

## Development Management Report

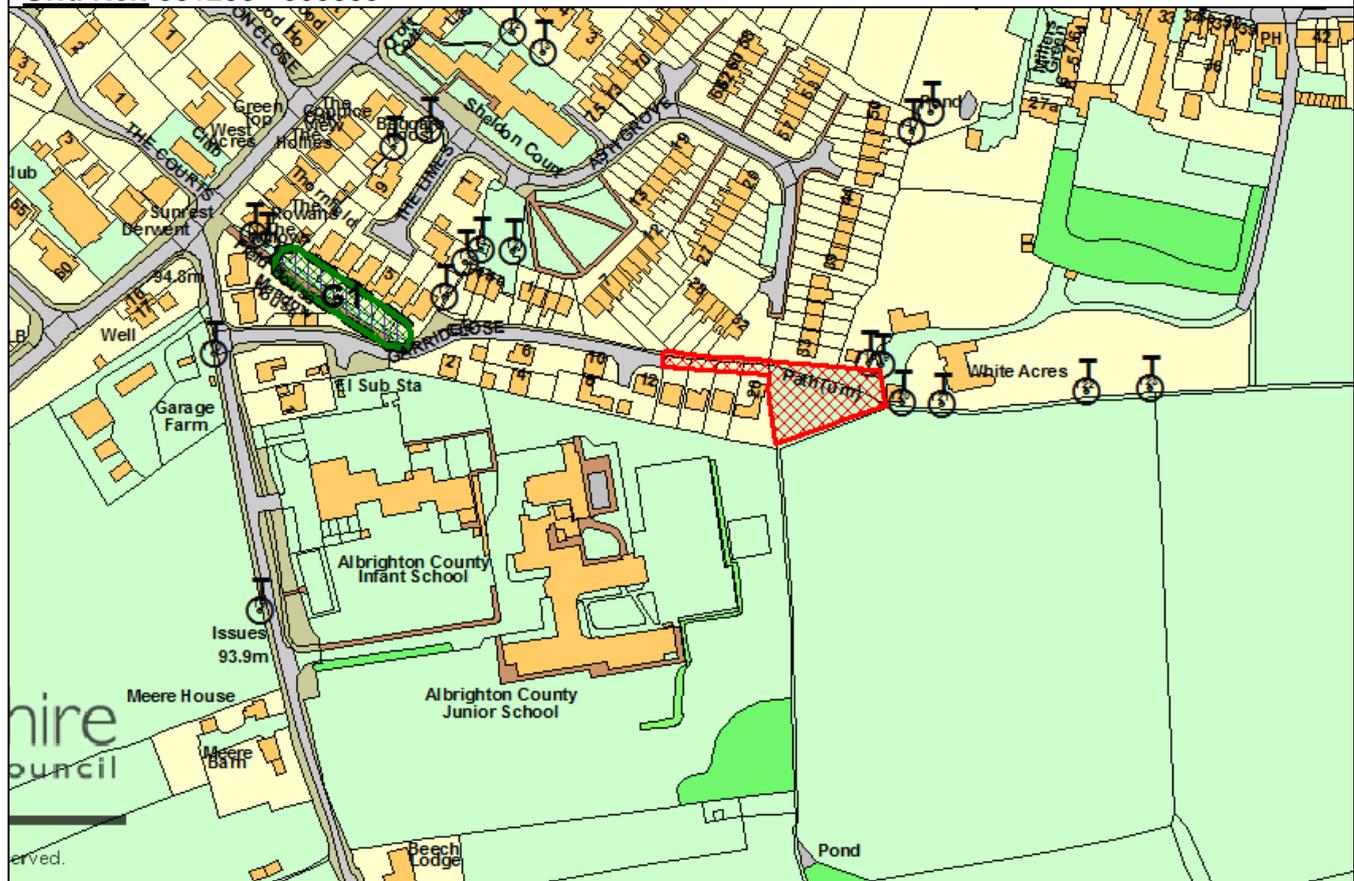
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 19/02785/REM	<b>Parish:</b>	Albrighton
<b>Proposal:</b> Approval of reserved matters (appearance, landscaping, layout, scale) pursuant to 14/03657/OUT for the erection of three residential properties		
<b>Site Address:</b> Land To The East Of Garridge Close Albrighton Shropshire		
<b>Applicant:</b> Shropshire Council		
<b>Case Officer:</b> Mike Davies/Richard Fortune	<b>email:</b>	<a href="mailto:planning.southern@shropshire.gov.uk">planning.southern@shropshire.gov.uk</a>

