

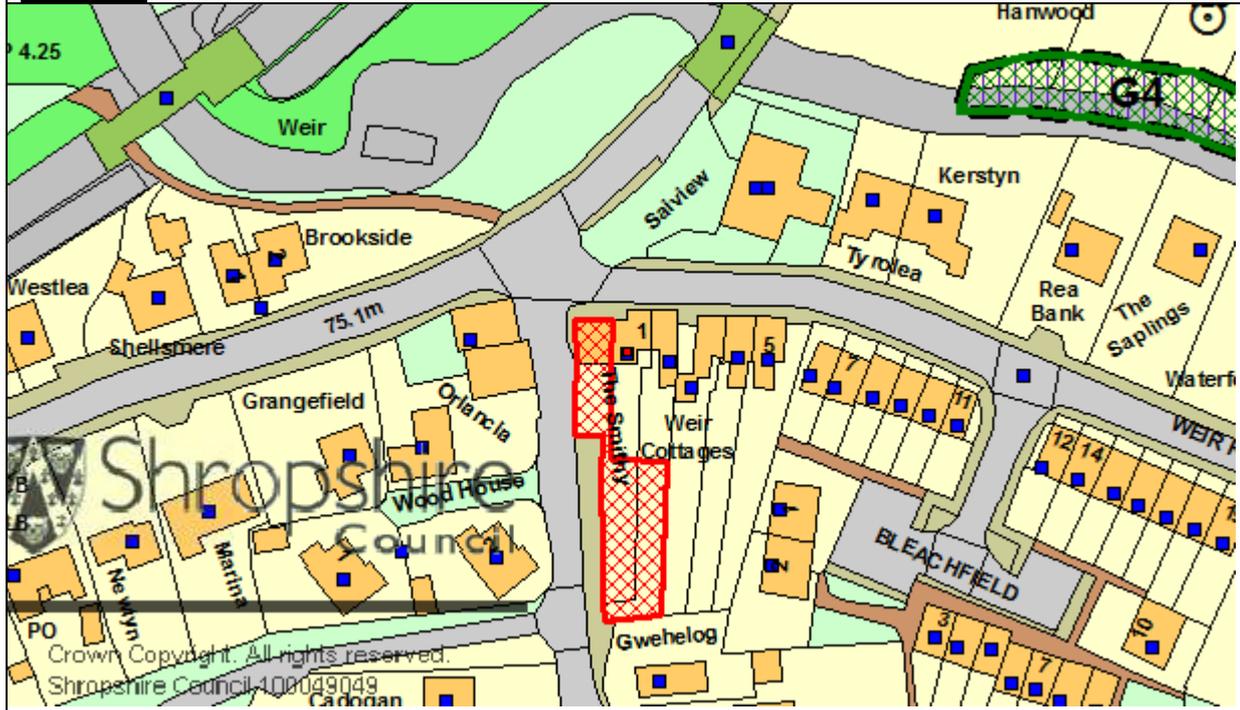
**Development Management Report**

Responsible Officer: Tim Rogers  
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**Summary of Application**

<b>Application Number:</b> 20/01341/FUL	<b>Parish:</b>	Great Hanwood
<b>Proposal:</b> Demolition of garage outbuilding and erection of a single dwelling with new access and parking area (revised description)		
<b>Site Address:</b> 1 Weir Road Hanwood Shrewsbury SY5 8JZ		
<b>Applicant:</b> CSE (Shropshire) Ltd		
<b>Case Officer:</b> Alison Tichford	<b>email:</b> <a href="mailto:planning.southern@shropshire.gov.uk">planning.southern@shropshire.gov.uk</a>	

