



Committee and Date
Northern Planning Committee
10th November 2020

Item
6
Public

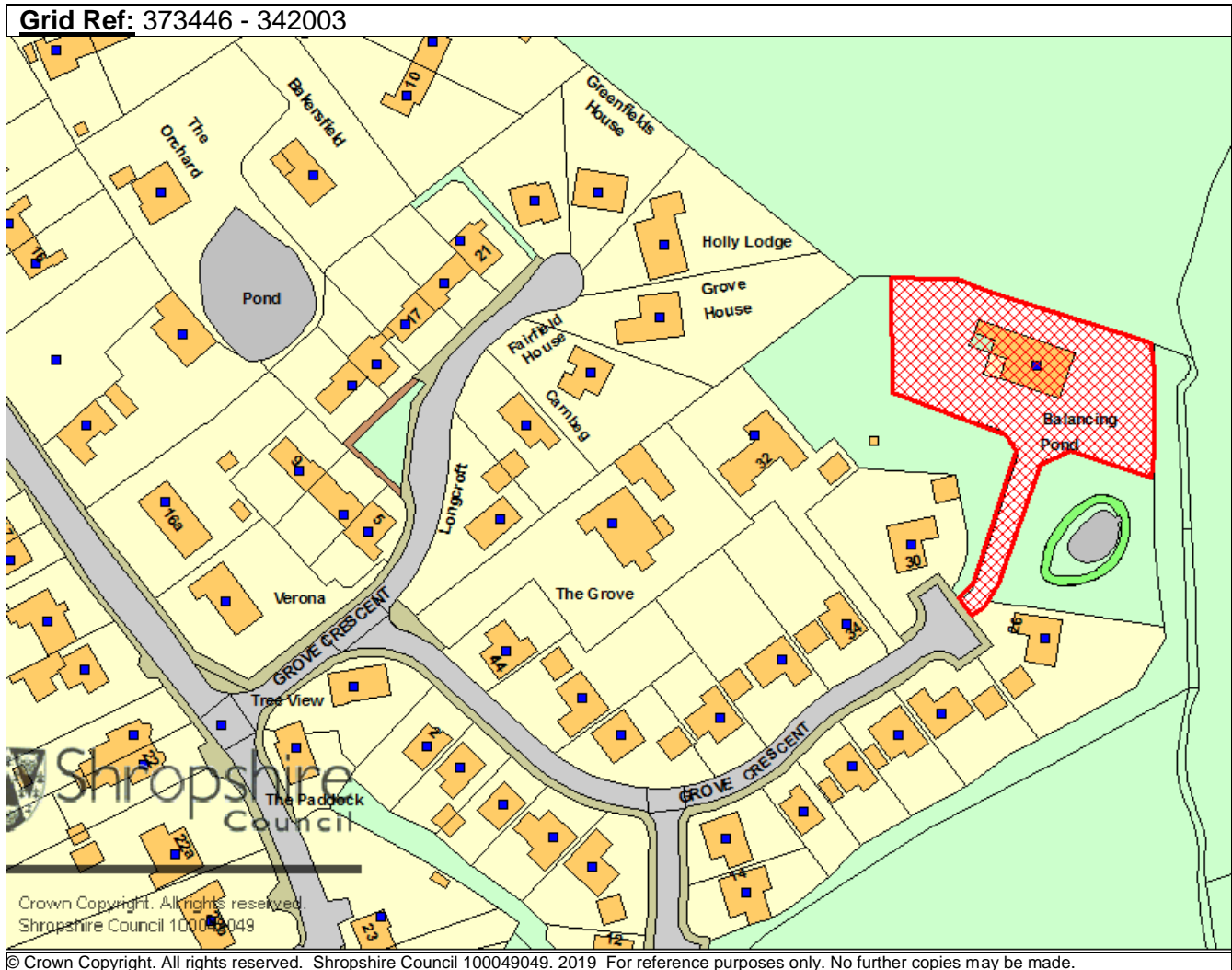
Development Management Report

Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 20/02976/FUL	Parish:	Woore
Proposal: Erection of one self build 5 bedroom detached dwelling house, with a link attached garage, installation of ground mounted solar panel array; and the formation of vehicular access; associated landscaping works		
Site Address: Proposed Dwelling At 28 Grove Crescent Woore CW3 9SX		
Applicant: Mr Donald Craven		
Case Officer: Alison Lloyd	email : planning.northern@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks planning approval for the erection of one self build 5 bedroom detached dwelling house, with a link attached garage / office building, installation of ground mounted solar panel array; and the formation of vehicular access; associated landscaping works