**Grid Ref:** 381296 - 303865



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

**REPORT****1.0 THE PROPOSAL**

1.1 Outline planning permission for residential development on this site, which included details of the access arrangements, was granted planning permission on 28th July 2016, with the decision to grant planning permission having been made at February 2016 South Planning Committee meeting, subject to there being a mechanism to secure an affordable housing contribution. (Ref.14/03657/OUT). It is part of a site allocated for additional housing development under SAMDev Policy S1 Albrighton. The principle of residential development has therefore been accepted and cannot be re-visited in the consideration of this reserved matters application. The only matters for consideration here are the appearance, landscaping, layout and scale of the proposed development.

1.2 This proposal relates to some 0.16 hectares (0.4 acres) of land which is currently vacant, but which was last used as agricultural pasture land. Vehicular access to the development would be via Garridge Close to the west, which comprises of a cul-de-sac with turning head, from which an approximately 50 metre long section of private drive some 4.8 metres wide, with adjacent 2.0metres wide footpath/bridleway, leads to the western site boundary. A 0.7metre service strip is also shown on the southern side of the private drive. This section of private drive, bridleway/footpath and service strip forms part of the application site. The development was originally proposed as a terrace of three dwellings, but in response to concerns raised by Highways about the location of the parking and bin store areas, this has been amended to a pair of semi-detached dwellings and a detached property. The semi-detached units have two dedicated car parking spaces, whilst the detached unit has three spaces, all immediately adjacent to the dwellings they would serve. The site layout drawing shows three properties sited as a continuation of the existing row of properties along Garridge Close, with the access road along the northern side of the site also giving vehicular access into the grounds of a property known as 'White Acres'. The layout shows the public bridleway through the site retained and the proposed buildings standing clear of three trees which are the subject to a tree preservation order which are positioned along the eastern site boundary.

1.3 The proposed two storey, dual pitched roof dwellings would feature full gables, with the ridges running parallel to the road. There would be a slight stagger to the two units forming the semi-detached pair. External finishes would be facing brick walls and tiled roofs. Each dwelling would provide a living room, wc and kitchen/dining area on the ground floor, with two bedrooms and a bathroom at first floor level.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The site is located at the end of Garridge Close in Albrighton and forms part of a larger site known as 'White Acres' which is allocated for future residential

development under policy S1 of SAMDev Plan. This site forms the entrance point to the larger housing allocation site (ALB003), which in the private ownership. The application site is owned by Shropshire Council.

2.2 The site is situated on the southern side of Albrighton. A public footpath/bridleway crosses the site. To the north and west is existing residential development. The grounds to the White Acres dwelling wrap around the eastern end of the site, with agricultural land to the south. At the eastern end of the site is a group of oak and ash trees, which are the subject of tree preservation orders. There is a damson tree close to the northern site boundary also a group of young birch, sycamore and ash trees close to the southern boundary.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The applicant is Shropshire Council for a development which is not related to its statutory functions. Such applications must be determined by the relevant Planning Committee under the adopted scheme of delegation.

### 4.0 Community Representations

#### 4.1 - Consultee Comments

4.1.1 Albrighton Parish Council - The Parish Council at its meeting on 3rd July 2019 agreed to support this application.

#### 4.1.2 SC Drainage – Comment:

No proposed drainage details, plan and calculations have been provided for comment.

(Case Officer comment: Condition 6 of the outline planning permission requires a scheme for foul and surface water drainage to be submitted and approved via a separate discharge of condition application).

#### 4.1.3 SC Trees – Comment:

Do not object to this application in principle on arboricultural grounds, but have a number of concerns and some amendments are required.