**Grid Ref:** 343971 - 309425



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

**REPORT**

<b>.0</b>	<b>THE PROPOSAL</b>
<b>1.1</b>	The proposed works comprise the demolition of a single storey flat roofed garage outbuilding and its replacement with a single dwelling with 2 parking spaces .
<b>1.2</b>	Revised plans have been received during the course of the application which have removed proposed dormers to the rear roof of the new dwelling together with further design alterations and which have amended parking provision.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
<b>2.1</b>	The dwelling is proposed to a plot of land adjacent 1 Weir Road in Hanwood, an existing terraced property. There is an existing single storey building on the plot, which is to be demolished to enable the new dwelling.
<b>2.2</b>	The plot is sited on the corner of Weir Road, an unclassified residential no through road and Orchard Lane, a public bridleway with no apparent vehicular rights of way over it, although it currently serves as the access route to appx. 26 individual properties along its length. The proposed site has an existing access from Orchard Lane through double wooden gates facing onto the lane.
<b>2.3</b>	Opposite on the other side of Weir Road there is a busy pull in parking area in front of the local post office/shop in Hanwood, with drivers arriving from both directions off the A488 adjacent. Opposite, on the other side of Orchard Lane, there is a car sales garage with forecourt area, and access onto both Orchard Lane and the A488.
<b>2.4</b>	The proposed new access and parking area off Orchard Lane will require the demolition of an existing wall and shrub boundary and will lie opposite a fenced off hardstanding area belonging to the car sales garage/residential property Orlancia.
<b>2.5</b>	1 Weir Road is positioned at the westerly end of a row of five historic brick cottages shown on 1st Edition OS and subsequent historic mapping as Weir Cottages. This mapping also indicates a linear row of buildings running along Orchard Lane in the position of the flat roof brick garage and beyond, and by the 2nd Edition (1902) OS map this row along Orchard Lane is denoted as comprising a Smithy. The occupants of these cottages have no dedicated parking area and use on street parking outside the cottages if available.
<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
<b>3.1</b>	The Parish Council has objected to the application on material planning grounds and the Local Member has requested the application be taken to Committee. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer consider that the material planning considerations in this case require consideration by Planning Committee as set out in Part 8 of the Shropshire Council Constitution.
<b>4.0</b>	<b>COMMUNITY REPRESENTATIONS</b>
<b>4.1</b>	<b>Consultee Response</b>
<b>4.1.1</b>	<b>SC Flood and Water Management</b> have no objection and have provided informative advice.
<b>4.1.2</b>	<b>SC Affordable Homes</b> confirmed that there is no affordable housing obligation associated with the proposal.
<b>4.1.3</b>	<b>SC Conservation</b> made initial comments indicating that Weir Cottages might represent non-designated heritage assets where paragraph 197 and local plan policy MD13 are relevant. They requested further information, including a photographic record, with regard to the existing building to understand its evolution from the former Smithy and other history relevant to the site, although acknowledging that it had likely been modified

	<p>already to some extent.</p> <p>They noted that the site is visually prominent within the highway street scene. and indicated that any approved new dwelling here should be of a height and scale so as not to dominate this corner or the modest historic row of cottages adjacent to it.</p> <p>Consultees accepted that the new dwelling would be set back from the existing row and positioned on the footprint of the existing garage/former Smithy, but noted that it appeared to be taller than the adjacent cottages. They recommended that the proposed rooflights to the front roof slope be removed to improve the dwellings appearance in line with the roofscapes of the existing adjacent cottages, and that consideration of additional details which reflect those of the cottages such as a chimney feature and matching window sizes would add some interest to the proposed dwelling.</p> <p>Following the provision of further information with regard to the existing building, consultees agreed that the building had been heavily modified and raised no objection on heritage grounds to its demolition or in principle to the development of a new dwelling subject to considerations of design as raised previously.</p> <p>Following the receipt of revised plans which removed the dormer windows, included a chimney and made alterations to glazing consultees confirmed to officers that they had no objection to the proposed works subject to conditions with regard to materials, joinery, and boundary treatments.</p>
<p><b>4.1.4</b></p>	<p><b>SC Highways</b> made initial comments confirming that there is a busy junction with a garage, car sales forecourt and a local convenience store all in close proximity to the property. They advised that properties along Weir Road generally have no parking provision and parking along the road is at a premium and that Orchard Lane is a private road with a bridleway running along it.</p> <p>Consultees requested further information with regard to existing and proposed parking provision for the new dwelling.</p> <p>Following the provision of this information, highways consultees have confirmed that as: “Orchard Lane serves a number of dwellings and there has been approval of similar development in recent years, it is considered that an objection to the proposed development, on highway safety grounds would not be appropriate. The applicant would need to ensure that any building on the corner of Weir Road and Orchard Lane does not encroach onto the public highway or any open space.” Consultees also provided proposed conditions with regard to completion of parking provision and the supply and implementation of a construction management plan.</p>
<p><b>4.1.5</b></p>	<p><b>SC Rights of Way</b> consultees provided confirmation that the application proposes access over a route that is recorded as a public bridleway and which does not appear to carry general public vehicular rights and strongly advised that the applicant should satisfy themselves that they can demonstrate a sufficient vehicular right of access. They confirmed that the right of way must remain open and available at all times and that the public must be allowed to use the way without hindrance both during development and afterwards.</p>
<p><b>4.2</b></p>	<p><b>Public Response</b></p>
<p><b>4.2.1</b></p>	<p>A site notice has been posted and 10 neighbouring properties have been advised as regards the proposal and 9 comments have been received as a result of this publicity raising concerns as follows:</p> <p style="padding-left: 40px;">Highway safety – the parking allocation should be further down Orchard Lane, preferably within the site boundary, to minimise difficulties on Weir Lane and the Orchard Lane junction where the existing shop and car sales garage create</p>