1.2 Adjoining site planning history;
12/04496/OUT - Outline application (access & layout) for the erection of 21 dwellings, formation of vehicular access, provision of recreational facility including parking and clubhouse and development of wildlife corridor – Approved 12.11.2016

16/01371/REM - Reserved matters application (appearance, landscaping and scale) pursuant to outline application ref 12/04496/OUT for the erection of 21 dwellings, formation of vehicular access, provision of recreational – Approved 24.11.2016

16/01372/VAR - Variation of Condition no. 2 (approved drawings) attached to Outline application ref 12/04496/OUT to allow for an amended site layout plan – Approved 24.11.2016

18/02585/FUL - Erection of one dwelling with detached triple garage; installation of ground mounted solar panel array; formation of vehicular access - Withdrawn 08.10.2018

19/03631/FUL - Erection of one dwelling and detached 3-bay two storey garage - Withdrawn 28.10.2019

2.0 SITE LOCATION/DESCRIPTION

2.1 The land to which this application relates lies within the village of Woore and is situated within the adopted Woore Neighbourhood plan development boundary. The land to which this application relates sits to the north / east of a recently completed housing development known as Grove Crescent, adjoining the wildlife corridor, bio-retention pond, the area of open space to support the occupants of Grove Crescent.

2.2 The site is to be access via the estate road “Grove Crescent”.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Woore Parish Council object to the proposed development and the planning officers recommendation is for approval. The matter has been discussed with the Committee Chair and Vice-Chair, it was agreed that the Parish Council have raised material considerations that are worthy of Committee consideration.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Affordable Housing

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.1.2 SUDs

Condition and Informatives advised

4.1.3 Severn Trent Water

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

4.1.4 Ecology

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

4.1.5 Tree Officer

No protected or significant amenity trees are affected by this proposal. The application is supported by a landscape strategy which I support and agree that detailed planting specifications, including suitable species for the proposed new avenue, can be submitted as part of a discharge of conditions application.

4.1.6 Highways

No objection – subject to the development being constructed in accordance with the approved details and the advised conditions and informative notes.

4.1.7 Natural England

Natural England has no comments to make on this application.

4.1.8 Conservation Team

No comments in conservation terms.

4.1.9 Outdoor Recreation Team

No comments to make on the application

4.2 Public Comments

4.2.1 Woore Parish Council reaffirms its views since the prior application in August 2019 (18/02585/FUL) and object to this current application on the following grounds;

1. The site of the application forms part of the larger site which was the subject of the earlier planning application no. 12/04496/OUT. In response to the earlier application, outline planning permission was granted for the erection of 21 dwellings, the formation of a vehicular access, the provision of open space, a recreational facility (namely a bowling green or tennis courts), including parking and a clubhouse, and the development of a wildlife corridor. The location of the intended recreational facility and parking and clubhouse are shown on the proposed site plan which was published on Shropshire Council's Planning Portal on 2nd November 2012. A further planning application, no. 16/01372/VAR, which was approved by Shropshire Council on 24th November 2016, varied Condition No 2 (approved drawings) attached to the outline permission to allow for an amended site layout plan. One of the changes permitted by the decision dated 24th November 2016 was the replacement of the recreational facility by a landscaped area, pond and a larger wildlife corridor.

Case Officer comments: The details as previously approved will remain in place and unaffected by this proposed development, officers would like to point out that if approved this development will in their opinion improved the overall site landscaping and the connectivity between the open space and wildlife corridor.