The Proposed Block Plan (HS167 01 Rev A) states that there is to be no-dig construction within the canopy and root zone of TPO trees. However, the root protection area (RPA) for the off-site TPO trees is not shown on the plan and it is thus unclear as to the location and extent of the area of no-dig construction. This must be clarified and marked on the plan for certainty and enforceability, should

permission be granted.

Recommend that the no-dig specification be amended to allow for porous asphalt, or some other gas and water permeable wearing course. The reference to sand blinding on the plan should also be amended to state sharp sand and specifically exclude the use of builders' sand, because of its toxicity to tree roots.

No specific arboricultural information has been submitted with this application and I would recommend that a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) be prepared by a competent arborist.

With regard to the proposed landscaping, would recommend removing the two oak trees (reference number 4 on the plan) from the planting scheme, because there is insufficient space on this small site to accommodate trees of this size at maturity. Also, insufficient details have been provided in terms of the actual planting specification and further information is required on the following: site preparation and cultivation, planting pit specification, type and size of tree and hedge planting stock, means of tree protection and support, post-planting maintenance and replacement of any losses.

#### 4.1.4 SC Rights of Way – No Comments

#### 4.1.5 SC Highways – Comment (On original proposed layout):

The bin store for all three houses has been placed with parking away from any of the houses which will cause the residents to either walk an unnecessary distance, carrying waste products or to ignore the bin storage altogether and make their own arrangements which is a waste.

It is understood that the set-aside parking area also provides a large vehicle turning area (refuse wagon etc) but it is considered that without provision to keep it as a turning area, locals will park in it.

If house two was removed and placed in the green space between house three and the parking area – all of these matters would be resolved as they would all have parking alongside of each house and waste storage could be managed on each plot, individually.

As the potentially new road is currently the driveway for a number of houses, it is required that the proposed road be made up to highway standard.

Due to the physical constraints of the site, a construction management statement is required.

#### 4.2 - Public Comments

4.2.1 Site notice displayed 02/07/2019; press notice published 02/07/2019. 21 neighbour consultation letters sent.

7 Objections received and summarised below. The full text of the comments received can be viewed on the Council's website:

- ④ Increased traffic flow and safety of children and pets
- ② Access for emergency services even more restricted
- ② There is rear access to Garridge Close from properties opposite, which increases the congestion
- ② Congestion that occurs daily during school term time due to Garridge Close backing on to Albrighton Primary School.

② Outline planning permission (Ref:14/03657/OUT) was submitted with an illustrative plan showing three detached houses in their own gardens. The approach of detached houses previously shown is in keeping with the context of the streetscape that the housing relates to. However, the reserved matters layout is for a terrace of three properties with parking court and very poorly detailed buildings with limited if any design merit or links to design cues from surrounding properties.

② The approach to layout and architectural design (or lack thereof) has not been accompanied by any analysis to provide justification for the approach taken.

② The adopted 2011 Core Strategy provides the starting point for assessing the proposals and all of the four outstanding reserved matters being applied for need to be assessed against the relevant policies of the Core Strategy alongside key material considerations, namely the National Planning Policy Framework (amended February 2019). At present no assessment against the relevant policies and material considerations has been put forward by the applicant. The layout and design approach therefore remain unjustified.

② The most relevant Core Strategy policy in respect of the reserved matters application is Policy CS6. This policy places great weight on achieving sustainable places by ensuring development is designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness. Development will achieve this where it protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character

② The current proposal does not accord with Policy CS6. The urban character that the site relates to is that of high quality detached homes with a good standard of architectural detailing and generous gardens. Parking is on plot through the use of a garage and / or front drive.

② The Council's highway advisor has quite rightly also picked up on the poor quality layout and unacceptable use of a parking court rather than on plot provision of spaces.

The reserved matters scheme fails on all counts to respond to the local context and has not been developed in consultation with the local

community. It has failed to have regard to the indicative layout that was submitted at outline stage. No justification has been given for moving away from an approach of detached dwellings which the applicant must originally have accepted as being the suitable approach to the site otherwise why show detached dwellings, even indicatively?