	<p>significant parking difficulties. Refuse trucks and emergency vehicles have no room for u turns or passing on Orchard Lane</p> <p>The height of the building will be too dominant in the street scene</p> <p>Building line of existing properties should be considered</p> <p>Lack of notification of proposal</p> <p>Difficulties with traffic during construction – how will construction be organised so as not to worsen existing traffic difficulties?</p> <p>Potential damage to unadopted Orchard Lane from construction process and vehicles</p> <p>The three storey design with the higher roof elevation for the proposed dwelling appears out of character alongside the long established adjacent properties in Weir Road</p> <p>Destruction of hedge full of wildlife</p> <p>Velux style windows to front roof not in keeping with adjacent cottages</p> <p>One comment of support has been received indicating approval for the replacement of the existing “eyesore” and reporting that the site has been accessed from Orchard Lane over a 55 year time period, with detail provided.</p>
<p><b>4.2.2</b></p>	<p>Great Hanwood PC have commented on the original and revised plans and object to the proposal. They raise concern with regard to:</p> <p>The exacerbation of existing highway safety problems at this 5 way junction of multiple roads and accesses, and with regard to the car sales business opposite, by the increased traffic from the additional dwelling proposed. There will be an increased danger to pedestrians from increased traffic and parking at the junction where there is already a history of accidents at the nearby crossing and where HGV vehicles often have to turn before reaching the low bridge a little further on</p> <p>Lack of recognition in the design information of the fact that Orchard Lane is a Bridleway/Cartway and unadopted.</p> <p>Parking provision for the dwelling where there is already significant on street parking for the adjacent cottage</p> <p>The 3 storey design and velux rooflights to the front elevation which they consider is inappropriate to the historical context of Weir Cottages.</p> <p>The SAMDev target for Hanwood has already been achieved such that there is no need for the dwelling.</p> <p>Lack of consultation with the Parish Council prior to application.</p> <p>No local recollection of Orchard Lane being used to access the garage building contrary to the applicant’s statement.</p> <p>They further comment on the removal of an existing boundary hedge on Orchard Lane, an existing Power Cable on a pole on the boundary and also existing overhead BT Lines</p>