2. The development permitted by the above planning permissions is being carried out in that the construction of some houses is complete and the construction of others is under way. The site of the current application is where the recreational facility and the associated parking and clubhouse were to be located in accordance with outline permission no. 12/04496/OUT and where the replacement landscaped area (or "landscaped open space" as it is described on both Plan P05 being the Proposed Site Layout published on the Planning Portal on 4th April 2016 and Plan P05 Rev Y being the Development Layout published on 3rd June 2016, on both of which it is the entire area left in white) was to be located in place of the recreational facility. It is the PC's contention that the granting of permission in respect of the current application, and the construction of the house in accordance with that permission, would render completion of the development permitted by permissions nos. 12/04496/OUT and 16/01372/VAR impossible. It is the PC's contention that those permissions, having been implemented, cannot now be abandoned.

Case Officer comments: As noted within the comments made above the area of land to which this application relates was left undeveloped as part of the previous approvals and no control measures were put in place to secure the land for recreational facilities, Woore Parish Council have since included the land with the village development boundary, which now allows the lands to be considered acceptable for development.

3. The importance of the provision of open space in connection with new housing developments is addressed in SAMDEV. In this regard, the PC would refer to, and rely on, the comments and observations at paragraph 4.1.2 of the Report of the Planning Officer who dealt with planning application no 16/01372/VAR. That Report was published on Shropshire Council's Planning Portal on 24th November 2016. The PC suggests that it would be inappropriate to remove any of the landscaped open space provided for in that planning application. In other words, the granting of planning permission for the current application would have the detrimental effect of removing the landscaped open space provided for by application no. 16/01372/VAR.

Case Officer comments: The details as previously approved will remain in place and unaffected by this proposed development, officers would like to point out that if approved this development will overall and on balance improve the overall site landscaping and the connectivity between the open space and wildlife corridor.

4. The current application ecology report proposes the use of Laurel as a hedgerow plant which will border the fields. Laurel is an urban plant and is not in-keeping with the surroundings.

Case Officer comments: Shropshire Council qualified Ecology Officer has been consulted on this application and supports the proposed landscaping scheme and enhance measure that will be put in place as a result of the development. The proposed development will improve the site visually and is supported by residents of the adjoining housing estate.

5. The footprint of the proposed dwelling is far larger than that of the existing barn which is a single storey dwelling.

Case Officer comments: The application site is within the Woore village neighbourhood plan development boundary, which now allows the lands to be considered acceptable for development. The siting of the proposed has been considered in relation to the barn that is to be demolished, to ensure it respects the form and layout of the landscape, planning policies ensure all new development is of an appropriate scale and design, however it does not dictate that it must reflect the footprint of a redundant building to be removed. Siting, scale and design of the development is discussed in further detail in section 6.3 of this report.

4.2.2 A site notice was displayed on site from the 05.08.2020 for a 21day period

4.2.3 Public Representations: (1 x neutral)

Support x 13

- Will improve the site visually, as a redundant rundown neglected barn currently sits on the plot
- The wildlife area remains unaffected.

- Will provide security for existing residents
- Will complete the development
- Will help the economy
- Support the village of Woore
- Design is sympathetic to the surroundings and will enhance the site
- Landscaping is of an improvement to the current landscaping in place, improving views for all occupants of the estate
- Will improve the wildlife provision on the site

Objection x 1

- Out of character with the existing development
- Narrow Access to the site / traffic flow during development
- Impact to wildlife
- Noise impacts to neighbouring properties
- No mention of maintenance costs with regards to landscaping and drainage pump
- Concerns with regards to demolition of barn and the birds of prey who occupy the redundant barn
- stream maintenance due to be carried out will removed landscape screening to northern boundary (minimal screening in place current)
- Road signage needed to stop confusion of road users (officer has passed their comments to street works team)

All material planning matters have been acknowledged and fully considered by the officer within section 6 of this report.

5.0 THE MAIN ISSUES

Principle of development

Adjoining Open Space / Potential recreational facility

Siting, scale and design of structure

Surrounding Amenity / Highways

Drainage

Landscaping / Ecology

5.1 Relevant Planning Policies

Shropshire Core Strategy

CS4: Community Hubs and Community Clusters

CS6: Sustainable Design and Development Principles

CS17: Environmental Networks

CS18: Sustainable Water Management

SAMDev Plan

MD1: Scale and Distribution of Development

MD2: Sustainable Design

MD12: Natural Environment

S11.2(vii): Woore, Irelands Cross and Pipe Gate

Woore Neighbourhood Plan 2016 – 2036

National Planning Policy Framework

Further details and extracts from the relevant planning policy documents are detailed in the officer's considerations below:

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking, so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply

6.1.3 Policy MD1: Scale and Distribution of Development of the SAMDev Plan states that Specifically, sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4.