There is a clear policy expectation, in line with NPPF guidance, that the reserved matters application would evolve the detached layout. Instead it has been changed to something inconsistent with the local context. This is design regression not evolution. The current application falls short on design expectations in respect of relevant policy. The conclusion can therefore only be that it does not accord with the relevant policies for its determination and cannot be considered as sustainable development. The reserved matters application should be refused, or the applicant asked to amend the plans to show detached homes and a much higher quality of architecture. If amendments are made to the scheme, we reserve the right to provide further comment.

## 5.0 THE MAIN ISSUES

Principle of development  
Sustainability  
Siting, scale and design of structures  
Landscaping  
Residential Amenity  
Access

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The principle of residential development on this land has been accepted with the grant of outline planning permission 14/03657/OUT. This application cannot re-visit that principle and relates solely to the reserved matters specified in condition 1 of that permission – appearance, landscaping, layout and scale.

6.1.2 The SAMDev Plan housing site allocation of which this application site forms part (Schedule S1.1a (ALB003)) has development guidelines stating that the housing delivered should be capable of occupation by persons of retirement age and there is nothing intrinsically wrong with the house types proposed to prevent their occupation by people of retirement age. A proportion of one and two bed units is sought for the whole allocated site and this proposal would provide three 2 bedrooled units. There is no in-principle planning policy objection to the current reserved matters proposals.

### 6.3 **Siting, scale and design of structures**

- 6.3.1 Core Strategy policy CS6 seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policies MD2, MD12 and MD13 also include criteria to be taken into account in considering scale, layout, appearance and landscaping.
- 6.3.2 The layout has been amended in consultation with the Highway Authority following concerns expressed in relation to the originally submitted proposals. The nature of this site and the fact that it will be the entrance point into the wider White Acres site (ALB003) means that the design layout has to a large extent been dictated by the requirement to provide access to the adjoining site and this effectively means that the line of the access road defines where these properties are located.
- 6.3.3 The proposed dwellings would be in keeping with the scale of adjacent properties and would not detract from the visual amenities of the locality, or the setting of the adjacent Conservation Area. The development would accord with the design aspirations of policy ALB11 of the Albrighton Neighbourhood Plan 'Light' in being in keeping with the existing pattern of development in this part of the village, and respecting the character of the buildings around them.

### 6.4 **Landscaping**

- 6.4.1 The proposed landscaping scheme would include the planting of a mixed hedgerow along the southern and northern site boundaries comprised of predominantly hawthorn but also containing hazel, guelder rose, dog rose, field maple, blackthorn, crab apple, dogwood and holly. New trees proposed close to the southern site boundary comprise of two field maple, three rowan, and two oaks. The rear garden areas would be separated by 1.8m high close boarded fencing.
- 6.4.2 It is considered that the proposed landscaping would be in keeping with the locality and the edge of settlement position of the plot. With respect to the comments made by SC Trees (County Arboriculturalist), condition 8 of the outline permission requires the submission and approval of a tree protection plan to avoid causing damage to significant trees during implementation of the development. Condition 9 of the outline permission requires that a schedule of tree works that it is proposed to carry out be submitted for approval, with condition 10 requiring the submission and approval of an Arboricultural Method Statement. These matters would have to be dealt with and formally approved through the submission of a discharge of conditions application, separate from the consideration of the reserved matters. The removal of the proposed oak trees in the rear garden of plot 1 and side garden of plot 3 is a matter which could be conditioned on any approval, together with the submission of a full specification to support the landscaping scheme).

## 6.5 Residential Amenity

6.5.1 The proposal is not considered to have any adverse impact in terms of impact on privacy of existing or future residents. The nearest property is No.20 Garridge Close which abuts the site, but there is no direct impact on the amenities of this dwelling resulting from the development.

## 6.6 Access

6.6.1 The access to the plot via Garridge Close has been approved with the grant of outline planning permission 14/03657/OUT. The design of the access road will allow for the future development of the adjoining Whiteacres site (ALB003), which is an allocated housing site in the development plan. The site will be accessed from Garridge Close utilising the existing footpath/bridleway which runs between the rear of the properties on Ash Grove and those fronting onto Garridge Close. It will be a continuation of the existing highway, which currently terminates at the turning head in Garridge Close.