	on a pole.
<b>4.2.3</b>	The Local Member has objected to the proposal, endorsing all the Parish Council’s concerns and adding further information with regard to discussions with highway officers over the last few years for improvements to highway safety in Hanwood. He also notes that the dwelling will appear squeezed into a restricted space which will dominate this historic part of the road and reiterates that SAMDev proposed dwelling numbers have been substantially exceeded.
<b>5.0</b>	<b>THE MAIN ISSUES</b>
<b>5.1</b>	<b>Principle of development</b> <b>Design and Scale</b> <b>Residential Amenity</b> <b>Highways Impact</b> <b>Construction Impact</b> <b>Rights of Way</b> <b>Other Matters</b>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
<b>6.1</b>	<b>Principle of development</b>
<b>6.1.1</b>	Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision taking is therefore the development plan. Proposals that accord with an up-to-date plan should be approved, whilst proposals that conflict with the plan should be refused, unless other material considerations indicate otherwise.
<b>6.1.2</b>	The adopted development plan for Shropshire is the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan. The Council is satisfied that it is able to demonstrate a deliverable 5 year housing land supply to meet the housing need through the sites identified within the SAMDev Plan. Consequently the Council’s policies on the amount and location of residential development should be regarded as up-to-date
<b>6.1.3</b>	Shropshire Council’s SAMDev Plan MD1 and Settlement Policies S1 through S18 clearly indicate those locations considered sustainable and capable of supplying additional housing throughout the plan period. Hanwood and Hanwood bank together form a Community Cluster under SAMDev Policy MD1 and S16.2(x) with a guideline of around 30 dwellings over the plan period to 2026 which has already been substantially exceeded. There have been 46 completions, and there are 39 sites with planning permission. (SC Five year Housing Land Supply Statement, data to 31/03/2019 plus review of permissions since March 2019). New housing is to be achieved by allocated site and the remainder by infill, groups of houses and conversions.
<b>6.1.4</b>	Pre application advice provided in January 2020 indicated that there might be sufficient scope for another single dwelling, in view of the benefit in demolishing the outbuilding on site, while discouraging an application for a further 2 dwellings in the rear garden space.
<b>6.1.5</b>	SAMDev Policy MD3 para 2. states that:  The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to: i. The increase in number of dwellings relative to the guideline; and ii. The likelihood of delivery of the outstanding permissions; and iii. The benefits arising from the development; and

	<p>iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and</p> <p>v. The presumption in favour of sustainable development.</p> <p>and these considerations are further discussed below.</p>
<b>6.1.6</b>	The current application proposes one additional dwelling within the development boundary for Hanwood on the site of an existing outbuilding and adjacent other built development in an infill location.
<b>6.1.7</b>	The proposed new dwelling meets national space standards but remains small in size and will likely be priced at the more affordable end of the market with the potential to offer a reasonably priced home.
<b>6.1.8</b>	The proposed works will replace an existing rather unattractive rectangular block building of limited use currently with a well-designed new home which reflects design features and materials of the terraced cottages adjacent, and which will mark a more attractive gateway to both Weir Road and Orchard Lane.
<b>6.1.9</b>	An overhead electricity cable is to be replaced with underground cables in order to facilitate the development and this will contribute to an improvement in the street scene and possibly a more secure supply to local properties.
<b>6.1.10</b>	The boundary treatment to Orchard Lane will be improved in appearance and safety with a new access further away from the junction of Orchard Lane with Weir lane
<b>6.1.11</b>	There will be some limited additional vehicular traffic associated with the proposed small dwelling.
<b>6.1.12</b>	The number of dwellings permitted in Hanwood is in excess of the guideline following local support for two large developments at either end of the village. It seems unlikely that the addition of one further site within the village would make a substantial difference to the cumulative impact of this excess, particularly where the proposed dwelling replaces an existing building.
<b>6.1.13</b>	Hanwood is an extensive village with a good range of services, including a general store, a public house, public transport connections, a church, and a primary school, and the proposed site is in a highly sustainable location in the centre of the village. A single new dwelling in this location will be generally positive/neutral with regard to considerations of economic, social and environmental sustainability.
<b>6.1.14</b>	Matters of design, highways impact, construction management, and amenity etc will be considered further below.
<b>6.2</b>	<b>Design, Scale and Character</b>
<b>6.2.1</b>	Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy 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. The development should also safeguard local amenity and ensure sustainable design and construction principles are incorporated within the new development. In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6, providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
<b>6.2.2</b>	The proposed works include the demolition of the existing single storey flat roofed building on site. Conservation consultees are satisfied following the provision of further information that even if this building may have had some historical interest, perhaps as a smithy as indicated on mapping, it has previously been extensively modified over its history and that its demolition will have no significant heritage impact.
<b>6.2.3</b>	A new 2 storey detached dwelling with attic space will be erected in its place. The dwelling will have a slightly larger footprint than the existing building, and a slightly higher roof than the terraced cottages to the east in order to create a modern standard of space within the dwelling.
<b>6.2.4</b>	Concerns have been raised with regard to the height of the proposed dwelling, the building line, the lack of space available to the dwelling and the proposed dwelling’s

