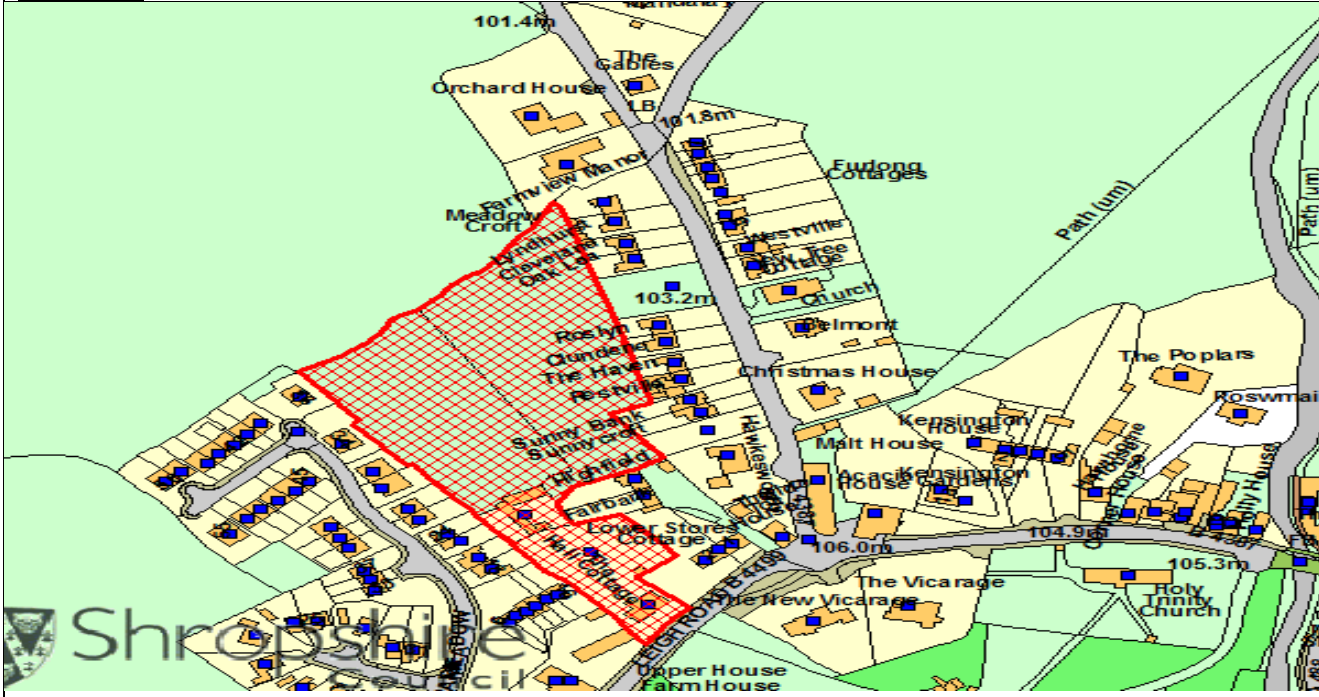


Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

| | | |
|--|---|------------|
| Application Number: 20/02247/REM | Parish: | Minsterley |
| Proposal: Approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to outline consent 18/05802/OUT for residential development of 28No. dwellings to include some demolition | | |
| Site Address: Proposed Dwellings To The North Of Leigh Road Minsterley Shrewsbury Shropshire | | |
| Applicant: Long Mynd Homes Limited | | |
| Case Officer: Nanette Brown | email : planning.northern@shropshire.gov.uk | |
| Grid Ref: 337216 - 305088 | | |
|  | | |
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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for reserved matters including appearance, landscaping, layout and scale following the approval of outline planning consent for the site for residential development, planning reference 18/05802/OUT. The outline permission included the access off Leigh Road.
- 1.2 The submitted plans show a development of 28 dwellings, comprising of 4 detached dwellings and 24 semi-detached dwellings. The site is to be accessed off Leigh Road via the access approved as part of the earlier outline consent. Landscaping details have also been provided, retaining the existing field boundary fence that exists to the north west boundary and providing landscaped public open space areas through the centre of the site. The proposed dwellings will consist of a mixture of brick and render and slate tiled with timber windows.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is situated to the north western side of Minsterley, to the north of Leigh Road and west of Horsebridge Road. Access to the site is shown to be taken from Leigh Road, across the site that currently consists of one detached dwelling, The Hall Cottage. The site is surrounded on three sides by existing residential properties and to the north west lies open fields/open countryside.
- 2.2 The site is currently split into three parcels with the property and garden area to The Hall Cottage at its southern end. To the rear (north) of The Hall Cottage lies a redundant storage building/barn and to the north again is the largest part of the site, currently formed by a parcel of land set to grass, currently used for grazing. This part of the site is roughly square shaped and is bounded by a mature hedgerow on the northern western boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Minsterley Parish Council have submitted a view contrary to officers' recommendation for approval based on material planning reasons that cannot reasonably be overcome by negotiation or the imposition of planning conditions and the Locally Elected Member has also raised objections and requested the application be determined by Planning Committee. In consultation with the Chair and Vice Chair of the Planning Committee and the Principal Planning Officer at the agenda setting meeting it was agreed that the application is to be considered by Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Archaeology - No objections

Refer to the requirements of (pre-commencement) Condition 5 of the outline planning permission ref. 18/05802/OUT. No further comments to make on this application with respect to archaeological matters.