6.1.4 Policy CS4: Community Hubs and Community Clusters in the Shropshire Core Strategy indicates that in the rural areas, communities will become more sustainable by focusing development in community hubs and clusters, and not allowing development outside these settlements unless it meets policy CS5. Policy CS4 also indicates that all development in Community Hubs and Community Development in Clusters must be of a scale and design that is sympathetic to the character of the settlement and its environs, and satisfies Policy CS6. Policy CS5 indicates a number of controls for development outside of these areas, stating that certain development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local and economic and community benefits.

The SAMDev Plan refers to Woore:

6.1.5 S11.2(vii): Woore, Irelands Cross and Pipe Gate

'Woore, Irelands Cross and Pipe Gate are a Community Hub reflecting the links between the three areas within the Parish. Woore has provided for significant housing growth through the North Shropshire Local Plan, with housing development on two significant sites providing 75 homes. There is therefore limited potential for development of approximately 15 dwellings over the period to 2026 which will be delivered through

limited infilling, conversions and small groups of houses which may be acceptable on suitable sites within the villages, avoiding ribbon development along the A51. Any development must respect the sensitive gap between Woore, Irelands Cross and Pipe Gate to prevent coalescence of the settlements.

The Council's SAMDev Plan indicates Woore as part of a community hub, where development within its built up area is considered acceptable. Any development must respect the sensitive gap between Woore, Irelands Cross and Pipe Gate to prevent coalescence of the settlements.

6.1.6 Woore Neighbourhood Plan 2016 – 2036 Covering the Parish of Woore which includes Woore, Pipe Gate, Gravenhunger, Dorrington, Ireland's Cross, Bearstone and part of Onneley, was formally adopted in July 2019 and now forms part of the statutory Development Plan for the area.

Both the Core Strategy and SAMDEV are extremely supportive of Neighbourhood Plans, as is the emerging Local Plan review. The Core Strategy highlights that Neighbourhood Plans will become part of the Local Development Framework, whilst policies in SAMDEV acknowledge the key role played by Neighbourhood Plans by cross referring to, and where appropriate requiring proposals to take account of the local requirements set out in Neighbourhood Plans.

The Neighbourhood Plan Vision:

The Parish of Woore will continue to be a vibrant, thriving community with improved facilities and amenities for all its residents and visitors. New developments of an appropriate scale will have provided a mix of housing to reflect local needs, along with necessary improvements to local infrastructure. Developments will be sensitively located and designed to ensure that the cherished natural environment and rural character of the parish is maintained.

The Neighbourhood Plan Objectives:

- To ensure that any new housing developments be relatively small, unobtrusive and reflect local needs
- To maintain the rural character of the Parish of Woore respecting the sensitive gaps between settlements
- To support a thriving village centre and enhance the rural economy
- To improve the local infrastructure
- To protect and enhance community services and amenities
- To protect and enhance the natural environment

POLICY HOU1 – SCALE AND LOCATION OF NEW HOUSING

Development boundaries around the individual parts of the community hub of Woore, Irelands Cross and Pipe Gate are defined and shown on Figure B. Within the development boundaries, in order to meet local housing needs, and to remain on a scale appropriate to the existing character of Woore Parish, it is envisaged that around 30 additional dwellings from 2016-2036 will be delivered, incorporating small scale residential developments of up to ten dwellings per development. Outside these settlements the parish is designated as open countryside, where new development will be strictly controlled in line with the development plan and national policies.

POLICY HOU2 – HOUSING DEVELOPMENT

Housing developments within the settlements of Woore, Irelands Cross and Pipe Gate will be supported where they have regard to the following:

- a) do not adversely affect local landscape character and visual amenity
- b) maintains the gaps between settlements
- c) are located on brownfield land
- d) infill a gap in the continuity of existing frontages
- e) are a conversion of existing buildings
- f) replace an existing building
- g) do not adversely affect heritage assets or their settings.