	relationship with the terrace to the east known as Weir Cottages.
<b>6.2.5</b>	The new dwelling will be set back to the south behind the existing terraced cottages to the east, on the same footprint as the existing building, and ensuring that the highways land to the front remains clear. This set back will reduce any impact of the slightly increased roof height to the dwelling which will be viewed from the north in the context of a large detached house, 1 Wood House, to the rear and will be screened to a considerable extent in approaches from the south by the built structure over Hanwood Garage forecourt area.
<b>6.2.6</b>	Officers and conservation consultees did have some initial concerns with regard to the appearance of the proposed dwelling as originally proposed and requested further consideration of the design.
<b>6.2.7</b>	The applicant has clarified that the proposed dwelling is set back 1.3m from the cottages to the east, but only has an increased roof height of 55cm, while the eaves height and roof pitch match those of the cottages in order to ensure the new dwelling reads consistently with the existing properties.
<b>6.2.8</b>	In response to officers' request for revisions the applicant has removed the rather dominant dormer windows originally proposed to the rear and replaced them with simple velux rooflights, and has also removed the rooflights to the front elevation to promote a better match with the existing terraced cottages. Further revisions provided in order to achieve a greater consistency in design with the existing terrace include a chimney feature, a reduction in the size of the windows, brick headers above the windows, and a matching door design. It will be appropriate to include conditions with any grant of planning permission to ensure control is retained over these features by requiring further detail as to joinery and materials, and removing some permitted development rights.
<b>6.2.9</b>	Conservation consultees have confirmed in discussions with officers that they have no objection to the proposed dwelling following these revisions, commenting on the reduction in bulk and appreciating the positive response from the applicants to suggested improvements.
<b>6.2.10</b>	The property will have gross internal area of appx 108sq.m and satisfies national space standards for a 3 bedroom 6 person property. One of the bedrooms is rather small for a double bedroom but is fine as a single room, and the loft room may prove inconvenient for use as a double bedroom with limited ceiling height, but will still provide useable space. Outdoor amenity space is small, but not unusually so in relation to other nearby properties and there is room for amenity, outdoor clothes drying, bin storage and parking. It is envisaged that the property could be ideally suited for a 4 person family.
<b>6.2.11</b>	While the dwelling is slightly larger and taller than the cottages to the east, it is set back from them such that it will not dominate in views from the north, and picks up design features such that it will have a consistency in appearance. The space provided is appropriate to a smaller more affordable dwelling and can meet national space standards. There are a mix of buildings around the site, but the proposed dwelling responds appropriately to the positive elements of the local character and on balance officers consider that the design and scale of the dwelling is appropriate to the site and local built environment.
<b>6.3</b>	<b>Impact on Residential Amenity</b>
<b>6.3.1</b>	Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
<b>6.3.2</b>	The proposed new dwelling will extend southwards of the rear wall to no. 1 Weir Road, and will have some impact on the outlook from the first and ground floor windows on the west side of no. 1. However, the first storey window is small and obscure glazed serving a bathroom and the ground floor window would be in any case impacted by the existing building, while outlook to and light from the east will not be affected. Similarly the rear amenity area directly adjacent the rear of no. 1 will likely be shadowed in the late afternoon/evening, but there will be plenty of light to the remainder of the garden and from the east again earlier in the day. On balance, the impact on the amenity of occupiers of no. 1 will not be significantly different from the existing situation. No increase in noise

