with the existing development that also backs on to Barracks Lane and that the development as amended will continue to preserve the character and appearance of the locality and adjacent conservation area.
- 6.1.7 The existing wall is still proposed to be retained and extended in an easterly direction continuing around the north east corner replacing the security fencing and the wide-open gap that gave views of MOD buildings of no architectural merit. It is considered that the closure of this gap with a wall will both improve the character and appearance of the locality on the edge of the conservation area and enhance the setting of Cadogan House.
- 6.1.8 It is considered that this revised proposal for a change in house types on 22 of the 150 plots would not harm the setting or the significance of Cadogan House. The enclosure of the development site in this north east corner (the same as previously approved) would not reduce the width of Barracks Lane or make it difficult for vehicles to manoeuvre and Highways previously had no objection to this.

6.2 Landscaping

- 6.2.1 The wider landscaping of the site remains the same as previously approved with existing trees retained and new tree planting in accordance with the previously approved drawings.
- 6.2.2 The landscaping the subject of this application relates to the individual plots including hard surfaced areas (patios and driveways), lawned areas and boundary treatments. These are not noticeably different to the private gardens and driveways previously approved and the proposed landscaping of the individual plots is considered acceptable.
- 6.2.3 A tree protection condition and landscaping implementation tree planting condition is recommended (the same as imposed on the earlier reserved matters approval) to ensure the protection of trees to be retained and to ensure the provision, establishment and maintenance of a reasonable standard of landscaping.

6.3 Other Matters

- 6.3.1 Access – The internal road layout and the vehicular and pedestrian access to the site is not included in the red line of this application and is not proposed to change from that previously approved.
- 6.3.4 Ecology – The proposed ecological enhancement approved as part of the earlier applications will also be provided as part of this revised application. The relevant conditions attached to the outline planning permission remain and require the approved details to be implemented prior to the first occupation of the relevant part of the development.
- 6.3.5 Drainage – The drainage conditions previously imposed on the earlier outline and reserved matters approval continue to apply.
- 6.3.6 It is recommended that all conditions imposed on the previous reserved matters approvals and that remain relevant are imposed on this revised application for reserved matters as recommended in appendix 1.

7.0 **CONCLUSION**

- 7.1 The principle of development has been established by the Outline permission. It is considered that the proposed minor amendments to the proposed scale, layout and appearance of the houses on 22 plots on this part of the site, and the associated landscaping is acceptable and would not adversely impact on the character and appearance of the locality or residential amenity. The character and appearance of the conservation area and the setting of the listed Cadogan House would also not be adversely affected. Sufficient open space and landscaped areas will continue to be provided in accordance with the outline permission and earlier reserved matters approval for the whole site, in addition to satisfactory ecological enhancement and appropriate measures for the protection of the significant trees to be retained. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS17, MD2, MD12 and MD13 and the aims and provisions of the NPPF.

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 SAMDev Policies: CS6, CS17, MD2, MD12 and MD13

RELEVANT PLANNING HISTORY:

16/03117/DEM Application for prior notification under Schedule 2 Part 11 of the Town & Country Planning (General Permitted Development) Order 2015 for the demolition of 39 No. buildings (including a range of military buildings (e.g. stores/offices/etc), Single Living

Accommodation (SLA) buildings and sports and welfare buildings) and associated structures (excluding boundary walls and fences and 'The Keep') (amended description) PNR 9th August 2016

16/04228/OUT Outline application (including access) for residential development and associated open space for up to 228 dwellings (C3 use) (including up to 45 apartments for retirement living and the conversion of the Armoury (the 'Keep') to provide up to 9 residential apartments) with landscaping, layout, scale and appearance reserved for later approval (amended description) GRANT 21st December 2017

18/03637/REM Approval of reserved matters (appearance, layout, scale and landscaping) pursuant to the Outline Permission 16/04228/OUT for the erection of 216no. dwellings (conditions 15 and 17 amended and 25 removed by 18/01826/AMP) (Amended description) GRANT 21st December 2018

19/01288/REM Approval of reserved matters (appearance, layout, scale and landscaping) pursuant to the Outline Permission 16/04228/OUT, for a mixed residential development of 150 dwellings (additional 8 dwellings) for part of the site (an amendment to reserved matters approval 18/03637/REM), (amended description) GRANT 14th June 2019

11. Additional Information

List of Background Papers: Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder): Councillor Gwilym Butler

Local Member: Cllr Julian Dean

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. 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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

2. Prior to above ground works commencing full details of a scheme of foul and surface water drainage to include Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding, and to ensure that the drainage system remains in good working order throughout its lifetime.

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

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

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

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

4. All hard and soft landscape works shall be carried out in accordance with the approved plans and must be fully completed in accordance with a timetable to be submitted to and

approved in writing by the LPA. Prior to the planting of any trees additional details regarding planting pits and soil resources shall be submitted for approval. Tree soil volumes will need to be calculated for each species and it must be demonstrated that this will be available for each tree. 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 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, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. The materials for the new build properties shall be as indicated on the approved materials plan.

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