- 6.1.7 The land to which this application relates lies within the village of Woore and is situated within the adopted Woore Neighbourhood plan development boundary. The proposed land to which this application relates sits to the north / east of a recently completed housing development known as Grove Crescent, adjoining the wildlife corridor, bio-retention pond, and the area of open space to support the occupants of Grove Crescent.

As detailed above the site falls within the village neighbourhood plan and is therefore looked upon as sustainable development and is policy compliant in this regard. The development of this land will help defined the site boundaries, against the countryside which proceeds out to the north / east. The site currently accommodates a redundant barn and local residents welcome the development as it will enhance the site visually whilst creating a sense of security to the residents of Grove Crescent.

For these reasons the principle of development is supported by both local and national planning policies.

6.2 Adjoining Open Space & potential recreation facility (Adjoining housing site)

- 6.2.1 As mentioned above in the site description, a housing estate known as Grove Crescent sits to the south / west of the site and concerns have been raised by Woore Parish Council that this development will result in the loss of open space and recreational land.

Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation.

The previously approved housing development to which this site adjoins, includes 83 bedrooms, (83 x 30sqm) which in turn equates to a requirement of a minimum of 2490sqm of public open space.

The previously approved layout plan PO5 AA identifies 2,587m² of open space which exceeded the policy requirement of 2490sqm. The size of this area of land remains unaffected by the proposed development. The proposed development will not result in the loss of the open space land as approved for the Grove Crescent housing estate.

Whilst it appears that there were intentions to use the proposed site for a further recreational facility, no formal plans or agreements were put in place and the subject site currently remain undeveloped with no defined end use.

6.2.2 Policy 9 of the adopted Woore Neighbourhood plan details community facilities and local green space policies, it goes on to the detail the existing facilities in Woore to be protected, please see below:

Policy COM2 – RECREATION, PLAY AND OUTDOOR FACILITIES

The following sports fields and play and recreation areas, as shown on Figure C and Appendix 1 will be protected and, where appropriate, enhanced:

- REC1: Bowling Green Off Nantwich Road Private (private ownership)
- REC2: Tennis courts Off London Road Woore Tennis Club (owned by Woore Tennis Club)
- REC3: Cricket ground Off London Road Woore Cricket Club (owned by Woore Cricket Club)
- REC4: Outdoor adult gym Off London Road Parish Council (owned by Parish Council)
- REC5: Beech Avenue Play Area Beech Avenue Management Company (owned by a Management Company)
- REC6: Phoenix Rise Play Area Phoenix Rise Management Company (owned by Management Company)

POLICY COM3 – LOCAL GREEN SPACES

The following sites, as shown on Figure D and the site plans at Appendix 2, are designated as 'Local Green Space'

- LGS1 - Woore Village Green;
- LGS2 – St Leonard's Way Play Area;
- LGS3 – St Leonard's Churchyard Extension

It is clear from the above details that the village of Woore has an extensive array of community recreational and outdoor facilities, all of which have been protected through the recently adopted Neighbourhood Plan.

Officers are satisfied that the proposed development will not impact on the above sites.

6.3 Siting, scale and design of structure

6.3.1 This application seeks planning approval for the erection of a detached two storey dwelling, with a link attached garage, along with the installation of ground mounted solar panels, in place of a redundant barn structure. The garage has been linked to the dwelling to prevent the additional scatter of detached structures on the site.

The proposed ground floor will create a

- triple bay garage,
- w/c x 2
- utility
- kitchen
- dining room
- family room
- lounge
- hallway.

The first floor will provide:

- 5 bedrooms
- 2 en-suites
- bathroom
- landing area with storage cupboards

The proposed materials will consist of the following:

- Tiles roof
- Walls to Be In red Facing Bricks / Part render
- Windows to Be High Performance Upvc,
- Doors to Be Composite Upvc.

6.3.2 The house is of an original contemporary design, with the incorporation of extensive glazing to both the ground and first floors. The roof height has been kept to a minimal and due to the plots set back nature and the lower land level, it is has been demonstrated through the submission of supporting documentation that no visual harm or overbearing impact will be caused as a result of the development, furthermore whilst the design may differ from the adjoining housing estate development the external materials and finishes will reflect the character of the surrounding development.

6.3.3 Officers acknowledge that the scale and design of the proposed dwelling has been improved considerably when compared to the previously submitted scheme and the new design raises no significant concerns.