	disturbance is anticipated.
6.3.3	There is an existing close relationship between properties here and having regard to the proposed orientation and distance away from neighbouring properties the proposed windows to the new dwelling will not result in any significant additional detrimental impact from overlooking or loss of privacy.
6.3.4	The proposed dwelling is to be provided with 2 off road parking spaces which is sufficient in this location. Bins storage will also lie within this area.
6.4	<b>Highways Impact</b>
6.4.1	Members of the public, the Parish Council and the Local Member have raised concerns with regard to:highway safety at the junction of roads adjacent to the site as well as parking provision for the new dwelling
6.4.2	This application proposes one additional dwelling on the site of an existing building used previously as an outbuilding/garage. Following concerns raised about parking provision, the applicant has provided revised plans which, indicate 2 off road parking spaces for the new dwelling to the rear of the property and accessed from Orchard Lane. The existing access is indicated to be walled instead, and a condition will be included with any grant of planning permission for further detail on boundary treatments to be submitted. No 1 Weir Road will continue to use “first come first served” parking to the front of the terrace on Weir Road.
6.4.3	Highways consultees have no objection following the receipt of the revised plans making provision for the 2 off road parking spaces. Consultees recommended conditions and it will be appropriate to include these on any grant of planning permission to ensure the provision of parking areas before occupation and the provision and implementation of a construction management plan.
6.4.4	There is existing built structure on the site and the new dwelling only slightly increases the existing footprint. There have been traffic movements to the existing building in the past, and traffic movements to the new dwelling should not be significantly increased or unduly exacerbate the existing situation at this junction
6.4.5	The revised plans received have responded to local concerns about parking and the provision of two off road parking spaces will ensure existing difficulties with parking for residents without dedicated parking areas are not increased.
6.5	<b>Construction Impact</b>
6.5.1	Members of the public also raised concerns with regard to the impact of construction on the use and physical quality of Orchard Lane.
6.5.2	Any construction project will have a temporary impact on the surrounding area and a condition requiring the production and implementation of a construction management plan as requested by highways consultees should ensure the impact of works on this junction of roads and on the traffic flow on the local highways, is kept to a minimum. A condition on construction times would also assist in mitigating the temporary impact on amenity.
6.4.2	There is no evidence or grounds to suggest that Orchard Lane will suffer any significant damage during construction, and there have been other recent construction projects in plots along the lane.
6.5	<b>SC Rights of Way</b>
6.5.1	Concern has been raised that the property is accessed by vehicles from Orchard Lane which is unadopted and serves as a bridleway.
6.5.2	Consultees noted that there are no public vehicular rights over Orchard Lane and strongly advised the applicant to ascertain their rights to use Orchard Lane. They also confirmed that the public right of way must remain open and available at all times and informative advice as to this requirement can be provided with any grant of planning permission.
6.5.3	There has been considerable development on Orchard Lane, with 26 properties along its length. The existing building appears to have been accessed from Orchard Lane for over 50 years, although it is noted that this is in dispute.

<b>6.5.4</b>	It will be for the applicant to assure himself with regard to their rights of access which is a matter of civil law and is not determinative of a planning application.
<b>6.5.5</b>	In order to avoid any undue impact on the bridleway or surrounding dwellings it will be appropriate to condition the provision and implementation of a construction management plan as described above, as well as the provision of off road parking as indicated on the approved plans prior to occupation.
<b>6.6</b>	<b>Other Matters</b>
<b>6.6.1</b>	An early concern was raised with regard to publicity for the proposed works. Neighbours were notified later than normal as a result of the Covid 19 situation, and a site notice was replaced following the apparent removal of the first notice, such that there has been an extended period of consultation on this application, as evidenced by the public response.
<b>6.6.2</b>	A concern was raised that the applicant did not seek pre-application discussions with the Parish Council but there is no requirement for developers to do so, and the applicant has indicated his willingness to discuss plans during the current application.
<b>6.6.3</b>	The Parish Council commented on existing power and telephone lines on site. The applicant has confirmed that he has arranged for the overhead power cable to be replaced with an underground cable at his own expense, and the telephone cable should not be impacted.
<b>6.6.4</b>	A concern was raised with regard to removal of hedgerow, but in fact the application site is bounded by a wall with ivy atop which is in need of repair, and no hedgerow will be affected by the works.
<b>7.0</b>	<b>CONCLUSION</b>
<b>7.1</b>	<p>It is considered that this proposal is compliant with the Council’s adopted policies (CS4, CS6, CS17 MD1, MD2 MD3, MD13 and S16) as the site is in a sustainable location within the development boundary of one of Shropshire's Community Clusters. While targets for housing have been achieved in Hanwood, the benefits of this additional single new open market dwelling outweigh any impact, the dwelling is laid out and designed to an appropriately high quality, and works can be undertaken without detrimental impact on the character or context of the area, the amenities of neighbouring residents, or on highway safety.</p> <p>Recommend permission is granted, subject to conditions.</p>
<b>8.0</b>	<b>RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL</b>
<b>8.1</b>	<b>Risk Management</b>
	<p>There are two principal risks associated with this recommendation as follows:</p> <p>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.</p> <p>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 three months after the grounds to make the claim first arose.</p>