4.1.2 SC Affordable Housing - No objections

Support - affordable dwellings as 2 x 2 bed and 2 x 3 bed on plots 4,5,6 and 7. There will be a requirement for at least two of these dwellings to be rented tenure. In addition, a financial contribution will be required for the remaining fraction (15% of 28 = 4.2).

4.1.3 SC Conservation - No objection

Most of the houses proposed do feature more traditional materials and details including chimneys (following receipt of amended plans); detached garage plans are satisfactory; external materials should be conditioned in order to agree the brick type and render colour as well as roof materials; recommend that windows are good quality flush fitting designs in painted timber (as indicated) and that rainwater goods are at least the cast look type if not metal.

If solar panels or other microgeneration features are being proposed they should be the low profile good quality matte black type to minimize visual impact details to be agreed.

It is also again noted that any works at the proposed Leigh Road access should be such that the Grade II listed timber clad barn adjacent to the access lane is fully protected.

Any additional boundary treatments beyond hedging should be provided for approval.

4.1.4 SC Ecology - No objection

4.1.5 SC Suds - comments

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

The proposed drainage details, plan and calculations shall be submitted for approval before the development commences as per Drainage Condition 6 on Outline Application 18/05802/OUT

4.1.6 SC Waste Management - Comments

It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

Also crucial is that they have regard for the large vehicles utilised for collecting

waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

Recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <https://new.shropshire.gov.uk/media/7126/shropshire-refuse-and-recycling-planning-guidance-july-2017-002.pdf>

Particular concern is given to plots 14-28 which are on private drives that the vehicles would not access. Bin collection points would need to be identified and residents advised when they move in/purchase.

Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

4.1.7 Locally Elected Member (Cllr Nick Hignett) - Objection

I have the following concerns regarding the Reserved Matters for this Development: Unsafe Pedestrian Access/Egress to the proposed Dwellings, particularly from Horsebridge road. 28 (30) dwellings will result in a considerable number of People, including children, trying to walk to the centre of Minsterley village. Better footpath provision should be included as part of this Application.

This should incorporate a Safe Crossing point on the Leigh Road.

Solar/Photovoltaic Panels should be included on the Properties to help offset some of the Carbon footprint.

Some Bungalows should be included. There is a recognised demand for these in the Rea Valley Ward.

Streetlights should be included and adopted by Highways to aid Safety in this area.

If these issues cannot be agreed with the Developers, then I request that this Application be referred to Committee for Determination,

4.1.8 Minsterley Parish Council - objection

The Parish Council objects to the detailed plans and would ask that they go to committee where a member of the Council would like to speak at the meeting.

Details of concerns include :-

There are issues with safe pedestrian access to the development. A new light and safety barriers need to be incorporated on the access to Horsebridge Rd where there is no footpath

All lights on site to highway standard.

Open spaces taken over by Shropshire Council for maintenance of same.

For residents walking on the Leigh road, a safe place to cross when reaching the footpath by the new Vicarage.

There are no bungalows on the development.

new homes should include an electrical output for vehicle charging

All new homes should include solar panels

There are concerns about site vehicular access and work times, remedial actions need to be agreed to circumvent this. Wheel washers to keep road clear of debris from the site.

Details of Sect 106 monies or CIL available to the Parish

4.2 - Public Comments

4.2.1 8 Objections received to this application summarised as follows:

Principle

Minsterley is too small a village to support more homes; local schools can not accommodate additional pupils; local services such as doctors and dentist will be further stretched; developer should contribute towards village facilities; site sits outside identified and adopted development boundary and is contrary to policy.

Design/Landscaping

There are no bungalows proposed; designs should incorporate electrical charging points and solar panels; hedgerow at the NW boundary should be retained; existing well on site should not be abandoned and capped - some Horsebridge Road residents have a right of way and access to this well; loss of one of very few Ridge and Furrow fields from medieval times.

Access/Highway Safety

No bus route covers Leigh Road; nothing proposed to mitigate road safety; local roads to the site are dangerous and there is no pedestrian footpath to Horsebridge Road; increase in traffic on adjacent roads not safe; access into site is too narrow.

Residential Amenity

Loss of privacy, overshadowing and noise and disturbance to adjacent houses to the site.

Drainage

No resolution as to how surface water will be discharged in a high water table area; there will be flooding at the north east corner of the site; no details given of sewage connection.

Building works

Details of contractor parking, wheel washing of construction/delivery vehicles and working times.

5.0 THE MAIN ISSUES

Principle of development

Scale, Layout and Appearance

Landscaping and Public Open Space

Other Matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of residential development of this site has been accepted with the grant of outline planning permission ref: 18/05802/OUT, including access. The matters for consideration in this reserved matters application are solely those relating to the layout, appearance, and landscaping and scale.