6.6.2 The proposed layout of the development has been amended to address the matters raised by Highways. The amended layout would provide parking in each plot and bins would also be located within each plot. The turning head area would now be separate from the parking arrangements. With respect to their other comments, condition 11 of the outline planning permission requires details of the design and construction of new roads, footways and accesses to be submitted for approval, and condition 14 requires the submission and approval of a Construction Method Statement, which has to be dealt with separately from the consideration of these reserved matters through a discharge of condition application.

## 7.0 CONCLUSION

7.1 The principle of residential development on this land has been accepted with the grant of outline planning permission 14/03657/OUT. This application cannot re-visit that principle. The reserved matters proposals would provide two bedroomed dwellings, which is a type of accommodation sought for a proportion of the larger housing site SAMDev Plan housing allocation of which the current application site forms part, and the dwelling designs would be capable of occupation by people of retirement age.

7.2 There are no highway safety, drainage, residential amenity or ecological reasons that would weigh against the reserved matters details. Drainage and ecological interests, as well as the safeguarding of neighbour amenity during the build process are already safeguarded through the conditions on the outline planning permission. The design is considered to be in keeping with the locality and to meet a recognised housing need. The landscaping details require some refinement to address the matters raised by the County Arboriculturalist, and this can be achieved by condition.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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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.

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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

Shropshire Core Strategy and SAMDev Plan policies:  
CS1 - Strategic Approach  
CS3 - The Market Towns and Other Key Centres  
CS6 - Sustainable Design and Development Principles  
CS10 - Managed Release of housing Land  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD12 - Natural Environment  
MD13 - Historic Environment  
Settlement: S1 – Albrighton

Albrighton Neighbourhood Plan 'Light'.

### RELEVANT PLANNING HISTORY:

14/03657/OUT Outline application for residential development (to include access) GRANT 28th July 2016

## 11. Additional Information

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PTESPVTDFJX00>

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

Cabinet Member (Portfolio Holder)  
Councillor Gwilym Butler

Local Member

Cllr Malcolm Pate

Appendices  
APPENDIX 1 - Conditions

## 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.

2. 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.

9. Notwithstanding the details that have been submitted, the proposed oak trees shown on drawing HS167/01 REV A do not form part of the approved landscaping scheme. Prior to the first occupation of the dwellings the approved landscaping scheme shall be supplemented with details comprising a planting plans, written specification of planting and cultivation works to be undertaken and schedules of trees and plants, noting species, sizes and proposed numbers / densities and an implementation programme, which has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out in full in accordance with the approved details. Any trees or plants which, within a period of five years from planting, die, are removed, or become seriously damaged or defective shall be replaced by trees and plants of the same specification as previously approved in the next available planting season.

REASON: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for landscaping which contribute to the creation of a high quality, accessible, safe and attractive public realm in accordance with Policies CS6 of the Shropshire Core Strategy (2011) and MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2015).

### Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

3. 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.

4. 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](http://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.

5. 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.

6. 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](mailto: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.

7. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.

8. The applicant is advised that, in accordance with the attached note, a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway.

9. The applicant is reminded that confirmation of a Diversion Order for the public right of way shall be obtained prior to development being commenced. The commencement of development prior to such confirmation would be likely to lead to legal complications and/or possible infringement of existing public rights and thus conflict with other legislation.

10. By virtue of the Town and Country Planning Act 1990, your attention is drawn to the following statutory provisions and Code of Practice relating to the needs of disabled people: Sections 4, 7 and 8A of the Chronically Sick and Disabled Persons Act 1970, Disability Discrimination Act 1995, BSI Code of Practice BS5810:1979 relating to Access for Disabled to Buildings, and the Building Regulations 1992 Approved Document M. Please ensure that you are taking account of these requirements.

11. If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND,

No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.

12. 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.

13. 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.

14. This planning permission does not authorise the applicant to:

- a) construct any means of access over the publicly maintained highway (footway or verge) or
- b) carry out any works within the publicly maintained highway, or
- c) authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- d) 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.

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.