	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 of application for which costs can also be awarded.
<b>8.2</b>	<b>Human Rights</b>
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
<b>8.3</b>	<b>Equalities</b>
	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.
<b>9.0</b>	<b>Financial Implications</b>
	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 – in so far 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:  
 CS4 - Community Hubs and Community Clusters  
 CS6 - Sustainable Design and Development Principles  
 CS17 - Environmental Networks  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 MD13 - Historic Environment  
 Settlement: S16 - Shrewsbury

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=Q7X3JATDLRN00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access Statement
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member  Cllr Roger Evans
Appendices APPENDIX 1 - Conditions

**APPENDIX 1**

**Conditions**

**STANDARD CONDITION(S)**

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 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.

3. No construction (and/or demolition) works or associated deliveries shall take place outside the hours of 07.30am to 6.00pm Mondays to Fridays; 08.00am to 1.00pm Saturdays, nor at any time on Sundays, Bank and Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate  
wheel washing facilities  
measures to control the emission of dust and dirt during construction  
a scheme for recycling/disposing of waste resulting from demolition and construction works  
a Traffic Management Plan  
operating times for construction works  
Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

5. 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.

6. Prior to the relevant part of the works commencing details of the materials and form of the heads and sills to new openings in the external wall(s) of the building(s) 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.

Reason: To ensure the good appearance of the development within its historic context

7. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To ensure the good appearance of the new dwelling within its historic context.

8. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

9. Notwithstanding the approved plans full details of proposed boundary treatments shall be submitted to and approved in writing by the local planning authority prior to the relevant part of the works commencing and before the first occupation of the dwelling. Boundary treatments shall be carried out in full compliance with the approved details and maintained throughout the lifetime of the development.

Reason: To ensure the provision of boundary treatments appropriate to this location and the local non designated heritage assets and to contribute to the local visual amenity.

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

10. Notwithstanding the approved plans or the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- o Extensions;
- o Additions or alterations to the roof, including dormer windows and rooflights other than the three rooflights indicated on approved plan PL-005 B;
- o Erection of porches;
- o Insertion of any new or enlarged window or door openings;
- o Chimneys and Flues;
- o Free standing buildings within the curtilage;

Reason: To maintain the scale, appearance and character of the development and to protect the residential amenity of neighbouring properties

### **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 attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

3. The development hereby approved may result in vehicles being driven across or along a Public Right of Way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads. Where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact the Outdoor Recreation Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

4. The proposed works seem likely to fall within the scope of the Party Wall Act 1996. Further information is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/523010/Party\\_Wall\\_etc\\_\\_Act\\_1996\\_-\\_Explanatory\\_Booklet.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_etc__Act_1996_-_Explanatory_Booklet.pdf)

5. This planning permission does not authorise the applicant to: construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or undertake 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.

6. 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.

7. The application proposes access over a route that is recorded as a public bridleway and does not appear to carry public vehicular rights. The applicant is very strongly advised to satisfy themselves that they can demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of planning permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles. It is a road traffic offence to drive a motor vehicle on a bridleway without lawful authority and a property that is not able to demonstrate a lawful right of access with vehicles may be unsaleable.

8. The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.

Building materials, debris, etc must not be stored or deposited on the right of way.

There must be no reduction of the width of the right of way.

The alignment of the right of way must not be altered.

The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

9. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:  
<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally.

Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

10. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

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