6.4 Surrounding Amenity / Highways

6.4.1 The proposed dwelling will be set back within the large plot of land, therefore creating a great separation distance between the proposed and the existing neighbouring properties to the south / west. The roof height has been kept to a minimum and due to the plots set back nature and the lower land level, it has been demonstrated through the submission of supporting documentation that no visual harm or overbearing impact will be caused as a result of the development. Officers are satisfied that the proposed dwelling will not result in any harm to the nearby neighbouring amenity.

6.4.2 The site is located at the end of a residential cul-de-sac and continues to not raise highway concerns. The new estate road is subject to a Section 38 Agreement. The access apron crossing over the new footway, including the alteration to the kerbs will need to be in accordance with Shropshire Council's specification for a domestic access with details fully approved under a Section 184 (Highways Act 1980) licence/agreement with the Council as the local Highway Authority.

6.4.3 As mentioned previously the proposed dwelling will be set back within its own large plot and will be setback from the nearby neighbouring properties on Grove Crescent. Therefore, due to the separation distances and orientation of the proposed dwelling, officers raise no concerns with regards to the potential loss of light or loss of privacy to the existing nearby residential amenity.

6.5 Drainage

6.5.1 The proposed foul drainage is to connect to a main drainage system, following consultation with Severn Trent Water it was confirmed that the proposal will have minimal impact on the public sewerage system and therefore no objections to the proposals were raised.

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

The above will be applied as a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

6.5.2 No objections have been raised by the Councils Drainage Officer, however a Surface Water Drainage informative has been advised.

6.6 Landscaping and Ecology

6.6.1 The proposed boundary landscaping has been detailed on the submitted site plan ref: 5611-017, the immediate site boundaries will consist of post and rail timber fencing at a height of 1.2 metres. The boundaries either side of the access route leading to the site will also consist of a 1.2 metre-high post and rail timber fencing, replacing the 1.8 metre high closed boarded fencing which is currently in place. The applicant has the adjoining land owner's permission in order to change the fencing along the access route. The access route will consist of loose stones / chipping leading up to the sites private gated entrance. Inside the fencing to the south an array of trees, shrubs and hedging is also proposed to ensure the site and the adjoining land is enhanced to what is there currently and will undoubtedly be a lot more visually pleasing in comparison.

Within the site boundaries the surrounding amenity will consist of lawn, patio and decking areas, the applicant will ensure the landscaping complies with the permitted development order where applicable. The scheme includes a solar PV array in the grounds and the applicant intends to use both proven technology and a fabric first approach to achieve a low carbon, environmentally sensitive development and thereafter functioning family house.

6.6.2 Officers are satisfied that a sufficient level of landscaping has been provided in order to enhance the site through its development. Additionally, the replacement of the 1.8 metre high closed boarded fencing is welcomed, as officers feel this will make the open space area inviting to the residents of the adjoining estate. The details of the type of trees and hedging to be used have not been provided, as the site adjoins the open space amenity area associated with the nearby housing estate, it is vital that native species hedging is used to provide additional ecology and landscape value to the sites landscaping. The landscaping scheme will be controlled by condition ensuring the landscaping is implemented prior to the occupation of the site.

6.6.3 Following consultation with the Ecology officer conditions and informatives are recommended for inclusion on the decision notice, to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17

7.0 CONCLUSION

7.1 The proposed site sits within the development boundary as identified within the adopted Woore Neighbourhood Plan, and officers are satisfied that the development will enhance the site and its surroundings, whilst ensuring no harm is caused to the neighbouring amenity, wildlife corridor and overall landscape. Furthermore, the site can provide a safe means of access and substantial on-site parking provision. Taking into account the above considerations the proposed development is deemed acceptable as it complies with all of

the relevant adopted local and national planning policies, such as Shropshire Core Strategy policies CS06, CS17, CS18, SAMDev policies MD01, MD02, MD12 along with the aspirations of the Woore Neighbourhood Plan and the National Planning Policy Framework.