6.2 Scale, Layout and Appearance

6.2.1 Core Strategy policy CS6 and SAMDev policy MD2 both to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.2.2 Layout - The submitted layout shows the access road to serve the properties entering the site at its southern boundary onto Leigh Road. The roadway will then travel northwards through the site with shared driveways leading off, giving access to some of the dwellings. An area of public open space is centrally located within the site with a small open area also located to the northern corner of the site. It is considered that the proposed layout provides adequate public open space and maintains adequate distances between the proposed dwellings and those existing dwellings closest to the site, sufficient to maintain and protect residential amenity/privacy.

A footpath link is shown at the northern end of the site leading off the end of the internal roadway. This would link to a pathway included in a previously granted planning permission for two dwellings in the land edged blue on the submitted plans (planning ref 19/03598/FUL) that would then connect to Horsebridge Road. This footpath link would allow those walking southwards into the village along Horsebridge Road the choice to walk through this site in order to gain access towards the centre of the village without walking further along the southern part of Horsebridge Road that has no pedestrian footpath.

6.2.3 Scale - The proposed houses consist of 3x 4bedroom detached properties, 1x 3bedroom detached property, 16x 3bedroom semi-detached properties and 8x 2 bedroom semi-detached dwellings. All of the dwellings would be two storeys in height. Objections to the application have been made on the grounds that no bungalows are proposed, but this was not a requirement of the outline consent and the current two storey dwellings proposed reflect the scale of two storey dwellings that surround the site. The proposed layout and scale of the development is considered to be appropriate to the surrounding mix of residential dwellings.

6.2.4 Appearance - The proposed houses are of a modern two storey design and would be constructed with traditional brick and slate tiles, some rendered houses with

chimney detailing and painted timber windows and doors. It is considered that the proposed house types/designs would adequately compliment the modern dwellings that already exist nearby, particularly to the west of the application site, as well as reflecting the more traditional properties located in the locality. The new dwellings would form an acceptable part of the mix of housing that surrounds the site in terms of both house design and materials.

6.3 **Landscaping and Public Open Space**

6.3.1 The proposed landscaping scheme is simple in form with the existing boundary hedges retained including the hedge that forms the north west boundary of the application site. New small and medium sized trees are shown to be set around the central areas of the site. It is considered that the proposed landscaping is acceptable in this instance.

6.3.2 2376 square metres of open space is shown on the submitted plans, mostly located within the central part of the site. The amount being provided and as stated on the site plan drawing is commensurate with the 30sqm per person standard and is well located to serve the development and wider area, and would also enhance the appearance of the street scene.

6.4 **Other Matters**

6.4.1 Drainage - Matters of drainage were considered as part of the earlier outline planning consent and a condition was added to the outline consent requiring further details of surface water drainage to be submitted for approval by the local planning authority prior to the commencement of building works. These details have not been submitted as part of this reserved matters application and will still need to be submitted as a separate discharge of conditions submission.

6.4.2 Highways - Details of the proposed access arrangement have been submitted with this application. A pedestrian crossing point to Leigh Road was not requested at the time of the time of the outline planning consent either by condition or through a Section 106 Agreement. Such off site works cannot be sought subsequently through consideration of a reserved matters submission.

6.4.3 Ecology - SC Ecologists have not raised any objections to this application.

6.4.4 EIA (Agriculture) (England)(2) Regulations 2006 – One neighbour has raised the issue of this legislation as this site forms an ancient pasture, Ridge and Furrow field dating back to AD1274. Officers note that this legislation is separate from the planning legislation that can be used to determine this planning application and that the applicants will need to satisfy themselves that they meet any requirements that this may have in addition to securing planning permission.

7.0 **CONCLUSION**

7.1 The principle for residential development has been agreed with the grant of outline planning permission. The Appearance, Landscaping and Layout of the proposed

development are considered to conserve and enhance the natural and built environment of this location and are appropriate in density, pattern and design taking into account the sites location within Minsterley. Accordingly, it is considered that this proposal is in compliance with the development plan, in particular policies CS6, CS17 and MD2, and can be made acceptable by the attachment of conditions.

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:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS3 - The Market Towns and Other Key Centres
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

14/03334/OUT Outline application for the erection of 1No dwelling and vehicular access following demolition of existing buildings (to include access and scale) GRANT 19th January 2016

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online->

[applications/applicationDetails.do?activeTab=details&keyVal=QBO7ITTDN2G00](https://www.shropshire.gov.uk/applications/applicationDetails.do?activeTab=details&keyVal=QBO7ITTDN2G00)

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

Planning file 20/02247/REM

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member
Cllr Nick Hignett

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

2. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls of the new dwellings, including bricks, render colour and texture and joinery materials and finishes, 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.

3. All hard and soft landscape works shall be carried out in accordance with the approved plan SA33768-15RevB. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. Any trees or hedgerow plants that, within a period of five years after planting, are removed, die or become 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.

Informatives

1. This planning permission notice must be read in conjunction with the outline planning permission notice reference 18/05802/OUT granted 07.08.2019 where additional conditions are attached.

2. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street

nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

3. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

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

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

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