7.2 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.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD12 - Natural Environment
National Planning Policy Framework
Settlement: S11 - Market Drayton
WNP - Woore Neighbourhood Plan
RELEVANT PLANNING HISTORY:

12/04496/OUT Outline application (access & layout) for the erection of 21 dwellings, formation of vehicular access, provision of recreational facility including parking and clubhouse and development of wildlife corridor GRANT 12th August 2014

16/01371/REM Reserved matters application (appearance, landscaping and scale) pursuant to outline application ref 12/04496/OUT for the erection of 21 dwellings, formation of vehicular access, provision of recreational facility including parking and clubhouse and development of wildlife corridor GRANT 24th November 2016

16/01372/VAR Variation of Condition no. 2 (approved drawings) attached to Outline application ref 12/04496/OUT to allow for an amended site layout plan GRANT 24th November 2016

16/01425/DIS Discharge of Condition 4 (Means of enclosure etc) and 5 (Mitigation details) of Planning permission 12/04496/OUT for the erection of 21 dwellings, formation of vehicular access, provision of recreational facility including parking and clubhouse and development of wildlife corridor DISAPP 23rd November 2016

17/02904/DIS Discharge of Condition 2 (Roof and external materials) relating to Planning Permission 16/01371/REM for the erection of 21 dwellings, formation of vehicular access, provision of recreational facility including parking and clubhouse and development of wildlife corridor DISAPP 11th July 2017

17/03383/DIS Discharge of Condition 6 (EPS licence) relating to Planning Permission

12/004496/OUT for the erection of 21 dwellings, formation of vehicular access, provision of recreational facility including parking and clubhouse and development of wildlife corridor
DISAPP 24th July 2017

18/02585/FUL Erection of one dwelling with detached triple garage; installation of ground mounted solar panel array; formation of vehicular access WDN 8th October 2018

19/03631/FUL Erection of one dwelling and detached 3-bay two storey garage WDN 28th October 2019

20/02976/FUL Erection of one self-build 5 bedroom detached dwelling house, with a link attached garage / office building, installation of ground mounted solar panel array; and the formation of vehicular access; associated landscaping works PDE

11. Additional Information

[View details online:](#)

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

APPENDIX 1

Conditions

STANDARD CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out 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. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
Reason: To ensure that the external appearance of the development is satisfactory.
4. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.
Reason: To minimise disturbance to bats, which are European Protected Species.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.
6. Traffic Management Plan (to include Community Communication Protocol)
No development shall take place, including any works of demolition, until a Traffic Management Plan for construction traffic has been submitted to, and approved in writing by, the local planning authority, to include a community communication protocol. The approved Statement shall be adhered to throughout the construction period.
Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

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

7. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Site Plan Drawing No. 5611-017 Rev G prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.
Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety
8. The access apron shall be constructed in accordance with the Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.
Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.
9. Prior to first occupation / use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
 - A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups). The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.
10. All hard and soft landscape works shall be carried out in accordance with the approved block plan ref: 5611 -017. Full details of the type of Trees and Hedging to be used must be submitted to and approved in writing by the local authority. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. 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.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

11. Notwithstanding 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), no development relating to schedule 2 part 1 class; B and C shall be erected, constructed or carried out.
Reason: To maintain the scale, appearance and character of the development and to safeguard residential and visual amenities.

Informatives

Works on, within or abutting the public highway

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 a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway. The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

Mud on highway

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

No drainage to discharge to highway

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.

Waste Collection

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, to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycle ways & 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>

Soakaway Drainage

- The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.
- Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.
- Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The

attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

- Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:
 - Residential Dwellings per hectare Change allowance % of impermeable area Less than 25 10
30 8
35 6
45 4
More than 50 2
Flats & apartments 0
- If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new access run onto the highway.

Foul Water Drainage

The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

Ecology Informatives:

Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

- It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.
- All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings (or other suitable nesting habitat) should be carried out outside of the bird nesting season which runs from March to August inclusive.
- If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
- If during construction birds gain access to the building and begin nesting, work must cease until the young birds have fledged.

General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread

amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

- If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.
- Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.
- The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.
- All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.
- Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
- Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.
- If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.
- If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Please contact me, or one of the other Ecology team members, if you have any queries on the above: Sophie Milburn, Ecology Officer, sophie.milburn@shropshire.gov.uk

NPPF paragraph 38

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.

Location: Proposed Dwelling At 28 Grove Crescent, Woore, CW3 9SX, ,